

Federal Register

Monday
February 8, 1982

Highlights

- 5712, 5728 Income Taxes** Treasury/IRS issues temporary regulation and proposal on collection of past-due child and spouse support from Federal tax refunds. (2 documents)
- 5701 Banks, Banking** Treasury/Comptroller summarizes policies on eligibility of securities for purchase, dealing in, underwriting and holding by national banks.
- 5835 Grant Programs—Transportation** DOT/FHWA and UMTA announce policy on State administration of funds for public transportation in nonurbanized areas.
- 5864 Air Pollution Control** EPA issues stack height regulations. (Part II of this issue)
- 5732 Defense Communications** DOT/MA delays rulemaking on national defense communication equipment program.
- 5781 International Agreements** GSA/OFR announces availability of agreements between the American Institute in Taiwan and the Coordination Council for North American Affairs.
- 5718 Grant Programs—Volunteer Service** ACTION revises rules and review procedures for denial of current recipients' applications for refunding.

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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.

Highlights

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5804 Law Enforcement Justice/NIJ announces general guide to proposed programs and priorities for FY 1982.

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5741 Federal Republic of Germany
5743 Netherlands
5744 Belgium
5746 Italy
5748 United Kingdom
5750 Luxembourg
5751 South Africa
5751 Brazil
5753 Spain

Antidumping Commerce/ITA issues notices on certain steel products from the following countries:

5740 France
5742 Federal Republic of Germany
5744 Netherlands
5745 Belgium
5747 Italy
5747 United Kingdom
5749 Luxembourg
5752 Romania

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5720 Vessels DOT/CG revokes obsolete load line regulations.

5782 Privacy Act Document HUD

5838 Sunshine Act Meetings

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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 6, Amdt. 5]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Tangerine Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers to Florida No. 1 Golden the minimum grade requirement on domestic and export shipments of fresh Florida Honey tangerines during the period February 5 through August 22, 1982. Currently, such shipments must meet the requirements of Florida No. 1 Grade. During the same period this amendment also lowers the minimum diameter requirement for Florida Honey tangerines for domestic and export shipment to 2 $\frac{1}{16}$ inches, down from 2 $\frac{3}{16}$ inches for domestic shipment and 2 $\frac{1}{16}$ inches for export shipment. The changes in minimum grade and size are necessary due to current and prospective supply and demand for the fruit and to maintain orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: February 5, 1982.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Secretary's Memorandum 1512-1 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 regulation is issued under the marketing agreement and Order No. 905, (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Honey tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

The minimum grade and size requirements, herein specified, for domestic and export shipments reflect the committee's and the Department's appraisal of the current and prospective supply and market demand conditions for Florida Honey tangerines in recognition of the recent freeze in Florida. It is designed to assure an adequate supply of acceptable quality Honey tangerines to consumers consistent with the quality of the crop.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date 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. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. Handlers have been apprised of such provisions and the effective date.

Accordingly, it is found that the provisions of § 905.306 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 6; (46 FR 60170; 60411; 61441; 47 FR 589) should be and are amended by revising Table I paragraph (a), applicable to domestic shipments, and Table II, paragraph (b), applicable to export shipments, to read as follows:

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

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Honey.....	Feb. 5, 1982, thru Aug. 22, 1982. On and After Aug. 23, 1982.	Florida No. 1 Golden. Florida No. 1.	2 $\frac{1}{16}$ 2 $\frac{3}{16}$

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Honey.....	Feb. 5, 1982, thru Aug. 22, 1982. On and After Aug. 23, 1982.	Florida No. 1 Golden. Florida No. 1.	2 $\frac{1}{16}$ 2 $\frac{3}{16}$

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

Dated: February 3, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-3322 Filed 2-5-82; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1900

Delegations of Authority

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) revises its delegations of authority to reflect changes in organizational titles resulting from a recent reorganization of its headquarters structure. This action is taken to keep the public informed of the Agency structure.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Vance Remillard, Acting Director, Organization, Management and Training Division, Room 528, 6525 Belcrest Road, Hyattsville, MD 20782, telephone (301) 436-6544.

SUPPLEMENTARY INFORMATION: This regulation does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review. This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 to implement Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal agency management and organization. It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of the changes involves internal agency management and publication for comment is unnecessary.

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

A reorganization of the National Office of the Farmers Home Administration was approved by the Department of Agriculture on January 11, 1982. Therefore, it is necessary that this Subpart be revised to reflect the new position titles of the revised organizational structure.

PART 1900—GENERAL

Accordingly, the introductory text of § 1900.2 and § 1900.3 of Subpart A of Part 1900, Chapter XVIII, Title 7, Code of Federal Regulations are revised to read as follows:

§ 1900.2 National Office Staff and State Directors.

The following officials of the Farmers Home Administration, in accordance with applicable laws, and the regulations implementing these laws, are severally authorized, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, to do and perform all acts necessary in connection with making and insuring loans, making grants and advances, servicing loans and other indebtedness and obtaining, servicing and enforcing security and other instruments related thereto: The

Deputy Administrator Program Operations, the Assistant Administrators for Farmer Programs, Housing, and Community and Business Programs, the Assistant Administrator Accounting and Director Finance Office; each Director and the Insured Loan Officer, Finance Office; the Directors for the Water and Waste Disposal Division, the Community Facilities Division, the Business and Industry Division, the Multi-Family Housing Processing Division, the Multi-Family Housing Servicing and Property Management Division, the Single Family Housing Processing Division, the Single Family Housing Servicing and Property Management Division, the Farm Real Estate and Production Division, the Emergency Division; and each State Director within the area of that State Director's jurisdiction; and in the absence or disability of any such official, the person acting in that official's position; and the delegates of any such official. The authority includes, but is not limited to, the authority to:

* * * * *

§ 1900.3 State, District and County Office employees.

The following officials and employees of the Farmers Home Administration, in accordance with applicable laws, and the regulations implementing these laws, for and on behalf of, and in the name of the United States of America or the Farmers Home Administration, are also severally authorized within the area of their respective jurisdictions to perform the acts specified in paragraphs (k) to (r), both inclusive, of § 1900.2: Chief, Farmer Programs/Specialist; Chief, Rural Housing/Specialist; Chief, Community Programs/Specialist; Chief, Business and Industry/Specialist; Property Management/Specialist; each District Director, Assistant District Director, Loan Specialist General, County (including Parish) Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, Assistant Emergency Loan Supervisor, or other supervisor or assistant supervisor; and in the absence or disability of any such official or employee, the person acting in the position.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9650)

Dated: February 1, 1982.

Charles W. Shuman,
Administrator, Farmers Home
Administration.

[FR Doc. 82-3311 Filed 2-5-82; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket 82-013]

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of El Paso County in Colorado from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined.

EFFECTIVE DATE: February 2, 1982.

FOR FURTHER INFORMATION CONTACT: W. W. Buisch, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." The Department has determined that this rule will have an annual effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, has determined that

the emergency nature of this final rule warrants publication without opportunity for public comment. This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the *Federal Register*.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it removes the quarantine imposed due to exotic Newcastle disease concerning only one premises, and that premises is not owned by a small entity.

This amendment releases a portion of El Paso County in Colorado from the areas quarantined because of exotic Newcastle disease. The restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the released area.

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

§ 82.3 [Amended]

1. In § 82.3(c)(1), relating to the State of Colorado, the following premises is removed: (ii) Mr. Steve Kehayas, Bird Paradise Pet Shop, 3959 Palmer Park Blvd., Colorado Springs, El Paso County. (Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141))

Done at Washington, D.C., this 2d day of February 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-3211 Filed 2-5-82; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 1

[Docket No. 82-2]

Eligibility of Securities for Purchase, Dealing in, Underwriting and Holding by National Banks

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: These guidelines summarize the past practice of the Office of the Comptroller of the Currency regarding the eligibility of securities for purchase, dealing in, underwriting and unlimited holding by national banks. The guidelines reflect those areas of the law which have been sufficiently clarified through repeated individual rulings. It is expected that the guidelines will reduce the need by banks and bank counsel to request official rulings on similar forthcoming issues.

DATES: The guidelines will be effective February 8, 1982. The Office will accept comments on the final guidelines until March 10, 1982.

FOR FURTHER INFORMATION CONTACT: Raija H. Bettauer, Senior Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: The principal drafter of this document was Raija H. Bettauer, Senior Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

Background Information

In December 1979, the Office of the Comptroller of the Currency ("Office") determined that it would not be practicable to continue to publish in the Code of Federal Regulations the Office's individual rulings regarding eligibility of securities for purchase, underwriting, dealing in, and unlimited holding by national banks. 44 FR 76263 (December 26, 1979). The Office recognized, however, that banks and bank counsel would require assistance in independently applying the law and the regulations. To determine the optimal method of providing such assistance, the

Office requested comments from the interested parties. 45 FR 6407 (January 28, 1980). As suggested in the comments, the Office then decided to develop general principles which summarized the bulk of the individual rulings of the past 18 years. The notice of the proposed rulemaking ("Notice"), containing the proposed principles and soliciting comments from the industry and the public, was published on February 19, 1981. 46 FR 12978.

Special Studies

Because the Regulatory Flexibility Act does not apply to interpretive guidelines, no regulatory flexibility analysis has been prepared for the guidelines. The Office believes that the guidelines do not constitute a "major rule" under Executive Order 12291, and, therefore, has not prepared a Regulatory Impact Analysis. As proposed, the guidelines will not require national banks to expend any funds or to file reports and will not cause an increase in their prices or costs. Rather, the guidelines seek to reduce the national banks' administrative and legal expenses in applying the statutes and regulations in this area. The Office also believes that, given the historic statutory restraints on the activities of commercial banks in this area, the guidelines will not adversely affect the competitive posture of national banks.

Comments

In response to the Notice, the Office received 11 comment letters, two of which were from the trade associations representing the banking industry, one from a trade association representing the securities industry, four from national banks, two from law firms representing national banks, one from a state-chartered bank, and one from a bank-holding company.

As a general rule, the banks, bank counsel and the trade associations representing the banking industry thought that the general principles would be helpful. A number of comments expressed concern, however, that, by adopting principles which do not reflect all the details of the past rulings or which might exclude novel financing techniques, the Office intends to read the statute restrictively. The Office emphasizes again, as it did in the Notice, that the proposed principles were not intended to be exclusive or exhaustive. The principles merely reflected those parts of the Office practice which had been crystallized through repeated rulings over the past years. A detailed description of the obligations and all the surrounding

circumstances was omitted where these details were not directly relevant to the final conclusion. Those rulings which necessitated consideration of a complex set of details, or which did not represent well-established Office practice, were not included in the guidelines. Because of their retrospective nature, the principles obviously could not reflect financing techniques which had not yet been addressed by the Office.

A trade association representing the securities industry thought that the idea of general principles was ill-advised and urged the Office to withdraw the proposal. Essentially, this commenter maintained that the past rulings go beyond the statute and the case law interpreting it (see, *The Port of New York Authority v. Baker, Watts & Co.*, 392 F.2d 497 (D.C. Cir. 1968)). The commenter also thought that the guidelines would substitute for careful review of the eligibility of future individual issues. In response, the Office notes that the proposed principles were based on a comprehensive review of the past rulings and the applicable law, including the *Baker, Watts* decision. For instance, the rulings issued in the early 1960's which were not subsequently upheld by *Baker, Watts* were not reflected in the principles. With regard to the need for individual case-by-case review, the Office expects banks and bank counsel to continue to review each individual issue carefully. Obviously, in this, as well as in other areas of banking law, the Office cannot provide specific legal advice to banks on each and every question that may arise in the course of their daily business.

The Guidelines

The comments did not prompt any major substantive changes in the proposed principles. In certain areas, additional detail has been added, as discussed below. Drafting changes were also made to clarify principles which may have been ambiguous or subject to misinterpretation.

As an initial matter, the Office has concluded that it would be more appropriate to call the outline in question "guidelines" than "principles" in order to reflect their advisory and flexible character. Also, some of the paragraphs are renumbered in an attempt to simplify future reference to the guidelines.

One commenter requested that the guidelines be supplemented with a reference to the status of prior rulings. Another commenter suggested that the guidelines restate the procedures for obtaining interpretive rulings. In view of the apparent uncertainty about the nature of the guidelines, as expressed in

the comments, the Office agrees that it may be helpful to clarify the status of the past rulings in the guidelines, and a sentence to that effect has been added to § 1.100(a). As the guidelines already refer to the procedures for obtaining specific rulings pursuant to 12 CFR 1.9, further elaboration of those procedures does not seem to serve any useful purpose.

Some commenters suggested that the guidelines state that they will be reviewed annually. The Office agrees that it may be useful to highlight the flexible nature of the guidelines and has included a sentence in § 1.100(b) to that effect. As the frequency of the review needs to be adjusted depending on the volume of specific rulings, the guidelines do not establish any firm time period for the review process.

Obligations of the United States

The limitations and restrictions of 12 U.S.C. 24(7) regarding the securities activities of national banks do not apply to "obligations of the United States." The proposed principles (§ 1.110) explained that the Office has interpreted this term to include (a) obligations issued by a department or an agency of the United States Government which commit the full faith and credit of the United States for their repayment; (b) obligations issued by a municipal agency or a private corporation which are fully and unconditionally guaranteed by the Government of the United States or a department or agency thereof; and (c) obligations issued by a department or an agency of the United States which represent a legal or beneficial interest in a loan or a pool of loans made to third parties and where the full faith and credit of the United States has been validly pledged for the full and timely payment of interest on, and principal of, such loans in the event of non-payment by the third-party obligor(s).

Most of the comments regarding this principle addressed the wording of paragraph (b). It was suggested that the term "municipal agency" used in § 1.110(b) and (c) be changed to read "any state or any political subdivision thereof or any agency or instrumentality of a state or political subdivision," and that the term "private corporation," as used in § 1.110(b), is too narrow, as the applicable statutes may provide U.S. guarantees also in support of obligations issued by partnerships, trusts, and joint ventures. One commenter thought that § 1.110(b) should explicitly set forth that the guaranty must constitute a full faith and credit obligation of the United States. It was also noted that the proposed guidelines did not explicitly reflect the effect of insurance supplied

by a department or an agency of the United States. Finally, one commenter noted that the term "unconditionally guaranteed" is ambiguous. The commenter noted that, for instance, guarantees under Title XI of the Merchant Marine Act of 1936, as amended, 46 U.S.C. 1271 *et seq.*, provide for the expiration of the guarantee if the bondholder fails to demand payment within a specified time. Similarly, other government-guaranteed programs may provide for the termination of the guarantees in the event of fraud or misrepresentation.

After a careful review of the rulings, the Office has decided to combine paragraphs (a) and (b) in a single subparagraph which addresses "obligations issued, insured, or guaranteed by a department or an agency of the United States Government." In each instance, the obligation, insurance, or guarantee must commit the full faith and credit of the United States Government, and, to the extent this condition is met, the identity of the issuer or the specific terms of the guarantee are irrelevant for the purposes of 12 U.S.C. 24(7).

Addressing § 1.110(c), one commenter noted, without further elaboration, that a mere legal interest (as opposed to beneficial) in an obligation would not be sufficient to render the obligation eligible. The Office agrees that it is difficult to arrive at a common characterization of the interest in question—on the other hand, such a characterization is not necessary in this context if the interest is supported by the full faith and credit of the United States. Consequently, the final guidelines omit the words "legal or beneficial."

Indirect General Obligations

The guidelines describe the Office's practice regarding the eligibility of "indirect general obligations," *i.e.*, obligations issued by an obligor not possessing general powers of taxation but which are supported by an unconditional promise of an obligor possessing general powers of taxation to make sufficient funds available for all required payments in connection with the obligation. As recognized by the *Baker, Watts* court, such indirect support is sufficient to qualify an obligation as a "general obligation" for the purposes of 12 U.S.C. 24(7). Specifically, the principles noted that the required support of a State or a political subdivision thereof possessing general powers of taxation has been found, for instance, in its commitment to make various payments to the issuer,

such as lease rentals, payments for services or resources provided through or by the issuer, or other comparable support. Also, obligations are indirectly supported by the taxing powers of a State or a political subdivision thereof if they are secured by its general obligations or obligations of the United States. Tax or bond anticipation notes have also been found to qualify as indirect general obligations if their repayment is ultimately guaranteed by the exercise of the general taxing powers.

1. *Lease/rental agreements.* One commenter noted that, although in some jurisdictions the local government cannot execute leases in excess of one year, the government may be committed as a practical matter to renew such leases. The commenter suggested that such short-term renewable leases should be included in the guidelines. Another commenter suggested that the guidelines should require a specific governmental commitment for the appropriation of the rental payments, in addition to the promise to make such payments. Further, it was suggested that the guidelines address the effects of possible contractual disputes regarding bankruptcy, failure of consideration, and destruction of leased premises.

As a general rule, the past rulings of the Comptroller require that the commitment by a State or a political subdivision possessing general powers of taxation extend for the maturity or the life of the obligation in question. Therefore, the guidelines will not address, as suggested, renewable "moral obligation" leases. On the other hand, the lease agreement need not specify the details of implementing the pledge, such as the required appropriations process. For the purposes of the guidelines, it is sufficient to ascertain that the commitment is valid and enforceable against the State or the political subdivision possessing general powers of taxation. The Office also believes that discussion on prospective defenses would add unwarranted detail to the guidelines, particularly as the rulings do not spell out any explicit Office policy in this respect.

2. *Refillable Reserves.* The proposed principles state that an indirect general obligation may be found where a State or a political subdivision thereof possessing general powers of taxation is committed to maintain a debt service reserve fund sufficient to meet any succeeding year's payments on the obligation. One commenter thought that the proposed guidelines is too restrictive, as some past rulings have indicated that it is sufficient to maintain

reserves which meet the *next* year's payments. Another commenter again noted that requiring full reserves at all times is too stringent as, for instance, bonds issued by the Municipal Assistance Corporation for the City of New York ("MAC") are supported by reserves which are built up over a number of years, and the Office has in the past concluded that these bonds qualify as indirect general obligations.

A review of the past rulings indicates that the specific level of required reserves depends on the State law in question. Thus, under one State law, the reserve may be required to meet *any succeeding* year's payments, while under another State's law, the reserves are required to meet the *next succeeding* year's payment. The guidelines have been revised to reflect the statutory variations on this point.

While MAC bonds did not have a full initial reserve fund, their eligibility was based on a number of additional factors which, taken together, constituted a sufficient commitment by the City to the payment of the bonds. Because of the complexity of the factual situation and legal considerations involved, the Office believes that the MAC rulings do not lend themselves, at least at this point, to a reasonably simple general guideline.

The comment from the securities industry representative noted that a statutory commitment for reserves is not effective without a corresponding actual appropriation, and that the proposed principle failed to reflect this element. The Office recognizes that, in some instances, a State statute which provides for the reserve fund may require additional measures for its implementation, such as annual appropriations by the local legislature. The Office believes, however, that a statutory promise of a State or a political subdivision possessing general powers of taxation is usually in itself a reliable indicator of the commitment of its faith and credit in support of the obligation, and that such support qualifies an obligation as a general obligation under 12 U.S.C. 24(7), as construed in *Baker, Watts*.

Tax and Bond Anticipation Notes

The proposed guidelines stated that tax anticipation notes may be regarded as indirect general obligations if they are repayable from the current and future general revenues of a State or a political subdivision thereof possessing general powers of taxation. Similarly, bond anticipation notes may qualify as indirect general obligations if they are repayable from the proceeds of future general obligations issued by a State or

a political subdivision thereof possessing general powers of taxation.

One commenter noted that the proposed principle regarding tax anticipation notes is more restrictive than the Comptroller's past rulings "which concluded that certain tax anticipation notes were eligible notwithstanding a limitation on repayment to current revenues, so long as the financial condition of the obligor was such that no reasonable likelihood of nonpayment was presented." The Office believes that the commenter has misconstrued the language of the past rulings which start from the premise that, to be eligible as general obligations, tax anticipation notes must be ultimately repayable from the general revenues. In addition, the Office has then analyzed the immediate availability of the current revenues based on the cash flow statements. A positive cash flow alone, however, does not qualify notes as indirect general obligations for the purposes of 12 U.S.C. 24(7).

Another commenter suggested that the wording of the principle regarding tax anticipation notes should be changed to read that such notes must be repaid from "any legally available (unencumbered) funds." The Office believes that while the suggested language follows more accurately the wording of the relevant California statutes, it is substantially synonymous with the proposed principle and has therefore retained the more general language.

With regard to bond anticipation notes, it was pointed out that the proposed principle did not distinguish between notes which are payable only from the anticipated general obligation bonds and those notes which may be payable also from other funds. The Office recognizes that, in practice, anticipation notes may be repaid from proceeds other than the anticipated bonds and the broad language of the proposed principle is not intended to disqualify bond anticipation notes in such instances.

The securities industry representative noted that the applicable law does not support the proposed principle. The Office disagrees with this conclusion. An analysis of the relevant legal authority, including, *Baker, Watts*, does not exclude bond anticipation notes from the scope of indirect general obligations if the note is supported by a promise of the State or the political subdivision thereof possessing general powers of taxation to issue a general obligation for the repayment of the note.

Taxing Powers

The proposed principles outlined the practice of the Office with respect to evaluating the impact of quantitative restrictions on the general powers of taxation of a State or a political subdivision thereof for the purposes of 12 U.S.C. 24(7). The review of the past practices indicates that, using current and reasonable financial projections, the Office has sought to estimate whether such limited taxing authority will provide sufficient tax revenues for full and timely payments on the obligation.

The securities industry representative objected to including a general guideline which does not establish specific standards for evaluating the sufficiency of available revenues. The Office agrees that, because of the complexity of the fact situations and the variety of relevant state laws, the impact of quantitative restrictions must ultimately be evaluated on a case-by-case basis. Nevertheless, the Office believes that a general guideline outlining the direction of this evaluative processes would benefit banks and bank counsel.

Type II Investment Securities

1. *Obligations issued for university purposes.* The proposed principles summarized the Office practice regarding the most prevalent Type II securities, i.e., revenue bonds issued by a State or political subdivision or any agency of a State or a political subdivision for university and housing purposes.

The comment from the securities industry questioned the premise of these rulings, noting that they cannot be justified either by the language of the statute or under *Baker, Watts*. In response, the Office notes that the rulings regarding Type II investment securities are based on the 1968 amendment of 12 U.S.C. 24(7) which specifically authorized limited underwriting of revenue bonds by national banks when the obligations are issued for "housing, university and dormitory purposes." While the Office recognizes that, subsequent to the adoption of the amendment, attempts were made in Congress to restrict its scope, none of those efforts succeeded. As for *Baker, Watts*, that decision addressed the eligibility of indirect general obligations, and the Office has not used that opinion as a reference for its rulings regarding Type II investment securities.

One commenter suggested that the Office enumerate in the guidelines those elements that are crucial in establishing a sufficient nexus between a university and a hospital. Although the past rulings

do not explicitly spell out specific criteria on this point, the Office recognizes that additional elaboration of the applicable standards is possible. Consequently, the final guidelines note that the nexus has been established by affiliation agreements between the university and the hospital, and by graduate or college level teaching programs offered by the hospital for medical students, interns, residents, and nurses.

It was also suggested that obligations which finance other than medical facilities at non-university establishments, such as libraries and galleries, may have a sufficient "university purpose" when those facilities are used by university students. The commenter urged, therefore, that the eligibility of those issues should be explicitly addressed in the guidelines.

Although one prior ruling discussed such a nexus, the Office does not believe that further detail is warranted at this point. Moreover, the general guideline has been further clarified, as suggested, by indicating that construction or improvement of facilities located at, or used by, a university or a degree-granting college level institution would qualify the obligations in question as Type II investment securities. Consequently, the guidelines already sufficiently address the general requirements for a university nexus.

2. *Obligations issued for housing purposes.* One commenter noted that the proposed guideline should be redrafted to make it clear that obligations issued to finance single family residences for low- or moderate-income persons may qualify as Type II investment securities. As past rulings support such a statement, the Office has revised, as suggested, § 1.140(c)(1) to read: "Obligations issued * * * for the primary purpose of financing housing for low- or moderate-income persons * * *"

Recordkeeping Requirements

Under 12 CFR 1.8, a national bank is required to maintain in its files information adequate to demonstrate that it has exercised prudence in its securities activities. In accordance with the initiative of the Department of Treasury to establish specific retention periods for all recordkeeping requirements, the Notice solicited comments from the industry as to the specific length of the retention period for information required in § 1.8.

Five commenters addressed the record retention issue. One commenter suggested, without further elaboration, that the retention period should be five

years. Another commenter noted that the Municipal Securities Rulemaking Board ("MSRB") Rules adopt a three-year retention period for certain activities of municipal securities dealers, and that a similar retention period should be established in 12 CFR Part 1.

Three commenters suggested that the retention period should depend on the type of the transaction. For instance, for securities purchased for the bank's own account, relevant information should be retained as long as the security remains in the bank's portfolio. For underwriter activities, information should be retained for the life or the maturity of the obligation, and this information could be stored also in microfiche. Finally, the commenters agreed that for bank dealer activities the MSRB Rule G-9 establishes acceptable recordkeeping requirements.

The Office has concluded that the retention period should reflect the nature of the transaction. As suggested, the Office amends 12 CFR 1.8 to require the following retention periods:

- (1) For securities purchased for the bank's own portfolio, as long as the security remains in the portfolio;
- (2) For underwriting activities, for the maturity or the life of the security; and
- (3) For dealer activities, for the periods referred to in the Rules of the Municipal Securities Rulemaking Board.

The Office recognizes that the dealer activities may concern, in addition to municipal securities, U.S. Government securities which are not subject to the MSRB Rules. For the sake of uniformity, however, the Office determined that it would be reasonable to establish a similar recordkeeping period for dealer activities regarding U.S. Government securities.

The Office also recognizes that it may be difficult to file all the necessary information in its original form for extensive periods. Therefore, the amended § 1.8 indicates that the required information may also be stored in microfiche or in other similar manner which can be readily retrieved and copied in a readable form.

Additional Issues

1. *Revision of 12 CFR 1.9.* One commenter noted that 12 CFR 1.9(b), which currently requires that a request for ruling must be received at least three weeks before the ruling is needed, is not satisfactory. The commenter thought that the three-week period is too long to permit banks to effectively participate in the negotiations, and requested that § 1.9(b) be revised to provide for a more flexible approval procedure. The Office notes that, while § 1.9 may warrant

review, the February notice did not address this issue. Therefore, it would be inappropriate to include it in the final rule.

2. *Participations in pools of general obligations.* It was suggested that the guidelines address the status of fractional interests in a non-managed pool of general obligations issued by a State or a political subdivision thereof. As the past rulings do not address this issue, it would be inappropriate to include it in the guidelines at this point.

PART 1—INVESTMENT SECURITIES REGULATION

12 CFR Part 1 is amended as follows:

1. The authority citation for Part 1 is revised to read as follows:

Authority: R.S. 324, et seq., as amended (12 U.S.C. 1, et seq.); Paragraph Seventh of R.S. 5136, as amended (12 U.S.C. 24(7)).

2. 12 CFR 1.8 is revised to read as follows:

§ 1.8 Prudent banking judgment; credit information required.

(a) Every bank shall maintain in its files credit information adequate to demonstrate that it has exercised prudence in making the determinations and carrying out the transactions described in §§ 1.4 and 1.5.

(b) Such information shall be retained:

(1) In case of securities purchased for the bank's own portfolio, as long as the security remains in the portfolio;

(2) In case of securities underwritten by the bank, for the maturity or the life of the security; and

(3) With respect to dealer activities, for periods referred to in the relevant Rules of the Municipal Securities Rulemaking Board.

(c) The information may be stored in microfiche or in other similar manner which can be readily retrieved and copied in a readable form.

3. 12 CFR Part 1 is amended by adding §§ 1.100 through 1.140 to read as follows:

Sec.

1.100 Eligibility of securities for purchase, dealing in, and underwriting by national banks; general guidelines.

1.110 Obligations of the United States; general guidelines.

1.120 Indirect general obligations; general guidelines.

1.130 Taxing powers of a State or a political subdivision thereof; general guidelines.

1.140 Type II securities; general guidelines.

§ 1.100 Eligibility of securities for purchase, dealing in, and underwriting by national banks; general guidelines.

(a) The Office of the Comptroller of the Currency has issued a number of specific rulings at the request of national

banks regarding the applicability of federal banking law and regulations to the purchase, underwriting, dealing in, and holding of securities. The following guidelines outline those interpretations of law and regulations which are frequently repeated in these rulings. The issuance of the general guidelines does not rescind the individual past rulings which still remain effective.

(b) The general guidelines are issued to assist national banks and bank counsel in independently applying the relevant law. Due to their summary character, the guidelines are not exclusive or exhaustive. For instance, the guidelines do not provide guidance in evaluating issues which, because of their unique or complex characteristics, are not susceptible to generalization. Neither do the guidelines address novel legal problems which are not reflected in the past rulings. In encountering such complex or novel issues, national banks may wish to request a specific ruling pursuant to the procedure contained in § 1.9. The general guidelines will be reviewed and amended periodically to reflect new rulings.

§ 1.110 Obligations of the United States; general guidelines.

(a) The limitations and restrictions contained in 12 U.S.C. 24(7) regarding the authority of national banks to deal in, underwrite and purchase securities do not apply to "obligations of the United States." Obligations issued, insured, or guaranteed by a department or an agency of the United States Government qualify as such exempt securities, provided that the obligation, insurance, or guarantee commits the full faith and credit of the United States for the repayment of the obligation.

(b) Obligations issued by a department or an agency of the United States or an agency of a State or a political subdivision thereof may in some instances represent an interest in a loan or a pool of loans made to third parties. Such obligations qualify as "obligations of the United States" provided that the full faith and credit of the United States has been validly pledged for the full and timely payment of interest on, and principal of, such loans in the event of non-payment by the third party obligor(s).

§ 1.120 Indirect general obligations; general guidelines.

As § 1.3(g) indicates, an obligation issued by an obligor not possessing general powers of taxation may qualify as "general obligation of any State or any political subdivision thereof" for the purposes of 12 U.S.C. 24(7), provided that an obligor possessing general

powers of taxation has unconditionally promised to make sufficient funds available for all required payments in connection with the obligation. Such indirect commitment of the full faith and credit of a State or a political subdivision in support of an obligation may be demonstrated by any of the following methods, alone or in combination:

(a) *Lease/rental agreement.* A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation in a lease agreement, provided that the lease agreement is valid and binding on the State or the political subdivision, and that the State or the political subdivision in the lease agreement unconditionally promises to pay rentals which, together with any other available funds, are sufficient for the timely payment of interest on, and principal of, the obligation. Such lease/rental agreements may, for instance, provide support for obligations financing the acquisition or operation of public projects in the areas of education, medical care, transportation, recreation, public buildings and facilities, etc.

(b) *Service/purchase agreement.* A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation in a service or purchase agreement, provided that the agreement is valid and binding on the State or the political subdivision, and that the State or the political subdivision unconditionally promises in the agreement to make payments for services or resources provided through or by the issuer of the obligation, and such payments, together with any other available funds, are sufficient for the timely payment of interest on, and principal of, the obligation. An agreement to purchase municipal sewer, water, waste disposal, or electric services may, for instance, provide support for obligations financing the construction or acquisition of facilities supplying such services.

(c) *Refillable reserve fund.* A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation in a statutory provision or a valid and binding agreement which requires the State or the political subdivision to maintain a refillable debt service reserve fund for the obligation. Such reserve funds must be maintained at least at the amount necessary to meet the annual payment of interest on, and principal of, the obligation as required by the applicable

law. The maintenance of such a refillable reserve fund may be provided, for instance, by statutory direction for an appropriation or by statutory automatic apportionment and payment from the State funds of such amounts as are necessary to restore the fund to the required level.

(d) *Other grants or support.* A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation in a statutory provision or a valid and binding agreement (in instances other than those described above) which unconditionally commits the State or the political subdivision to provide funds which, together with other available funds, are sufficient for the timely payment of interest on, and principal of, the obligation. Such funds may, for instance, be supplied in the form of annual grants or may be advanced whenever the other available revenues are not sufficient for the payment of principal and interest.

(e) *Obligations secured by U.S. obligations or general obligations of a State or a political subdivision thereof.* The standards in § 1.3(g) are satisfied where an obligation is secured by an escrow fund consisting of obligations of the United States or general obligations of a State or a political subdivision thereof, and the escrowed obligations produce interest earnings sufficient for the full and timely payment of interest on, and principal of, the obligation.

(1) If the interest earnings from the escrowed general obligations alone are not sufficient to guarantee the full repayment of an obligation, it may be further supported by a promise of a State or a political subdivision thereof possessing general powers of taxation to maintain a reserve fund for the timely payment of interest on, and principal of, the obligation.

(2) For instance, an obligation issued to refund an indirect general obligation may be supported in a number of ways which in combination are sufficient at all times to pledge in support of the obligation the full faith and credit of the United States or a State or a political subdivision thereof possessing general powers of taxation. During the period following its issuance, the proceeds of the refunding obligation may be invested in U.S. obligations or municipal general obligations, which produce sufficient interest income for payment of principal and interest. Upon the retirement of the outstanding indirect general obligation bonds, the refunding obligation will be supported by the same indirect commitment, such as a lease agreement or a reserve fund, that supported the prior issue.

(f) *Tax anticipation notes.* Tax anticipation notes are supported by the full faith and credit of a State or a political subdivision thereof possessing general powers of taxation, provided that the notes are repayable from the general revenues of the State or the subdivision.

(g) *Bond anticipation notes.* Bond anticipation notes are supported by the full faith and credit of a State or a political subdivision thereof possessing general powers of taxation, provided that the notes are repayable from the proceeds of general obligations to be issued at a later date by the State or the political subdivision.

§ 1.130 Taxing powers of a State or a political subdivision thereof; general guidelines.

(a) Quantitative restrictions on the general powers of taxation of a State or a political subdivision thereof do not necessarily disqualify an obligation supported by such limited taxing powers as a "general obligation of a State or a political subdivision thereof" for the purposes of 12 U.S.C. 24(7). The eligibility of such obligations is determined by reviewing, on a case-by-case basis, whether tax revenues available under the limited taxing powers are sufficient for the full and timely payment of interest on, and principal of, the obligation. Current and reasonable financial projections may be used in calculating the availability of the revenues.

(b) As § 1.3(g) indicates, an obligation is supported by the full faith and credit of a State or a political subdivision possessing general powers of taxation when the promise or other commitment of the State or the political subdivision will produce funds "which (together with any other funds available for the purpose) will be sufficient to provide for all required payments in connection with the obligation." In order to evaluate whether a commitment of a State or a political subdivision is likely to generate such sufficient funds, the Office has considered the impact of any possible limitations regarding the State's or political subdivision's taxing powers, as well as the availability of funds in view of the projected revenues and expenditures.

(c) Obligations supported exclusively by excise taxes or license fees are not "general obligations" for the purposes of 12 U.S.C. 24(7). Nevertheless, an obligation which is primarily payable from a fund consisting of excise taxes or other pledged revenues may qualify as a "general obligation," provided that, in the event of a deficiency of such revenues, it is also supported by the

general revenues of a State or a political subdivision thereof possessing general powers of taxation.

§ 1.140 Type II securities; general guidelines.

(a) *Investment quality.* Pursuant to 12 U.S.C. 24(7), obligations issued for "housing, university, or dormitory purposes" may be eligible for dealing in and underwriting (subject to the 10 percent limitation) provided that they "are at the time eligible for purchase by a national bank." Consequently, in determining whether an obligation is eligible for underwriting and dealing in as a Type II investment security, it is first necessary to evaluate whether the obligation is of sufficient investment quality and marketability, as indicated in § 1.5, and, as a second step, whether the obligation has been issued for the appropriate purpose and by a qualifying issuer.

(b) *Obligations issued for university purposes.* (1) Obligations issued by any State or political subdivision or any agency of a State or a political subdivision for the purpose of financing the construction or improvement of facilities at or used by a university or a degree-granting college-level institution, or financing loans for studies at such institutions, demonstrate a "university" purpose sufficient to qualify as Type II securities. Facilities financed in this manner have included student buildings, classrooms, university utility buildings, cafeterias, stadiums, and university parking lots.

(2) Obligations which finance the construction or improvement of facilities used by a hospital may be eligible as Type II securities, provided that the hospital is a department or a division of a university, or otherwise provides a sufficient nexus with university purposes, such as an affiliation agreement between the university and the hospital, faculty positions of the hospital staff, and training of medical students, interns, residents, and nurses.

(c) *Obligations issued for housing purposes.* (1) Obligations issued by any State or a political subdivision or any agency of a State or a political subdivision for the primary purpose of financing housing for low- or moderate-income persons qualify as Type II securities.

(2) Obligations issued for such housing purposes by a nonprofit corporation acting as an agent or an instrumentality of a public housing agency may qualify as Type II securities. For instance, such obligations may be issued to finance housing projects under Section 8 of the Housing Act of 1937, as

amended, and found by the Department of the Housing and Urban Development to be tax-exempt under Section 11(b) of the Housing Act.

Dated: February 1, 1982.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 82-3177 Filed 2-5-82; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-CE-1-AD; Amdt. 39-4313]

Airworthiness Directives; Beech Model 76 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), AD 82-02-03, applicable to certain Beech Model 76 airplanes. The AD requires, prior to further flight, a onetime visual inspection of the elevator down cable for condition and proper routing. This action is necessary because two separate incidents of inflight elevator control cable failure due to a misrouted cable have occurred on Beech Model 76 airplanes. Cable failure can result in loss of elevator control which could prove to be catastrophic during critical flight maneuvers.

EFFECTIVE DATE: February 14, 1982, to all persons except those to whom it has already been made effective by priority mail letter from the FAA dated January 8, 1982.

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

ADDRESSES: Beechcraft Safety Communique Number 76-62, applicable to this AD, may be obtained from Beech Aircraft Corporation, Liberal Division, Liberal, Kansas 67901; Telephone (316) 624-1613. A copy of the Safety Communique 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: Don L. Williams, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7005.

SUPPLEMENTARY INFORMATION: Two inflight failures of the forward elevator control cable assembly (P/N NAS 314-25-1411) have been reported on Beech Model 76 airplanes. It was subsequently

determined that the elevator control cable failed as a result of being installed over, rather than under, a guide pin on the forward pulley during manufacture. Cable failure can result in loss of elevator control which could prove to be catastrophic during critical flight maneuvers. The airplane manufacturer issued Beechcraft Safety Communique 76-62 calling for inspection of the elevator control cable routing prior to further flight.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby requiring the issuance of an AD. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by priority mail letter dated January 8, 1982. The AD became effective immediately as to these individuals upon receipt of that letter and is identified as AD 82-02-03.

The AD, which is applicable to Beech Model 76 airplanes, requires, prior to further flight, inspection of the elevator down cable for broken or frayed strands and to determine proper cable routing on the pulley. Any misrouted cables must be replaced. Since the unsafe condition described herein may still exist on other Beech Model 76 airplanes, the AD is being published in the *Federal Register* as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Since the FAA has determined that there is an immediate need for this regulation to correct an unsafe condition and assure safe operation of the affected airplanes, the regulation is within the exemption provisions of section 8(a)(1) of Executive Order 12291. In addition, notice and public procedure under 5 U.S.C. 553(b) were considered impractical and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the publication in the *Federal Register*.

Adoption of the Amendment

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

Beech: Applies to Model 76 (Serial Numbers ME-1 through ME-435) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished. To ensure the integrity of the elevator control cable and determine proper cable routing, accomplish the following:

(A) Prior to further flight, accomplish all of the following:

1. Remove the large inspection panel located in the center of the bottom skin just aft of the Station 68 frame.
2. Drill a 3/8-inch diameter inspection hole in the forward flange to which the inspection panel was attached as follows: Center the hole laterally on the elevator cable pulley and fore and aft on the flange. Use a thin bucking bar or wood block between the flange and the pulley and cable to prevent damage to the pulley and/or cable when drilling the inspection hole.

Note.—Airplane Serial Numbers ME-418 and after have the 3/8-inch diameter inspection hole already drilled in the forward flange.

3. Deburr the inspection hole and visually inspect the elevator down cable for broken or frayed strands and ensure the cable is on the pulley under all three guard pins.

4. If the cable is riding over any of the guard pins, replace the P/N NAS 427K12 guard pins over which the cable was routed, replace the P/N NAS 314-25-1411 cable, and rig in accordance with the Beech Model 76 Maintenance Manual.

5. Reinstall the inspection panel, and record compliance with this AD by an appropriate entry in the airplane maintenance records.

(B) Within 48 hours, report misrouted cables or other defects found as a result of any inspection required herein to the FAA via a Malfunction or Defect (M or D) Report (FAA Form 8010-4) or a letter to the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209. Describe the defect found, total time-in-service on the airplane or part at time of discovery, and the aircraft serial number. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

(C) Airplanes may be flown in accordance with FAR 21.197 to a location where the provisions of Paragraph (A) of this AD can be performed provided the following is accomplished:

1. Remove the large inspection panel located in the center of the bottom skin just aft of the Station 68 frame.

2. Visually inspect the elevator down cable for broken or frayed strands while the elevator control column is slowly moved fore and aft. Pay particular attention to the cable strands near the elevator cable pulley.

3. If no frayed or broken cable strands are found, reinstall the inspection panel.

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

Beechcraft Safety Communique 76-62 pertains to the subject matter of this AD.

This amendment becomes effective February 14, 1982, to all persons except those to whom it has already been made effective by a priority mail letter from the FAA dated January 8, 1982, and is identified as AD 82-02-03.

(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 under the President's memorandum of January 29, 1981, and 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 the 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, if prepared and when filed, may be obtained by contacting the Office of the Regional Counsel, FAA, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5446.

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

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

Murray E. Smith,
Director, Central Region.

[FR Doc. 82-3169 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-EA-72; Amdt. 39-4312]

Airworthiness Directives; Piper PA-23

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This directive revises Airworthiness Directive (A.D.) 81-04-05, applicable to the flaps of Piper PA-23 aircraft. This A.D., which requires the inspection and repair, if necessary, of components of the flap control system, is amended to require the installation of a reinforcement gusset to the flap torque tube bearing block attachment bracket

on the right side. This revision is made to clarify the intent of the original A.D.

EFFECTIVE DATE: February 11, 1982. Compliance is required as set forth in the A.D.

ADDRESS: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: C. Kallis, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: This A.D. was originally prompted by field reports of cracks in components of the flap control system of some models of the Piper PA-23 aircraft. The A.D., among other things, required the inspection and repair, if necessary, of the flap control system in accordance with Piper Service Bulletin No. 671. It was intended that step 9 of the Service Bulletins' instructions (installation of a reinforcement gusset) be mandatory.

Field reports indicate that some persons have not accomplished the A.D. as intended, and the installation of the reinforcement gusset has been omitted. This amendment is intended to clarify the original A.D.

In view of the fact that this revision is clarifying in nature and does not add any additional burden on any person, notice and public procedure are unnecessary and the rule may be made effective in less than 30 days.

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 amending A.D. 81-04-05 as follows:

Amend AD 81-04-05 as follows:

Amend paragraph (b)(1), (1)(i), and (1)(ii) to read: (b)(1) For all referenced airplanes, inspect the flap control system for cracks and repair if necessary in accordance with steps 1 through 13 under "instructions" in Piper Service Bulletin No. 671 dated October 20, 1980 or equivalent, and alter in accordance with step 9, as follows:

(i) Airplanes with more than 1000 hours in service but not exceeding 2000 hours, comply with (b)(1) within the next 100 hours in service, unless already accomplished.

(ii) Airplanes with more than 2000 hours in service, comply with (b)(1) within the next 50 hours in service, unless already accomplished.

Effective Date: This amendment is effective February 11, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); sec. 6(c), Department

of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

It is certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as it merely clarifies an existing A.D.

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

Issued in Jamaica, New York, on January 28, 1982.

Timothy L. Hartnett,
Acting Director, Eastern Region.

[FR Doc. 82-3166 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-59]

Alteration of Transition Area: Lafayette, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Lafayette, LA. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Acadiana Regional Airport, New Iberia, LA. This amendment is necessary to provide protection for aircraft executing an instrument approach procedure using the Lake Martin Nondirectional Radio Beacon (NDB).

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On December 10, 1981, a notice of proposed rulemaking was published in the *Federal Register* (46 FR 60463) stating that the Federal Aviation Administration proposed to alter the Lafayette, 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.

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 (46 FR 540) is amended, effective 0901 GMT, May 13, 1982, by adding the following:

*** and within 3 miles east of the 181° bearing from the Lake Martin NDB (Latitude 30°11'33" N., Longitude 91°52'58" W.) extending from the 6.5-mile radius to 10 miles north 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 Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on January 27, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-3167 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AWP-22]

Temporary Restricted Area GALLANT EAGLE 82

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) designate temporary Restricted Areas GALLANT EAGLE 82 in the vicinity of Death Valley, CA, to contain a major military exercise. Those segments of

restricted areas that penetrate the Continental Control Area have been designated as controlled airspace. This action permits military exercises, both ground and air, to be conducted in a safe and secure environment.

EFFECTIVE DATE: March 18, 1982.

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 December 31, 1981, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary Restricted Areas R-2538A through R-2538H to contain a major joint military exercise called GALLANT EAGLE 82 (46 FR 63318). This exercise provides training for several military commands operating under the sponsorship of the United States Readiness Command. The air activities associated with the exercise will be such that flights of nonparticipating aircraft cannot be safely conducted within the temporary restricted airspace when the airspace is in use by the military.

Approximately 115 aircraft will be utilized to conduct about 160 daily sorties. Communications equipment has been installed and maintained between the appropriate military and FAA facilities to coordinate the operations of nonparticipating aircraft through the temporary restricted area whenever military activity permits. Additionally, a reverse charge telephone number has been established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The restricted area has been designated as joint use to permit authorization by the controlling agency (FAA) for access/egress by VFR and IFR traffic whenever military activity permits. All airports within the temporary restricted area will be given relief by excluding the airspace 1,200 feet AGL and below within a 3 nautical mile (NM) radius of the airport. Exercise aircraft will remain clear of VFR nonparticipating aircraft outside restricted airspace. Appropriate altitude separation will be used to provide separation from IFR nonparticipating aircraft.

A provision has been made to accommodate civil aircraft through the exercise area, except for the permanent

restricted airspace, on a noninterference basis.

The Tactical Air Command/DEEV will serve as lead agency for purposes of compliance with the National Environmental Policy Act. (NEPA). The certification of NEPA compliance has been forwarded to the FAA Western Region, Attention: Mr. Thomas Binczak, telephone number (213) 966-6182. 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, these amendments are the same as those proposed in the notice. Sections 71.151 and 73.25 of Parts 71 and 73 were republished on January 2, 1981 (46 FR 446 and 787).

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) designate temporary Restricted Area GALLANT EAGLE 82, R-2538A through R-2538H to contain a major joint military exercise. This exercise provides training for several military commands of the United States Readiness Command.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.151 and § 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 787) are amended, effective 0901 GMT, March 18, 1982, as follows:

§ 71.151 [Amended]

By adding the following temporary restricted areas:

R-2538A, GALLANT EAGLE 82
R-2538B, GALLANT EAGLE 82
R-2538C, GALLANT EAGLE 82
R-2538D, GALLANT EAGLE 82
R-2538E, GALLANT EAGLE 82
R-2538F, GALLANT EAGLE 82
R-2538G, GALLANT EAGLE 82
R-2538H, GALLANT EAGLE 82

§73.25 [Amended]

By adding the following temporary restricted areas:

R-2538A, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°59' N., long. 118°53' W.; to lat. 35°01' N., long. 116°41' W.; to lat. 35°39' N., long. 115°53' W.; to lat. 37°12' N., long. 117°20' W.; to lat. 37°12' N., long. 118°10' W.; to lat. 36°39' N., long. 117°57' W.; to lat. 36°20' N., long. 117°23' W.; to lat. 35°48' N., long. 117°16' W.; to lat. 35°36' N., long. 117°16' W.; to lat. 35°36' N., long. 117°26' W.; to lat. 35°16' N., long. 117°26' W.; to lat. 35°16' N., long. 117°05' W.; to point of beginning.

Designated altitudes. 100 feet AGL to FL 500 (3,000 feet AGL minimum altitude over Death Valley National Monument).

Time of designation 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538B, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°59' N., long. 116°53' W.; to lat. 35°01' N., long. 116°41' W.; to lat. 35°39' N., long. 115°53' W.; to lat. 34°43' N., long. 115°27' W.; to lat. 34°43' N., long. 116°26' W.; to lat. 34°34' N., long. 116°35' W.; to point of beginning.

Designated altitudes. FL 350 to FL 500.

Time of designation 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538C, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°41' N., long. 116°30' W.; to lat. 34°43' N., long. 116°26' W.; to lat. 34°43' N., long. 116°02' W.; to lat. 35°22' N., long. 116°14' W.; to lat. 35°01' N., long. 116°41' W.; to point of beginning.

Designated altitudes. 100 feet AGL to 7,500 feet MSL.

Time of designation 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538D, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°14' N., long. 115°44' W.; to lat. 34°17' N., long. 115°40' W.; to lat. 34°22' N., long. 115°35' W.; to lat. 34°43' N., long. 115°27' W.; to lat. 34°43' N., long. 116°26' W.; to lat. 34°34' N., long. 116°35' W.; to lat. 34°14' N., long. 116°19' W.; to point of beginning.

Designated altitudes. 500 feet AGL to FL 500.

Time of designation 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538E, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°03' N., long. 116°11' W.; to lat. 34°08' N., long. 115°53' W.; to lat. 34°14' N., long. 115°44' W.; to lat. 34°14' N., long. 116°19' W.; to point of beginning.

Designated altitudes. 2,000 feet AGL to 17,000 feet MSL.

Time of designation 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538F, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 36°01' N., long. 116°13' W.; to lat. 36°28' N., long. 115°26' W.; thence NW along boundary of R-4806; to lat. 36°41' N., long. 115°55' W.; to lat. 36°21' N., long. 116°32' W.; to point of beginning.

Designated altitudes. 14,000 feet MSL to 15,000 feet MSL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538G, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 36°53' N., long. 117°01' W.; to lat. 37°03' N., long. 116°43' W.; to lat. 37°20' N., long. 116°59' W.; to lat. 37°12' N., long. 117°20' W.; to point of beginning.

Designated altitudes. FL 210 to FL 220.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538H, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 36°53' N., long. 117°01' W.; to lat. 37°03' N., long. 116°43' W.; to lat. 37°20' N., long. 116°59' W.; to lat. 37°12' N., long. 117°20' W.; to point of beginning.

Designated altitudes. 100 feet AGL to 2,000 feet AGL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on February 2, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-3171 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 22580; Amdt. No. 1209]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

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

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

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

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship

between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

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

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

... *Effective March 18, 1982*

Texarkana, AR—Texarkana Muni-Webb Fld, VOR Rwy 13, Amdt. 12
 Stockton, CA—Stockton Metropolitan, VOR Rwy 29R, Amdt. 16
 Honolulu, HI—Honolulu Intl, VOR or TACAN Rwy 8L, Amdt. 16
 Honolulu, HI—Honolulu Intl, VOR or TACAN Rwy 8R, Amdt. 3
 Evansville, IN—Evansville Dress Regional, VOR Rwy 4, Amdt. 3
 Pocahontas, IA—Pocahontas Muni, VOR/DME Rwy 29, Amdt. 2
 Northampton, MA—LaFleur, VOR-A, Amdt. 4, cancelled
 Minneapolis, MN—Flying Cloud, VOR Rwy 36, Amdt. 8
 Natchez, MS—Hardy-Anders Field Natchez-Adams County, VOR Rwy 17, Amdt. 8
 Ozark, MO—Air Park South, VOR Rwy 17, Amdt. 2
 Charlotte, NC—Douglas Muni, VOR Rwy 5, Amdt. 8
 Charlotte, NC—Douglas Muni, VOR/DME Rwy 18R, Amdt. 2
 Charlotte, NC—Douglas Muni, VOR Rwy 36L, Amdt. 1
 Charlotte, NC—Douglas Muni, VOR Rwy 36R, Amdt. 1
 Gastonia, NC—Gastonia Muni, VOR/DME-A, Original
 Akron, OH—Akron-Canton Regional, VOR Rwy 23, Amdt. 4
 Cincinnati, OH—Cincinnati-Blue Ash, VOR Rwy 6, Amdt. 2
 Cincinnati, OH—Cincinnati-Blue Ash, VOR Rwy 24, Amdt. 2
 Aguadilla, PR—Borinquen, VOR or TACAN Rwy 8, Amdt. 2
 Mayaguez, PR—Mayaguez Airfield, VOR Rwy 8, Amdt. 7
 Ponce, PR—Mercedita, VOR Rwy 29, Amdt. 7
 San Juan, PR—Puerto Rico Intl, VOR Rwy 7/10, Amdt. 8
 San Juan, PR—Puerto Rico Intl, VOR Rwy 25, Amdt. 17

... *Effective February 18, 1982*

Westerly, RI—Westerly State, VOR-A, Amdt. 7

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

... *Effective March 18, 1982*

Anchorage, AK—Anchorage Intl, LOC Rwy 6L, Amdt. 5
 Texarkana, AR—Texarkana Muni-Webb Fld, LOC BC Rwy 4, Amdt. 7
 Clinton, IA—Clinton Muni, LOC Rwy 3, Original
 International Falls, MN—Falls Intl, LOC BC Rwy 13, Amdt. 6
 Natchez, MS—Hardy-Anders Field Natchez-Adams County, LOC Rwy 17, Amdt. 2
 Charlotte, NC—Douglas Muni, LOC/DME BC Rwy 23, Amdt. 1
 Akron, OH—Akron-Canton Regional, LOC BC Rwy 19, Amdt. 8, cancelled
 St. Louis, MO—Lambert-St. Louis Intl, LOC Rwy 12L, Original

... *Effective March 4, 1982*

Brainerd, MN—Brainerd-Crow Wing Co/Walter F. Wieland Fld, LOC Rwy 23, Original

... *Effective February 18, 1982*

Davenport, IA—Davenport Muni, LOC Rwy 15, Original
 Westerly, RI—Westerly State, LOC Rwy 7, Original

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

... *Effective March 18, 1982*

Anchorage, AK—Anchorage Intl, NDB Rwy 6R, Amdt. 5
 Point Hope, AK—Point Hope, NDB Rwy 1, Original
 Point Hope, AK—Point Hope, NDB Rwy 19, Original
 Texarkana, AR—Texarkana Muni-Webb Fld, NDB Rwy 22, Amdt. 8
 Stockton, CA—Stockton Metropolitan, NDB Rwy 29R, Amdt. 13
 Americus, GA—Souther Field, NDB Rwy 22, Amdt. 6
 Evansville, IN—Evansville Dress Regional, NDB Rwy 22, Amdt. 11
 Clinton, IA—Clinton Muni, NDB Rwy 3, Original
 Clinton, IA—Clinton Muni, NDB Rwy 3, Amdt. 1, Cancelled
 Pocahontas, IA—Pocahontas Muni, NDB Rwy 11, Amdt. 3
 West Branch, MI—West Branch Community, NDB Rwy 27, Amdt. 4
 Natchez, MS—Hardy-Anders Field Natchez-Adams County, NDB Rwy 17, Amdt. 2
 Charlotte, NC—Douglas Muni, NDB Rwy 5, Amdt. 25
 Charlotte, NC—Douglas Muni, NDB Rwy 23, Amdt. 1
 Circleville, OH—Pickaway County Memorial, NDB Rwy 18, Amdt. 2
 Wilmington, OH—Airborne Airpark, NDB Rwy 22, Amdt. 4
 San Juan, PR—Puerto Rico Intl, NDB Rwy 7, Amdt. 6
 San Juan, PR—Puerto Rico Intl, NDB Rwy 10, Amdt. 5

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

Effective March 18, 1982

- Anchorage, Ak—Anchorage Intl, ILS Rwy 6R, Amdt. 6
 Texarkana, AR—Texarkana Muni-Webb Fld, ILS Rwy 22, Amdt. 10
 Stockton, CA—Stockton Metropolitan, ILS Rwy 29R, Amdt. 17
 Honolulu, HI—Honolulu Intl, ILS Rwy 8L, Amdt. 15
 Evansville, IN—Evansville Dress Regional, ILS Rwy 4, Original
 Evansville, IN—Evansville Dress Regional, ILS Rwy 22, Amdt. 19
 Frederick, MD—Frederick Muni, ILS Rwy 23, Amdt. 1
 Nantucket, MA—Nantucket Memorial, ILS Rwy 24, Amdt. 10
 Charlotte, NC—Douglas Muni, ILS Rwy 5, Amdt. 28
 Charlotte, NC—Douglas Muni, ILS Rwy 18R, Amdt. 1
 Charlotte, NC—Douglas Muni, ILS Rwy 36L, Amdt. 3
 Akron, OH—Akron-Canton Regional, ILS Rwy 1, Amdt. 30
 Akron, OH—Akron-Canton Regional, ILS Rwy 19, Original
 Akron, OH—Akron-Canton Regional, ILS Rwy 23, Amdt. 3
 Wilmington, OH—Airborne Airpark, ILS Rwy 22, Original
 San Juan, PR—Puerto Rico Intl, ILS Rwy 7, Amdt. 12
 San Juan, PR—Puerto Rico Intl, ILS Rwy 10, Amdt. 3

Effective January 26, 1982

- Lancaster, PA—Lancaster, ILS Rwy 8, Amdt. 7

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

Effective March 18, 1982

- Anchorage, AK—Anchorage Intl, RADAR-1, Amdt. 8
 Evansville, IN—Evansville Dress Regional, RADAR-1, Amdt. 4
 Charlotte, NC—Douglas Muni, RADAR-1, Amdt. 15
 Akron, OH—Akron-Canton Regional, RADAR-1, Amdt. 14
 San Juan, PR—Puerto Rico Intl, RADAR-1, Amdt. 2
 Spokane, WA—Felts Field, RADAR-1, Amdt. 2, cancelled
 Spokane, WA—Spokane Intl, RADAR-1, Amdt. 11, cancelled

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

Effective March 18, 1982

- Evansville, IN—Evansville Dress Regional, RNAV Rwy 4, Amdt. 6
 Jamestown, NY—Chautauqua County, RNAV Rwy 13, Original
 Jamestown, NY—Chautauqua County, RNAV Rwy 31, Original
 Gastonia, NC—Gastonia Muni, RNAV Rwy 3, Amdt. 2
 San Juan, PR—Puerto Rico Intl, RNAV Rwy 10, Amdt. 7

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a),

1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1981.

Issued in Washington, D.C. on January 29, 1982.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 82-2985 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 301 and 304

[T.D. 7808]

Collection of Past-Due Support From Federal Tax Refunds

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations; final regulations.

SUMMARY: This document contains temporary regulations and certain final regulations on procedure and administration relating to the collection of past-due support from Federal tax refunds. Changes to the law were made by the Omnibus Budget Reconciliation Act of 1981. These regulations affect all taxpayers who are owed refunds for a taxable year and who are liable for past-due support. In addition, the text of the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register**.

DATE: These temporary and final regulations are effective October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Susan K. Thompson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution, NW.,

Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-3294.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations on procedure and administration relating to the collection of past-due support from Federal tax refunds under section 464 of Part D of Title IV of the Social Security Act and section 6402(c) of the Internal Revenue Code of 1954, as added by section 2331(a) of Title 13 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, 95 Stat. 357). Also contained in this document are final regulations on procedure and administration conforming the regulations to certain changes made to section 6305 of the Internal Revenue Code of 1954. Section 6305 incorporates by reference section 452(b) of the Social Security Act. That Act was amended by section 2332 (b) and (g) of the Omnibus Budget Reconciliation Act of 1981 to include within the collection procedures provided for in section 6305 child and spousal support obligations and obligations for support fixed by order of a State administrative process (as well as those determined by court order). Further, a new Part 304, Temporary Regulations under Title 13 of the Omnibus Budget Reconciliation Act of 1981, is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

Explanation of Provisions

Under new section 6402(c), the Secretary of the Treasury is required to offset amounts of past-due support from the amount of any overpayment to be refunded to a taxpayer who owes this support.

The term "past-due support" is defined in the regulations as the amount of a delinquency, determined under a court order or an order of an administrative process established under State law, for support and maintenance of a child or of a child and the parent with whom the child is living. Only amounts of support that are \$150.00 or greater, that are at least three months delinquent, and that have been assigned to a State under section 402(a)(26) of the Social Security Act (as a condition for eligibility for aid and service to needy families with children) are eligible for this new offset procedure.

The regulations provide that a State to which this support has been assigned

under the Social Security Act shall notify the Department of Health and Human Services, Office of Child Support Enforcement of the amount of past-due support, the name and social security number of the parent owing the support, and the alphabetical designation of the State submitting the notification. The Office of Child Support Enforcement will consolidate this information and transmit it to the Internal Revenue Service on behalf of the participating States.

The Internal Revenue Service will determine whether an overpayment exists against which the past-due support may be offset and will make the offset after a crediting of the overpayment to any outstanding existing liability for any tax owed by the person making the overpayment. The Internal Revenue Service will notify the taxpayer of the amount and date of the offset, and of the State which submitted the notification of liability for past-due support.

Monies collected by offset will be transferred to a special account maintained by the Bureau of Government Financial Operations and, after authorization of the Division of Finance of the Social Security Administration, will be transmitted to the States. The Office of Child Support Enforcement will be notified of the name and social security number of the taxpayer from whom the past-due support was collected, the amount and date of the offset, and the State which submitted the notification of liability for past-due support for that taxpayer. Although section 464(a) of the Social Security Act also requires the Internal Revenue Service to notify the participating States of the home addresses of the taxpayers from whom the past-due support was collected, the Office of Child Support Enforcement has agreed to obtain these addresses on behalf of the States through its Parent Locator Service. Thus, the regulations do not make separate provision for the transmittal of these addresses.

Evaluation of the effectiveness of these regulations will be based on comments received from officers within the Treasury and the Internal Revenue Service, other governmental agencies, and the public.

Waiver of Procedural Requirements of Treasury Directive

There is need for expeditious adoption of the provisions contained in this document because of the need for immediate guidance to States submitting notifications of liability for past-due support by October 1, 1981. For this reason, Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of Treasury Directive 50.04F for improving government regulations must be waived.

Drafting Information

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

Adoption of Amendments to the Regulations

Accordingly, a new Part 304, Temporary Regulations under Title 13 of the Omnibus Budget Reconciliation Act of 1981 is added to Title 26 of the Code of Federal Regulations, and the following changes to Part 301 are adopted:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. Section 301.6305-1 is amended by revising paragraphs (a), (b) (1) and (2), (b)(6) and (c)(4) and by adding paragraph (b)(4)(iii) to read as follows:

§ 301.6305-1 Assessment and collection of certain liability.

(a) *Scope.* Section 6305(a) requires the Secretary of the Treasury or his delegate to assess and collect amounts which have been certified by the Secretary of Health and Human Services as the amount of a delinquency determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a child or of a child and the parent with whom the child is living. These amounts, referred to as "child and spousal support", are to be collected in the same manner and with the same powers exercised by the Secretary of the Treasury or his delegate in the collection of an employment tax which would be jeopardized by delay. However, where the assessment is the first assessment against an individual for a delinquency described in this paragraph for a particular individual or individuals, the collection is to be stayed for a period of 60 days following notice and demand. In addition, no interest or penalties (with the exception of the penalties imposed by sections 6332(c)(2) and 6657) shall be assessed or collected on the amounts, paragraphs (4), (6) and (8) of section 6334(a) (relating to property exempt from levy)

shall not apply; and, there shall be exempt from levy so much of the salary, wages, or other income of the individual which is subject to garnishment pursuant to a judgment entered by a court for the support of his or her minor children. Section 6305(b) provides that sole jurisdiction for any action brought to restrain or review assessment and collection of the certified amounts shall be in a State court or a State administrative agency.

(b) *Assessment and collection—(1) General rule.* Upon receipt of a certification or recertification from the Secretary of Health and Human Services or his delegate under section 452(b) of Title IV of the Social Security Act as amended (relating to collection of child and spousal support obligations with respect to an individual), the district director or his delegate shall assess and collect the certified amount (or recertified amount). Except as provided in paragraph (c) of this section, the amount so certified shall be assessed and collected in the same manner, with the same powers, and subject to the same limitations as if the amount were an employment tax the collection of which would be jeopardized by delay. However, the provisions of subtitle F with respect to assessment and collection of taxes shall not apply with respect to assessment and collection of a certified amount where such provisions are clearly inappropriate to, and incompatible with, the collection of certified amounts generally. For example, section 6861(g) which allows the Secretary or his delegate to abate a jeopardy assessment if he finds a jeopardy does not exist will not apply.

(2) *Method of assessment.* An assessment officer appointed by the district director pursuant to § 301.6203-1 to make assessments of tax shall also make assessments of certified amounts. The assessment of a certified amount shall be made by the assessment officer signing the summary record of assessment. The date of assessment is the date the summary record is signed by the assessment officer. The summary record, through supporting records as necessary, shall provide—

- (i) The assessed amount;
- (ii) The name, social security number, and last known address of the individual owing the assessed amount;
- (iii) A designation of the assessed amount as a certified amount, together with the date on which the amount was certified and the name, position, and governmental address of the officer of the Department of Health and Human Services who certified the amount;

(iv) The period to which the child and spousal support obligation represented by the certified amount relates;

(v) The State in which was entered the court or administrative order giving rise to the child and spousal support obligation represented by the certified amount;

(vi) The name of the person or persons to whom the child and spousal support obligation represented by the certified amount is owed; and

(vii) The name of the child or children or the parent of the child or children for whose benefit the child and spousal support obligation exists.

Upon request, the individual assessed shall be furnished a copy of pertinent parts of this assessment which set forth the information listed in subdivision (i) through (vii) of this paragraph (b)(2).

(4) *Method of collection.* * * *

(iii) The district director or his delegate may offset the amount of any overpayment of any internal revenue tax (as described in section 301.6401-1) to be refunded to the person making the overpayment by the amount of any past-due support (as defined in the regulations under section 6402) owed by the person making the overpayment. The amounts offset under section 6402(c) may be amounts of child and spousal support certified (or recertified) for collection under section 6305 and this section or they may be amounts of past-due support of which the Secretary of the Treasury has been notified under section 6402(c) and the regulations under that section.

(6) *Disposition of certified amounts collected.* Any certified amount collected shall be deposited in the general fund of the United States, and the officer of the Department of Health and Human Services who certified the amount shall be promptly notified of its collection. There shall be established in the Treasury, pursuant to section 452 of Title IV of the Social Security Act as amended, a revolving fund which shall be available to the Secretary of Health and Human Services or his delegate, without fiscal year limitation, for distribution to the States in accordance with the provisions of section 457 of the Act. Section 452(c)(2) of the Act appropriates to this revolving fund out of any monies not otherwise appropriated, amounts equal to the certified amounts collected under this paragraph reduced by the amounts credited or refunded as overpayments of the certified amounts so collected. The certified amounts deposited shall be transferred at least quarterly from the

general fund of the Treasury to the revolving fund on the basis of estimates made by the Secretary of the Treasury or his delegate. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred. See, however, paragraph (c)(1) of this section for the special rule requiring retention in the general fund of certain penalties which may be collected.

(c) *Additional limitations and conditions.* * * *

(4) *First assessment.* In the case of a first assessment against an individual for a certified amount in whole or part for the benefit of a particular child or children or the child or children and their parent, the collection of the certified amount shall be stayed for the period of 60 days immediately following notice and demand as described in section 6303. However, no other stay of the collection of a certified amount may be granted. Thus, the provisions of section 6863(a), relating to bonds to stay collection of jeopardy assessments, shall not apply to the collection of certified amounts.

Par. 2. Section 301.6402-1 is revised to read as follows:

§ 301.6402-1 *Authority to make credits or refunds.*

The Commissioner, within the applicable period of limitations, may credit any overpayment of tax, including interest thereon, against any outstanding liability for any tax (or for any interest, additional amount, addition to the tax, or assessable penalty) owed by the person making the overpayment and the balance, if any, shall be refunded, subject to section 6402(c) and the regulations thereunder, to that person by the Commissioner.

Par. 3. Section 301.6402-3(a)(6) is revised to read as follows:

§ 301.6402-3 *Special rules applicable to income tax.*

(a) * * *
(6) Notwithstanding paragraph (a)(5) of this section, the Commissioner, within the applicable period of limitations, may credit any overpayment of individual, fiduciary, or corporation income tax, against any outstanding liability for any tax (or for any interest, additional amount, additions to the tax, or assessable penalty) owed by the taxpayer making the overpayment. After crediting an overpayment of tax by an individual taxpayer against any outstanding liability for any tax or other amount described in the preceding sentence, the Commissioner shall offset

the balance, if any, of the overpayment by amounts of past-due support under procedures set forth in the regulations under section 6402(c). Only the balance, if any, of the overpayment remaining after credit against outstanding liability for tax or other amount and offset of past-due support shall be treated in the manner so elected.

Par. 4. A new Part 304 consisting of § 304.6402-1 is added to Title 26 of the Code of Federal Regulations:

PART 304—TEMPORARY REGULATIONS UNDER TITLE 13 OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1981

Sec.
304.6402-1 *Offset of past-due support against overpayments.*

Authority: 26 U.S.C. 7805, unless otherwise noted.

§ 304.6402-1 *Offset of past-due support against overpayments.*

(a) *Introduction—(1) Scope.* Section 6402(c) requires the Secretary of the Treasury or his delegate to reduce the amount of any overpayment to be refunded to a person making an overpayment by the amount of past-due support owed by that person of which the Secretary has been notified in accordance with section 464 of the Social Security Act. Past-due support shall be collected by offset under section 6402(c) and this section in the same manner as if it were a liability for tax imposed by the Internal Revenue Code of 1954 (except that a liability for tax shall be given priority with respect to offset arising under section 6402(a)). Collection by offset under section 6402(c) of this section is a collection procedure separate from the collection procedures provided by section 6305 and § 301.6305-1, relating to assessment and collection of certain child and spousal support liabilities. The sole collection procedure provided by section 6402(c) and this section is that of offset against overpayment. Section 6305 and § 301.6305-1, by contrast, provide for other collection procedures in addition to collection by offset against overpayment. Sections 6305 and 6402(c) have differing procedural requirements and may be used separately or in conjunction with each other.

(2) *General rule.* An amount of past-due support qualifies for offset under this section if it satisfies the requirements of paragraph (b) of this section. A State shall submit to the Department of Health and Human Services a notification of liability for qualifying past-due support containing

the information described in paragraph (c) of this section. A qualifying amount of past-due support owed by a taxpayer who has made an overpayment shall be collected in accordance with the procedures set forth in paragraph (d) of this section. Under paragraph (d), the balance of any overpayment remaining after crediting of the overpayment under section 6402(a) to any liability for an internal revenue tax on the part of the taxpayer shall be offset by the amount of past-due support of which the Internal Revenue Service has been notified. The amount of the overpayment not subject to offset for any liability for an internal revenue tax or for past-due support shall be promptly refunded to the taxpayer. Paragraph (e) of this section requires that the Internal Revenue Service notify the taxpayer of the amount of the offset and of the State to which it has been paid. Under procedures set forth in paragraph (f) of this section, amounts collected by offset shall be transferred to a special account maintained by the Bureau of Government Financial Operations for distribution to the States. The Internal Revenue Service shall make monthly collection reports to the Secretary of Health and Human Services or his delegate. The States shall reimburse the Secretary of the Treasury for the full cost of the refund offset under paragraph (g) of this section.

(b) *Past-due support*—(1) *Definition*. For purposes of this section, the term "past-due support" means the amount of a delinquency, determined under a court order, or an order pursuant to an administrative process established under State law, for support and maintenance of a child or of a child and the parent with whom the child is living.

(2) *Past-due support qualifying for offset*. Past-due support qualifies for offset under section 6402(c) and this section if—

(i) There has been an assignment of the support obligation to a State pursuant to section 402(a)(26) of the Social Security Act (relating to aid and service to needy families with children) and that State has made reasonable efforts to collect the amount of the obligation;

(ii) The amount of past-due support is not less than \$150.00;

(iii) The past-due support has been delinquent for three months or longer; and

(iv) A notification of liability for past-due support has been received by the Secretary of the Treasury as prescribed by paragraph (c) of this section.

(c) *Notification of liability for past-due support*—(1) *Form*. A State shall, by October 1 of each year, submit a notification (or notifications) of liability for past-due support on magnetic tape to the Special Collection Activities Unit,

Office of Child Support Enforcement, Department of Health and Human Services, 6110 Executive Boulevard, Suite 900, Rockville, Maryland 20852, Attention: Tax Refund Offset—Tape Processing.

(2) *Content*. The notification of liability for past-due support shall contain with respect to each taxpayer—

(i) The name of the taxpayer who owes the past-due support;

(ii) The social security number of that taxpayer;

(iii) The amount of past-due support owed; and

(iv) The alphabetical designation of the State submitting the notification of liability for past-due support.

The Secretary of Health and Human Services may also require such other information from the State submitting the notification as is necessary for his orderly consolidation of data for transmittal to the Internal Revenue Service.

(3) *Transmittal of notification to Internal Revenue Service*. The Secretary of Health and Human Services shall, by December 1 of each year, consolidate and transmit to the Internal Revenue Service on magnetic tape the data contained in the notifications of liability for past-due support submitted by the participating States.

(4) *Correction of notification*. If, after submitting a notification of liability for past-due support, a State determines that an error has been made with respect to the information contained in the notification, or if a State receives a payment or credits a payment to the account of a taxpayer named in this notification, the State shall promptly notify the Internal Revenue Service and the Internal Revenue Service shall make the appropriate correction of the notification of liability for past-due support. However, in no case shall a State notify the Internal Revenue Service under this paragraph (c)(4) of an increased amount of past-due support owed by a taxpayer named in its notification of liability for past-due support. The correction notification described in this paragraph (c)(4) is to be submitted only for the purpose of completing or correcting the information contained in the notification of liability for past-due support.

(d) *Collection*—(1) *Priority of offset for outstanding tax liability*. Under section 6402(a) and § 301.6402-1, the Commissioner may credit any overpayment of tax against any outstanding liability for any tax owed by the person making the overpayment. Only the balance remaining after such crediting is available for offset under section 6402(c) of this section. Thus, if a taxpayer making an overpayment has

both an outstanding tax liability and a liability for past-due support subject to this section, then the entire amount of the overpayment shall be credited first against the outstanding tax liability under section 6402(a) and § 301.6402-1 and only the remainder, if any, of the overpayment will be offset by the amount of past-due support. However, an overpayment shall be offset by an amount of past-due support under section 6402(c) before any crediting of the overpayment to any future liability for an internal revenue tax. Thus, for example, if no outstanding tax liability is owed and the amount of an overpayment is equal to or less than the amount of past-due support, the Internal Revenue Service shall offset the overpayment by the amount of past-due support before crediting the overpayment against the taxpayer's estimated income tax for the succeeding taxable year under section 6402(b).

(2) *Amounts subject to offset*. The balance of any overpayment remaining after a crediting of the overpayment under section 6402(a) to any outstanding liability for tax on the part of the taxpayer shall be offset by the amount of past-due support of which the Internal Revenue Service has been notified under this section.

(3) *Amounts not subject to offset*. The amount of an overpayment not subject to offset for any liability for tax or for past-due support shall be promptly refunded to the taxpayer.

(e) *Notice of offset*. The Internal Revenue Service shall notify the taxpayer in writing of the amount and date of the offset for past-due support and of the State to which this amount of past-due support has been paid.

(f) *Disposition of amounts collected*. Amounts collected under this section shall be transferred to a special account maintained by the Bureau of Government Financial Operations. The Internal Revenue Service shall advise the Secretary of Health and Human Services or his delegate on a monthly basis of the names and social security numbers of the taxpayers from whom the amounts of past-due support were collected, of the amounts collected from each taxpayer, and of the State on whose behalf each collection was made. After authorization by the Division of Finance of the Social Security Administration, the Bureau of Government Financial Operations of the Department of the Treasury shall pay to the participating States amounts equal to the amounts collected under this section.

(g) *Fee*. A refund offset fee in the amount of \$17.00 per offset for taxable year 1981, or such greater or smaller amount as the Secretary of the Treasury

and the Secretary of Health and Human Services have agreed to be sufficient to reimburse the Internal Revenue Service for the full cost of the offset procedure, shall be billed and collected from the participating States by the Secretary of Health and Human Services or his delegate and deposited in the United States Treasury and credited to the appropriation accounts of the Internal Revenue Service which bore all or part of the costs involved in making the collection.

There is need for immediate guidance with respect to the provisions contained in this Treasury decision because the States must submit notifications of liability for past-due support to the Department of Health and Human Services by October 1, 1981. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805); sec. 2332(a) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 357), amending sec. 464(a) of the Social Security Act (88 Stat. 2351))

Joseph T. Davis,

Acting Commissioner of Internal Revenue.

Approved: November 9, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

The Secretary of Health and Human Services
Washington, D.C., January 27, 1982.

Honorable Donald T. Regan,
Secretary of the Treasury,
Department of the Treasury,
Washington, D.C.

Dear Mr. Regan: I have reviewed the Internal Revenue Service regulations entitled "Collection of past-due support from Federal tax refunds". This letter constitutes my approval of those regulations as required by Section 2331 of P.L. 97-35, the Omnibus Budget Reconciliation Act of 1981.

Sincerely,

Richard S. Schweiker,

Secretary.

[FR Doc. 82-3299 Filed 2-3-82; 5:02 pm]

BILLING CODE 4830-01-M

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1602, 1605, 1609, 1618, 1621, 1624, 1627, 1630, 1633, 1636, 1639, 1642, 1645, 1651, and 1653

Deferment or Exemption From Military Service

Correction

In FR Doc. 82-2436, appearing at pages 4640-4665 in the issue for Monday, February 1, 1982, the amendatory language which appears in

the middle column of page 4643 should read as set forth below:

"32 CFR Chapter XVI is amended by revising Parts 1602, 1609, 1621, 1624, 1627 and 1630, and by adding new Parts 1605, 1618, 1633, 1636, 1639, 1642, 1645, 1648, 1651, 1653 and 1659 to read as set forth below:"

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Part 775

National Environmental Policy Act (NEPA); Amendment of Categorical Exclusions

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends four categorical exclusions in the Postal Service's National Environmental Policy Act (NEPA) regulations. These exclusions deal with (1) certain limited size new construction; (2) limited expansion or improvement of an existing facility; (3) purchase or lease of a limited size existing building; and (4) disposition of unimproved land. All of the exclusions were expanded because there was very little significant environmental impact in actions much more extensive than those excluded.

EFFECTIVE DATE: March 10, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Royal Rasmussen, (202) 245-4354.

SUPPLEMENTARY INFORMATION: On November 30, 1981, the Postal Service published for comment in the *Federal Register*, 46 FR 58097, proposed changes to 39 CFR 775.4(b) as described in the Summary. Interested persons were invited to submit written comments concerning the proposed changes by December 30, 1981. No such comments were received. Accordingly, the Postal Service hereby adopts, without change, the following revisions of title 39, Code of Federal Regulations:

PART 775—ENVIRONMENTAL PROCEDURES

In § 775.4, paragraphs (b)(1), (2), (3), and (5) are revised to read as follows:

§ 775.4 Typical classes of action.

* * * * *

(b) * * *

(1) New construction, including lease-construction, of 20,000, or less, net square feet.

(2) Expansion or improvement of an existing building where the gross square footage is not increased by more than forty percent, and the site size is not increased substantially.

(3) Purchase or lease of an existing building containing 50,000, or less, net

square feet of space where a new or substantially enlarged occupancy is not involved and purchase or lease of an existing building of any size that is currently occupied by the Postal Service where a substantially enlarged operation is not involved.

* * * * *

(5) Disposal of unimproved land.

* * * * *

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 82-3295 Filed 2-5-82; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-2037-1]

Approval of Revisions of the Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The State of Delaware has submitted amendments to its air pollution control regulations pertaining to permit procedures, control of open burning, and control of volatile organic compound (VOC) emissions from dry cleaning operations and automobile coating lines. The State requested that these amendments be reviewed and approved as revisions of the Delaware State Implementation Plan (SIP). EPA has reviewed the State's requests and finds them to be acceptable in accordance with the requirements of the Clean Air Act and 40 CFR Part 51. Therefore, EPA approves the requested revisions of the Delaware SIP.

EFFECTIVE DATE: These actions will be effective on April 9, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments on these revisions of the Delaware SIP.

ADDRESSES: Comments should be sent to Henry J. Sokolowski, P. E., Chief Maryland-Delaware-D.C. Metro Section, Air and Waste Management Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106. Attn.: AH013DE (Amendments to Regulations II, XIII); AH305DE (Amendments to Regulation XXIV).

Copies of Delaware's amendments of its regulations and accompanying support materials are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, 6th and Walnut Streets, Curtis Building, Philadelphia, PA 19106, Attn.: Harold A. Frankford (3AW12)

Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Tatnall Building, Capitol Complex, Dover, Delaware 19901, Attn.: Robert R. French

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., (Waterside Mall), Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT:

Mr. Harold A. Frankford, (3AW12), U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, 6th and Walnut Streets, Curtis Building, Philadelphia, PA 19106, Attn.: AH013/305DE, (215) 597-8392.

SUPPLEMENTARY INFORMATION: On September 22, 1981, the State of Delaware submitted amendments to its Regulations Governing the Control of Air Pollution and requested that they be reviewed and processed as revisions of the Delaware State Implementation Plan (SIP). These amendments are described as follows:

1. Amendment to Regulation II (Permits)

The amendment to Section 3.2 (Registration and Permits) would eliminate the requirement that the Department give notice of its written approval of air contaminant sources and instead, give notice of written approval to those who have submitted a written request for such notice. The State contends that adequate notice is given by the statutory requirement to advertise receipt of permit application and that such notice is mailed directly to interested parties. The State contends that the second notice that announces the issuance of the operating permit rarely produces any public response. However, the State maintains that public service is generated by the mailed notices, and therefore, this service should continue for those parties requesting such notice.

2. Amendment to Regulation XIII (Open Burning)

The amendment to Section 2.5 states that the Department of Natural Resources and Environmental Control will not approve an application for open burning within the municipality unless the municipality concurs with the approval and, where governing local

ordinances are in effect, certifies in writing to the Department that the open burning operation will not conflict with the existing local ordinances. In accordance with this amendment, Section 2.3 has also been amended to remove the general prohibition of open burning within the corporate boundaries of any municipality located south of the Chesapeake and Delaware Canal.

3. Amendments to Regulation XXIV

The State submitted two amendments to Regulation XXIV pertaining to control of volatile organic compound (VOC) emissions in New Castle County:

(a) An amendment to Section 13.2b which adds a requirement for determining compliance with the State regulation controlling dry cleaning emissions.

(b) Amendments to the chart referenced in Section 9.4 pertaining to control of VOC emissions from automobile coating lines. The amendments serve to correct erroneous schedule dates for prime coat/surfaces and topcoat operation by which certain increments of progress will be met.

Certification of Public Hearing

The State of Delaware certified that a public hearing was held in Dover on July 9, 1981 in accordance with the requirements of 40 CFR 51.4.

EPA Evaluation

EPA has reviewed the amendments in Regulations II, XIII, XXIV, and considers them to be approvable. With respect to amendments in Regulation II, EPA believes that the State affords adequate notice to the public by its requirements to announce receipt of permit application and provide notices of approval to those who submit a written request. The amendments to Regulation XIII are nonregulatory in nature, as open burning is not considered to be a control strategy for the control of total suspended particulates (TSP) emissions.

The amendments to Section 13.2b of Regulation XXIV are approvable as they reflect reasonably available control technology (RACT) for controlling VOC emissions from dry cleaning operations. The amendments to the chart (Table 2) referenced in Regulation XXIV, Section 9.4 are approvable as they serve to correct typographical errors contained in the SIP-approved version.

EPA Actions

In view of the above evaluation, EPA approves the above discussed amendments to the Delaware Regulations Governing the Control of Air Pollution as revision of the Delaware State Implementation Plan. At

the same time, 40 CFR 52.420 (Identification of Plan) of Subpart I (Delaware) is revised to reflect the Administrator's approval actions.

The public is advised that these actions will be effective 60 days from the publication date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the State's regulatory amendments, the appropriate action or actions will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the 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.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Delaware was approved by the Director of the Federal Register on July 1, 1981.

(42 U.S.C. 7401-642)

Dated: February 1, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52, Subpart I of the Code of Federal Regulations is amended to read as follows:

Subpart I—Delaware

1. In § 52.420, paragraphs (c)(26) and (c)(27) are added to read as follows:

§ 52.420 Identification of Plan.

(c) * * *
 (26) Amendments to Regulation II (Registration and Permits) and XIII (Open Burning) [non-regulatory] of the Delaware Regulations governing the Control of Air Pollution submitted on September 22, 1981 by the Secretary, Department of Natural Resources and Environmental Control.

(27) Amendments to Section 9.4 (Surface Coating operations) and 13.2 (Dry Cleaning) of Regulation XXIV (Control of Volatile Organic Compound Emissions) of the Delaware Regulations governing the Control of Air Pollution submitted on September 22, 1981 by the Secretary, Department of Natural Resources and Environmental Control.

[FR Doc. 82-3223 Filed 2-5-82; 8:45 am]

BILLING CODE 6560-38-M

ACTION

45 CFR Part 1206

Grants and Contracts Suspension and Termination and Denial of Application for Refunding

AGENCY: ACTION.

ACTION: Final rule.

SUMMARY: These are final regulations revising the rules and review procedures for the denial of a current recipient's application for refunding. Certain modifications and revisions have been made in response to comments and recommendations received from volunteers, program sponsors, members of Congress, and other members of the public. A recent review of the denial of refunding procedures indicated a need for revision in order to make them consistent with the new policy, fiscal and programmatic initiatives of the Agency.

DATE: This regulation shall take effect on March 25, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur F. Fergenson, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue, NW., Washington, D.C. 20525, (202) 254-3116, FTS, 254-3116.

SUPPLEMENTARY INFORMATION: The existing Denial of Application for Refunding regulation was published in 1974 pursuant to Sections 402, 412 and 420 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 *et seq.*).

On August 31, 1981 ACTION published for comment (46 FR 43707) proposed revisions to 45 CFR Part 1206, Subpart B. The public was invited to comment by September 30, 1981. The

comment period was extended at the request of interested members of Congress to allow for further review and comment.

The Agency has considered all comments received (without regard to a cut-off date) and has determined to adopt the proposed rule with modifications based on an analysis of the comments.

I. Description of the Regulation

This regulation establishes procedures for the denial of a current recipient's application for refunding. If, after review of a recipient's application for refunding, ACTION makes a tentative decision to deny the application, the recipient is provided with notice and an opportunity to submit written materials and to meet informally with an ACTION official. The reasons for the tentative decision must be stated in the notice from the Agency to the recipient. If the recipient requests an informal meeting it must address itself to the reasons set forth by the Agency.

Both the recipient and ACTION have a right to be represented by counsel or other authorized representatives in all proceedings under this subpart.

II. Discussion of Comments Received

A. Nature of Comments

The Agency received approximately forty letters containing numerous comments on the proposed rule published in the *Federal Register* on August 31, 1981. Of the letters, thirteen were received from members of Congress. One such letter was accompanied by a Memorandum from the Congressional Research Service. That memorandum will be addressed in a separate paragraph.

The vast majority of the comments raised objection to the provision in § 1206.2-1(b) which makes the denial of refunding procedures inapplicable to those VISTA projects which have been in existence for a period of at least three years. Concern was also expressed, in a number of the comments regarding the deletion of the provision for payment of attorney's fees and travel and per diem expenses for representatives of the sponsor to attend the informal meeting. The following is the Agency response to the substantive comments and the resulting modifications.

B. Response

1. In the VISTA Guidance Papers of September 10, 1979, 44 FR 52703, the prior Administration of ACTION/VISTA determined that all VISTA Projects at least three years old would no longer receive special consideration through

denial of refunding procedures, but would rather be remitted to the competitive status occupied by proposals for new projects. The prior Administration took this action without discussion, but we understand that behind that policy change may have been the notion that those projects which have been funded for three years should be expected by that time to achieve such success in fighting poverty that further support could be expected to be provided by sources within the local community. The expectation created by the 1979 policy in all VISTA projects thereafter entering into Memoranda of Agreement with ACTION was that alternative resources would be found within three years.

The policy of the prior Administration was never challenged to our knowledge, certainly not before this Administration, in what amounted to simply a recodification of the prior Administration's three-year rule, republished the policy as part of the regulations at issue. The Agency, under its new leadership, has considered the comments of those who have protested the three-year rule, and finds substantial reason to agree with them that the prior Administration acted wrongly in promulgating the policy; the 1979 Guidance Papers adoption of that rule is hereby repealed. The Agency has determined that all VISTA projects which are denied refunding will be offered an opportunity to show cause why an application for refunding should not be denied.

The Agency has added an exception for short-term VISTA extension requests. While applications for refunding of six months or longer call into play the underlying rationale for the informal hearing mechanism of this part, it is plain that extension requests for relatively short periods of time, to wit, under six months, do not. First, short extensions are sought most often for administrative reasons that frequently have nothing to do with the integrity or purpose of the project itself; for example, the period of service of VISTA volunteers assigned to a VISTA project may extend beyond the period covered by the memorandum of agreement which fixes the life of the project. While, in this example, the VISTA sponsor may wish to accommodate the VISTA volunteers by continuing the project for a few extra months, the VISTA volunteers are, it should be emphasized, the ultimate responsibility of ACTION, not the project sponsor. Administrative considerations, and the use of volunteer reassignment procedures, are matters for ACTION to be concerned with, not

the sponsor. Denial of refunding procedures are for the use of the sponsor to represent its, and the project's interests, not those of the VISTA volunteers.

It is, furthermore, the case that the denial of refunding procedures are meant for substantial proposals for continuation, which the sponsor should seek through the usual application for one-year refunding. Liberalizing the applicable period to six months is a reflection of the flexibility that ACTION believes ought to be shown to VISTA sponsors. Any further deviation from the evident purpose of the denial of refunding procedures, would amount to a virtual evaporation of the carefully developed procedures which are designed to protect not only the interests of the sponsor, but also those of the volunteers, the poor whom VISTA is to serve, and the taxpaying public. The enormous resources of ACTION that would have to be devoted to the essentially administrative determination involved in decisions whether to approve short-term extensions, would be diverted from the main purposes of VISTA, and would jeopardize VISTA's continued ability to properly administer VISTA projects and to serve ACTION's VISTA volunteers.

2. In those other instances where ACTION and a recipient agree, in advance, that a project should receive funding for not more than a predetermined number of years, there is no expectancy of continuation beyond that time on the part of either party. This is not a denial of refunding; it simply means that the agreed-upon time limit for the project has been reached. In effect, it is much like any contract where parties agree to perform a certain function by a certain date. This type of situation does not, in the opinion of the Agency, fit within the meaning of denial of refunding and thus does not require the agency to provide such recipient with a show cause informal meeting.

The Agency, in many instances, will fund demonstration or test projects to gather data and develop agency experience in a wide range of volunteer activities, or to deal with a specific time-bound problem in a particular community. Recipients of these limited grants understand from the inception of the projects that they are created to achieve specific goals within a specific time limit.

For instance, the Mini-Grant Program provides funds on a one-time, non-renewable basis for a project period not to exceed one year. Projects must have measurable goals achievable in a specified timeframe in order to qualify for these funds.

The Agency will continue to utilize such programs and projects in order to meet national needs and to achieve Agency goals. There is no justification for the comment that the Agency must provide an opportunity for recipients of these limited grants to show cause why an application for refunding should not be denied. The Agency will continue to make absolutely clear to the recipients of such grants that the grants are only for pre-established periods of time.

The report from the Congressional Research Service apparently urges an extremely narrow interpretation of Section 412 of the Domestic Volunteer Service Act of 1973. To read the section as a "seemingly absolute mandate for reasonable notice and opportunity to show cause why a refunding application should not be denied" would mean that there can be no exceptions to its provisions under any circumstances. This line of reasoning fails to consider the mini-grant and demonstration grant process as well as the existing statutory exception regarding the University Year for Action (UYA) Program and the effect on a project if the Governor of the State in which the project is located withdraws approval. The statute is not an absolute requirement that informal meetings be provided all disappointed renewal seekers and in the opinion of the Agency it was not so intended.

3. Two comments expressed the opinion that the Older American Volunteer Programs should be expressly excluded from this section. However, after careful review of the provision the Agency does not concur.

It is the Agency's intent that the local projects established under the Older American Volunteer Programs (other than specifically identified time-limited demonstration projects) be ongoing projects. Usually, those projects which have successfully achieved local and national goals and objectives and are in compliance with Agency Regulations and policies are renewed on an annual basis. In instances when there is an indication that projects have failed to meet agreed-upon goals and objectives and/or comply with Agency Regulations and policies, the proposed procedures provide safeguards for the Agency and the sponsor to protect the program integrity.

4. Several comments raised objection to the deletion of the provision for payment of attorney's fees and expenses and travel and per diem expenses from grant funds for a representative of the recipient to attend the informal meeting. Concern was expressed that there are a number of low budget organizations (Older American and VISTA) that would not have the funds necessary to

attend an informal meeting which may be scheduled far from the location of the project whose application for refunding has been denied.

Agency funds, in light of the need of all parts of Government to economize to make economic revitalization possible, are at a premium. Those funds that are available will be directed, to the greatest extent possible, to the volunteers and to the operation of the project; the payment of travel-related expenses and attorney's fees for denial of refunding informal meetings does not meet this paramount objective. As explained above, a denial of refunding preliminary decision is rare in the case of the Older Americans projects, the overwhelming number of which will never face the prospect of a denial of refunding at any time.

Recipients involved in denial of refunding proceedings retain the right to be represented by an attorney at the informal meeting; however, it is not economically feasible for the Agency to continue to pay attorney's fees.

Pursuant to Section 3(c)3 of E.O. 12291, entitled "Federal Regulation" the required review process has been completed by the Director of the Office of Management and Budget.

PART 1206—GRANTS AND CONTRACTS—SUSPENSION AND TERMINATION AND DENIAL OF APPLICATION FOR REFUNDING

Accordingly Subpart B of Part 1206 of Title 45 of the Code of Federal Regulations is revised to read as follows:

* * * * *

Subpart B—Denial of Application for Refunding

Sec.

- 1206.2-1 Applicability of this subpart.
- 1206.2-2 Purpose.
- 1206.2-3 Definitions.
- 1206.2-4 Procedures.
- 1206.2-5 Right to counsel.

Authority: Secs. 402(12), 412 and 420 of Pub. L. 93-113, 87 Stat. 394, 411 and 414.

Subpart B—Denial of Application for Refunding

§ 1206.2-1 Applicability of this subpart.

This subpart applies to grantees and contractors receiving financial assistance and to sponsors who receive volunteers under the Domestic Volunteer Service Act of 1973, as amended, 42 U.S.C. 4951 *et seq.* The procedures in this subpart do not apply to review of applications for the following:

- (a) University Year for ACTION projects which have received federal funds for five years;
- (b) Mini-grants;
- (c) Other projects for which specific time limits with respect to federal assistance are established in the original notice of grant award or other document providing assistance, where the specified time limit has been reached; and
- (d) VISTA project extensions of less than six months.

§ 1206.2-2 Purpose.

This subpart establishes rules and review procedures for the denial of a current recipient's application for refunding.

§ 1206.2-3 Definitions.

As used in this subpart—"ACTION," "Director," and "recipient" shall be defined in accordance with § 1206.1-3. "Financial assistance" and "assistance" include the services of volunteers supported in whole or in part with ACTION funds.

"Program account" means assistance provided by ACTION to support a particular program activity; for example, VISTA, Foster Grandparent Program, Senior Companion Program and Retired Senior Volunteer Program.

"Refunding" includes renewal of an application for the assignment of volunteers.

§ 1206.2-4 Procedures.

(a) The procedures set forth in paragraphs (b) through (f) of this section shall apply only where an application for refunding submitted by a current recipient is rejected or is reduced to 80 percent or less of the applied-for level of funding or the recipient's current level of operations, whichever is less. It is further a condition for application of these procedures that the rejection or reduction be based on circumstances related to the particular grant or contract. These procedures do not apply to reductions based on legislative requirements, or on general policy or in instances where, regardless of a recipient's current level of operations, its application for refunding is not reduced by 20 percent or more. The fact that the basis for rejecting an application may also be a basis for termination under subpart A of this part shall not prevent the use of this subpart to the exclusion of the procedures in subpart A.

(b) Before rejecting an application of a recipient for refunding ACTION shall notify the recipient of its intention and shall offer the recipient an opportunity to submit written material and to meet

informally with an ACTION official to show cause why its application for refunding should not be rejected or reduced. Written notification of ACTION's intention shall be sent to the recipient as far in advance of the end of the recipient's current program year or grant budget period as possible. The notice shall inform the recipient that a tentative decision has been made to reject or reduce an application for refunding. The notice shall state the reasons for the tentative decision to which the recipient shall address itself if it wishes to make a presentation, and notify the recipient of the date by which it must request an informal meeting.

(c) If the recipient requests an informal meeting with an ACTION official as described in paragraph (b) of this section, such a meeting shall be held on a date specified by ACTION. However, the meeting may not, without the consent of the recipient, be scheduled sooner than 14 days after ACTION has mailed the notice to the recipient or, in any event more than 21 days after the mailing of the notice. If the recipient requests an informal meeting the meeting shall be scheduled by ACTION as soon as possible after receipt of the request.

(d) The official who shall conduct this meeting shall be an ACTION official who is authorized to finally approve or make the grant of assistance in question, or his designee. The meeting shall be held in the city or county in which the recipient is located, in the appropriate Regional Office, or another appropriate location. Within the limits stated in the preceding sentence, the decision as to where the meeting shall be held will be made by ACTION.

(e) The recipient shall be informed of the final Agency decision on refunding and the basis for the decision, by the deciding official.

(f) If the recipient's budget period expires prior to the final decision by the deciding official, the recipient's authority to continue program operations shall be extended until such decision is made and communicated to the recipient. If a volunteer's term of service expires after receipt by a sponsor of a tentative decision not to refund a project, the period of service of the volunteer may be similarly extended. No volunteers may be reenrolled for a full 12-month term, or new volunteers enrolled for a period of service while a tentative decision not to refund is pending. If program operations are so extended, ACTION and the recipient shall provide, subject to the availability of funds, operating funds at the same levels as in the previous

budget period to continue program operations.

§ 1206.2-5 Right to counsel.

In all proceedings under this subpart, whether formal or informal, the recipient and ACTION shall have the right to be represented by counsel or other authorized representatives, at their own expense.

Signed at Washington, D.C., this 1st day of February 1982.

Thomas W. Pauken,
Director.

[FR Doc. 82-3189 Filed 2-5-82; 8:45 am]
BILLING CODE 6050-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 2, 42, 43, 44, 45, 46, 70, 71, 72, 73, 74, 90, 92, 93, 175, 177, 188, and 191

[CGD 80-120]

Revocation of Obsolete Load Line Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These rules revoke certain obsolete load line regulations, revise various authority citations, and make editorial corrections related to these actions. The load line regulations, 46 CFR Part 43, for merchant vessels on foreign and coastwise voyages, were superseded in 1968 when the Coast Guard issued new load line regulations (46 CFR Part 42) based on the International Load Line Convention, 1966, but were retained for vessels whose keels were laid before July 1, 1968. Since all vessels whose keels were laid since that date must comply with Part 42 and since, in 1973, the Congress repealed the authorizing statute, there is no need or authority to continue the older regulations. A vessel whose keel was laid before July 1, 1968 may retain its original load line assigned under Part 43, as long as that vessel is not significantly altered or has not been assigned a reduced freeboard.

EFFECTIVE DATE: These amendments are effective on March 10, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Frank K. Thompson, Merchant Marine Technical Division, Office of Merchant Marine Safety, Room 1216, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-2174.

SUPPLEMENTARY INFORMATION: Because this rule making revokes obsolete and superseded regulations and makes other nonsubstantive administrative and editorial amendments, the Coast Guard finds that notice and public procedure thereon are unnecessary and may be omitted under 5 U.S.C. 553(b)(3)(B).

Discussion of Part 43 Revocation

The origin of this statutory requirement dates back to the 19th century. The natural interest of ship owners to maximize revenue led them frequently to load vessels to a point beyond safety. As a result, the greater the weight of the vessel's load, the lower it would ride in the water, making it more vulnerable to heavy seas with the consequence that many seamen lost their lives.

This led to legislation in England which required ships to inscribe on their sides marks showing the limits of safety for different seas and seasons. These marks are commonly known as "load lines." In 1929, the United States Congress passed a Foreign Voyage Load Line Act and in 1931, the U.S. acceded to the International Load Line Convention of 1930 (1930 Convention); establishing worldwide standards in this matter. Regulations for these were established in 46 CFR Part 43. In July 1968, a second convention on load lines went into force worldwide superseding the original convention. The 1966 Convention established new uniform rules with respect to the safe limits to which ships on international voyages may be loaded. Its intent was to bring international load line regulations into accord with modern ship construction developments and techniques. In some cases deeper loading of ships can now be safely permitted.

The International Voyage Load Line Act (Act), Pub. L. 93-115, 87 Stat. 418 (46 U.S.C. 86), repealed the law (46 U.S.C. 85a-85g) which authorizes Part 43 and substituted the changes required by the 1966 Convention and its annexes.

The Act authorized 46 CFR Part 42 which required all vessels whose keels were laid after June 30, 1968 to comply with the new Part. Part 43 was temporarily retained during an official changeover period lasting till 1973. Old ships which had freeboards issued under Part 43 and which have not changed their freeboard or any items affecting freeboard are permitted to retain their existing freeboards. If these ships are significantly altered or if the owner wishes to obtain a reduced freeboard, Part 42 load lines will now be assigned.

Discussion of Authority Citation Change

Originally, the statutory authority for both 46 CFR Parts 42 and 43 came from the Load Line Act of 1929 (45 Stat. 1493; 46 U.S.C. 85-85g). In 1973, however, Congress enacted the International Voyage Load Line Act of 1973 (87 Stat. 418; 46 U.S.C. 86-86i) and repealed the 1929 Act. The authority notes in Part 42 and other citations and references to the 1929 Act throughout Title 46 have never been updated. The Coast Guard is correcting these references and citations to refer to the 1973 Act.

Section 42.03-10 has been further revised to clarify that the regulations in Part 42 apply to existing foreign vessels of 150 gross tons or over and new foreign vessels of 79 feet in length or more in accordance with the applicability of the International Voyage Load Line Act of 1973. (The 1929 Act applied to vessels of 150 gross tons or over only.)

Drafting Information

The principal persons involved in drafting these amendments are Mr. Frank K. Thompson, Project Manager, Office of Merchant Marine Safety, and Lt. Collin Lau, Project Counsel, Office of Chief Counsel.

Regulatory Evaluation

These rules have been evaluated under Department of Transportation Order 2100.5 "Policies and Procedures for Simplification, Analysis, and Review of Regulations" dated May 22, 1980, and Executive Order 12291 and have been determined to be not significant or major.

These rules revoke the obsolete load line regulations of Part 43 (Foreign and Coastwise Voyages by Existing Merchant Vessels). That part is being revoked because Part 42 (Domestic and Foreign Voyages by Sea) now supersedes Part 43. The rules clarify the applicability of Part 42 to new and existing foreign vessels.

Part 43 was retained in 1968 only on a transitional basis lasting until 1973. Since all vessels now fall under the regulations of Part 42, adopted in 1968, there is no need to continue the older regulations. Since the deletion of Part 43 and associated changes will be merely editorial, it will have no effect on the economy in terms of domestic or international competition, cost or price increases, employment, investment, productivity or innovation.

For the reasons stated above, the expected impact of this rule is so minimal that no final evaluation has been prepared.

Regulatory Flexibility Analysis

These amendments have been evaluated under the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1168) and are certified to have no significant impact on a substantial number of small entities. No significant impact was found because the amendments are of an administrative or editorial nature.

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations is amended as follows:

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

1. By revising the Authority Note of Part 42 to read as follows:

Authority: Sec. 2, 87 Stat. 418, (46 U.S.C. 86); Sec. 2, 49 Stat. 888 as amended, (Sec. 2, 76 Stat. 415, 46 U.S.C. 88a); 49 CFR 1.46(b).

2. By revising § 42.01-1 to read as follows:

§ 42.01-1 Authority for regulations.

The statutory authority to prescribe rules and regulations requiring certain vessels to have and display load line marks indicating the maximum amidship draft to which such vessels may be safely loaded and certification thereof by the assigning authority is in the International Voyage Load Line Act of 1973, as amended (46 U.S.C. 86-86i), and Coastwise Load Line Act of 1935, as amended (46 U.S.C. 88-88i).

§ 42.01-5 [Removed]

3. By removing § 42.01-5.
4. By revising § 42.01-10(b) to read as follows:

§ 42.01-10 Purpose of regulations.

(b) This subchapter sets forth the uniform minimum requirements for load line marks on various categories of vessels. It also sets forth requirements for surveys relating to the assignment of load lines, the issuing of load line certificates by authorized issuing authorities, and the carriage of load line certificates aboard vessels.

§ 42.03-1 [Removed]

5. By removing § 42.03-1.
5a. By revising paragraph (a)(1) and the first sentence of paragraph (b)(1)(ii) of § 42.03-5 to read as follows:

§ 42.03-5 U.S. flag vessels subject to the requirements of this subchapter.

(a) * * * (1) All U.S. flag vessels which engage in foreign voyages or international voyages by sea (other than

solely in Great Lakes voyages) are subject to this part; except the following:

- (i) Ships of war;
- (ii) New vessels of less than 79 feet in length;
- (iii) Existing vessels of less than 150 gross tons;
- (iv) Pleasure yachts not engaged in trade; and
- (v) Fishing vessels.

* * * * * (b) * * * (1) * * *

(ii) Vessels which are mechanically propelled and numbered by a State or the Coast Guard under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.) and not required by other laws to be inspected or certified by the U.S. Coast Guard (* * *).

6. By revising § 42.03-10 to read as follows:

§ 42.03-10 Foreign vessels subject to this subchapter.

(a) *General.* All existing foreign merchant vessels of 150 gross tons or over, and new foreign vessels of 79 feet in length or more, loading at or proceeding from any port or place within the jurisdiction of the United States or its possessions for a foreign voyage by sea, or arriving within the jurisdiction of the United States or its possessions from a foreign voyage by sea, in both cases the Great Lakes excepted, are subject to the International Load Line Act of 1973, as amended (46 U.S.C. 86-86i), and the regulations in this part applicable to such service. All foreign merchant vessels of 150 gross tons or over, loading at or proceeding from any port or place within the United States on the Great Lakes of North America, or arriving within the jurisdiction of the United States on the Great Lakes, are subject to the Coastwise Load Line Act of 1935, as amended (46 U.S.C. 88-88i) and the regulations in Part 45 of this subchapter applicable to such service.

(b) *Canadian vessels.* All vessels of Canadian registry and holding valid certificates issued pursuant to Canadian laws and regulations are assumed to be in compliance with the applicable provisions of the International Load Line Act of 1973, as amended (46 U.S.C. 86-86i) and the Coastwise Load Line Act of 1935, as amended (46 U.S.C. 88-88i), the International Convention on Load Lines, 1966, and the regulations in this subchapter.

(c) *Vessels of countries signatory to or adhering to the 1966 Convention.* The enforcement and control of load line requirements regarding vessels of countries signatory to or adhering to The International Convention on Load Lines,

1966, (the 1966 Convention) are as described in § 42.07-60 in this part, which is in accord with provisions of Article 21 of the 1966 Convention. Such vessels when holding currently valid certificates issued pursuant to the 1966 Convention, or recognized under such Convention, are assumed to be in compliance with the applicable provisions of such Convention. Such vessels are deemed to be in compliance with the load line requirements found to be equally effective as those established in this part and therefore in compliance with the applicable load line provisions of the International Load Line Act of 1973, as amended, the Coastwise Load Line Act of 1935, as amended, and the regulations in this part as authorized by such laws. Vessels engaged in navigation on the Great Lakes are subject to application of seasonal international marks as specified in Part 45 of this subchapter.

(d) *Vessels of countries not signatory to or adhering to the 1966 Convention.*

(1) Vessels of countries not signatory to or adhering to the 1966 Convention, when within the jurisdiction of the United States, shall be subject to the International Load Line Act of 1973, as amended, the Coastwise Load Line Act of 1935, as amended, and the regulations in this subchapter as authorized by such laws.

(2) Vessels of countries signatory to or adhering only to International Load Line Convention, London, 1930 (the 1930 Convention), and holding valid certificates issued under that Convention, are subject to the applicable law described in paragraph (a) of this section and the regulations prescribed thereunder in this subchapter.

§ 42.03-17 [Amended]

7. By removing paragraph (c) of § 42.03-17.

§ 42.05-30 [Amended]

8. By removing paragraphs (b) and (c) of § 42.05-30.

§ 42.05-50 [Amended]

9. By removing paragraphs (b) and (c) of § 42.05-50.

10. By revising paragraphs (e), (e)(2), and (f) of § 42.07-1 to read as follows:

§ 42.07-1 Load Lines required.

(e) Existing U.S.-flag vessels, as defined in § 42.05-30(a) of this chapter, engaged in international or coastwise voyages, may retain the load line assigned under previous regulations, provided:

(1) * * *

(2) The form of the load line certificate issued to and carried on board the vessel conforms to the requirements of Subpart 42.50 of this part or § 44.05-35 or § 46.10-30 of this chapter.

(f) This part applies to foreign vessels of countries—

(1) Signatory to or adhering to the 1966 Convention;

(2) Adhering to the 1930 Convention and not acceding to the 1966 Convention, or;

(3) Not adhering to either the 1930 Convention or the 1966 Convention but subject to the load line acts.

11. In § 42.07-45, by removing paragraphs (b)(1) and (b)(2) and revising paragraph (e)(2) to read as follows:

§ 42.07-45 Load Line certificates.

* * * * *

(b) * * *
(1) (Removed)
(2) (Removed)

* * * * *

(e) * * *
(2) Certificate issued to foreign vessels belonging to countries that have not ratified or acceded to the 1966 Convention as follows:

* * * * *

12. In § 42.07-50, by revising paragraphs (a), (b)(1), (b)(2), (b)(3), (c), and (d) to read as follows:

§ 42.07-50 Penalties for violations.

(a) The penalties for violation of various provisions of the load line acts or the regulations established thereunder are set forth in Title 46, United States Code, sections 86i and 88g. The Secretary of Transportation by 49 CFR 1.46(b) has transferred to the Commandant authority to assess, collect, remit or litigate any monetary penalty imposed under these laws.

(b) * * *
(1) Detain a vessel if deemed to be overloaded in violation of Title 46, United States Code, section 86g or 88c in accordance with section 86h or 88f, and have the vessel surveyed by three disinterested surveyors.

(2) Assess and collect applicable monetary penalties for certain violations as provided in Title 46, United States Code, sections 86i and 88g.

(3) Initiate a criminal prosecution for certain violations when required by Title 46, U.S. Code, section 86i or 88g.

* * * * *

(c) In determining offenses the provisions of Title 46, United States Code, sections 86i and 88g, both provide that "Each day a vessel is in violation of this act shall constitute a separate offense."

(d) The procedures governing the assessment, collection, remission and litigation of any monetary penalty proposed under Title 46, United States Code, section 86i or 88g for a violation of either load line law or the applicable regulations in this subchapter, as well as the appeal procedures to be allowed, are in 33 CFR Subpart 1.07.

13. By revising § 42.09-20(a)(i) to read as follows:

§ 42.09-20 Surveys of foreign vessels.

(a) * * *

(1) The vessel is exempted by the provision of section 8 of the International Load Line Act of 1973, as amended (46 U.S.C. 86f); or

14. By revising § 42.09-50(c) to read as follows:

§ 42.09-50 Repairs or alterations to vessel after it has been surveyed.

(c) An existing vessel, which had a load line assigned under previous regulations which undergoes repairs, alterations, or modifications of a major character, shall meet the requirements for a new vessel in this part insofar as the assigning and issuing authority and the Commandant deem reasonable and practicable.

15. By revising § 42.11-1(b) to read as follows:

§ 42.11-1 General.

(b) The Commandant is responsible for the administration of the load line acts, the 1966 Convention, other treaties regarding load lines, and the implementing regulations in this subchapter which include prescribed form and content of applicable load line certificates.

PART 43—FOREIGN AND COASTWISE VOYAGES BY EXISTING MERCHANT VESSELS [REMOVED]

16. By removing Part 43—Foreign and Coastwise Voyages by Existing Merchant Vessels.

17. By revising the heading and authority note of Part 44 to read as follows:

PART 44—VARIANCE FOR CERTAIN VESSELS

Authority: Sec. 2, 49 Stat. 888, as amended, (Sec. 2, 76 Stat. 415, 46 U.S.C. 88a); 49 CFR 1.46(b).

18. By revising § 44.05-10(a) to read as follows:

§ 44.05-10 Load line markings.

(a) The load line marks on the vessel's sides must be in accordance with § 42.13-25(a) of this subchapter, except seasonal markings such as "Winter North Atlantic" which are not applicable to the voyage are omitted.

PART 45—GREAT LAKES LOAD LINES

19. By revising the authority note following § 45.159 to read as follows:

§ 45.159 Special conditions of assignment for type A vessels.

(Sec. 2, 87 Stat. 418, (46 U.S.C. 86), Sec. 2, 40 Stat. 888 as amended (Sec. 2, 76 Stat. 415, 46 U.S.C. 88a), 49 CFR 1.46(b))

PART 46—SUBDIVISION LOAD LINE FOR PASSENGER VESSELS

20. By revising the authority note of Part 46 to read as follows:

Authority: Sec. 2, 87 Stat. 418, (46 U.S.C. 86); Sec. 2, 49 Stat. 888 as amended (Sec. 2, 76 Stat. 415, 46 U.S.C. 88a); Sec. 5, 49 Stat. 1384 (46 U.S.C. 369); R.S. 4490, 19 Stat. 252 (46 U.S.C. 482); 49 CFR 1.46(b).

21. By revising § 46.01-5(a) to read as follows:

§ 46.01-5 Authority.

(a) The regulations regarding subdivision and subdivision load lines interpret or apply Title 46, U.S. Code, sections 86, 88a, 363, 367, 369, 482, 483, and 1333, and Title 50, U.S. Code, section 198.

22. By revising § 46.01-15(d) to read as follows:

§ 46.01-15 Application of regulations.

(d) No foreign passenger vessel belonging to a country that has ratified or acceded to the applicable International Convention for Safety of Life at Sea shall arrive or depart from any port or place under the jurisdiction of the United States, and no foreign passenger vessel subject to the International Load Line Act of 1973 as amended (46 U.S.C. 86-86i) or the Coastwise Load Line Act of 1935, as amended (46 U.S.C. 88-88i), shall arrive or depart from any port or place under the jurisdiction of the United States, including ports on the Great Lakes, unless that vessel has been marked with subdivision load lines in accordance with the regulations in this Part and has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks.

23. By revising § 46.01-20(a) to read as follows:

§ 46.01-20 Penalties for violations.

(a) Penalties for violations of the regulations in this part by passenger vessels of the United States engaged in foreign voyages shall be in accordance with those laws which require the inspection and certification of the vessel. In addition, for passenger vessels subject to the International Load Line Act of 1973, as amended (46 U.S.C. 86-86i), or the Coastwise Load Line Act of 1935, as amended (46 U.S.C. 88-88i), which engage in voyages described in §§ 42.03-5, 42.03-10, or 45.01-1, the penalties for violations of the regulations in this part shall be those set forth in the load line act applicable to the vessel.

24. By revising § 46.10-30(d) to read as follows:

§ 46.10-30 Subdivision load line certificates.

(d) Annual inspections of passenger vessels shall be as required by § 42.09-40 and 46.10-15 of this subchapter and renewal of passenger vessels' load line certificates shall be as required by §§ 42.09-15 and 42.09-20.

PARTS 2, 70, 90, AND 188 [AMENDED]

25. In the following sections, by striking out the citation "46 U.S.C. 85a" and inserting in its place, the citation "46 U.S.C. 86":

- Section 2.85-1(b).
- Section 70.01-10(d).
- Section 70.01-10(e).
- Section 90.01-10(d).
- Section 188.01-10(a).

PARTS 2, 72, 73, 74, 92, 93, 175, 177, AND 191 [AMENDED]

26. In the authority notes of the following Parts, Subparts and sections, by striking out the citations "Sec. 2, 45 Stat. 1493" and "46 U.S.C. 85a" and inserting in their respective places the citations "Sec. 2, 87 Stat. 418", and "46 U.S.C. 86":

- Section 2.85-1.
- Section 72.40-1.
- Section 72.40-5.
- Section 72.40-90.
- PART 73—Watertight Subdivision.
- PART 74—Stability.
- Section 92.25-1.
- Section 92.25-5.
- Section 92.25-90.
- Part 93—Stability (incorrectly printed as 45 Stat. 1943).

k. Subpart 175.07—Load Lines.

l. Section 177.35-1.

m. Part 191—Subdivision and Stability.

Dated: January 28, 1982.

Clyde T. Lusk, Jr.,

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

[FR Doc. 82-2962 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21 and 22

[RM-3753]

Establish a New Filing Date for FCC Form 430

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission has granted requests made on behalf of licensees and permittees in the Domestic Public Fixed and the Public Land Mobile Radio Services to change the deadline for filing FCC Form 430 (Annual Common Carrier and Satellite Radio Licensee Qualification Report) from January 31 to March 31. Form 430 provides information concerning licensees' legal, financial and character qualifications. The present reporting date works a hardship upon licensees because the forms must be submitted so soon after the end of the reporting period. It also creates additional work for the staff because requests for extension of time filed by individual carriers must be processed.

EFFECTIVE DATE: March 11, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Terrence E. Reideler, (202) 632-6430.

SUPPLEMENTARY INFORMATION:

In re amendment of §§ 21.11(a)(2) and 22.11(a)(2) of the rules to establish a new filing date for FCC Form 430; RM-3753, proceeding terminated.

Report and Order

Adopted: January 27, 1982.

Released: February 2, 1982.

1. Blooston and Mordkofsky, a law firm which represents licensees and permittees in the Domestic Public Fixed Radio Services and the Public Mobile Radio Services, has filed a Petition for Rule Amendment requesting that §§ 21.11(a)(2) and 22.11(a)(2) of the Rules be amended to change the filing

deadline for the Commission's annual Common Carrier and Satellite Radio Licensee Qualification Report (FCC Form 430) from January 31 to March 31. No comments were submitted.

2. Petitioner states that the present January 31 filing date for FCC Form 430 works a hardship upon licensees in the affected services. Because the reports must cover the licensee's operations for the entire preceding year, it is impracticable to begin their preparation prior to January 1 due to the frequency of year-end assignments, transfers and mergers and of year-end change-overs in officers and directors. Moreover, following as it does immediately upon the disruptions of the holiday season, the month of January is an extremely busy time for common carrier and satellite radio licensees since their administrative and clerical staffs must devote substantial amounts of time to the preparation of tax, financial and other year-end reports. As a result, numerous common carrier and satellite radio licensees each year request extensions of time.

Discussion

3. We believe grant of the petition will serve the public interest. The Commission's primary interest lies in obtaining and assuring the currency of the information requested in FCC Form 430. We do not believe that there will be any loss to the public or inconvenience to the Commission if these reports are submitted by March 31 rather than by January 31. While we did not intend the present January 31 filing to work a hardship upon any of our common carrier radio licensees, experience has shown that a significant numbers of licensees do, in fact, seek extensions of time each year.¹ This imposes additional costs on the licensees and added processing burdens on our staff.²

4. Amending the Rules to extend the deadline for filing FCC Form 430 from January 31 to March 31 will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354). Indeed, no new recordkeeping, reporting or other requirements are imposed upon licensees. Instead they are afforded greater flexibility to adapt their needs to

¹ On January 13 and 20 of this year, the Mobile Services Division and the Domestic Facilities Division of the Common Carrier Bureau issued respective public notices extending the time for filing Form 430's for 1981 until March 1, 1982.

² Consideration of this petition has caused us to question whether there is a need for the annual filing of Form 430, in view of the obligation of licensees to keep the information on file current. We are initiating a separate proceeding proposing to dispense with the annual filing requirement.

the Commission's requirements. But the new deadline does not prevent a common carrier radio licensee from filing its annual report on or before January 31; therefore, a licensee is under no obligation to alter its annual reporting procedure. Accordingly, it is certified that sections 603 and 604 of the Regulatory Flexibility Act do not apply to this proceeding. See 5 U.S.C. 605(b).

5. Commission authority for adoption of Rule amendments contained herein is set forth in section 4 (i) and (j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Furthermore, because these Rule amendments merely extend an existing reporting deadline, the adoption of new §§ 21.11(a)(2) and 22.11(a)(2) relates solely to Commission procedure. Therefore, pursuant to the provisions of section 553(b)(A) of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), the Commission, without issuing a notice of proposed rulemaking, hereby amends §§ 21.11(a)(2) and 22.11(a)(2) of its rules, 47 CFR 21.11(a)(2) and 22.11(a)(2), to change the filing deadline for FCC Form 430 from January 31 to March 31 of each year.

6. Accordingly, it is ordered, that the Petition for rulemaking filed by the Law Offices of Blooston and Mordkofsky is granted.

7. It is further ordered, that, effective March 11, 1982, §§ 21.11(a)(2) and 22.11(a)(2), 47 CFR 21.11(a)(2) and 22.11(a)(2), are amended, as set forth in the attached Appendix.

8. It is further ordered, that the Secretary shall cause these amendments to be published in the Federal Register.

(Secs. 4, 303, 307, 48 Stat. as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 21 and 22 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 21—DOMESTIC PUBLIC RADIO SERVICES

1. In § 21.11 paragraph (a)(2) is revised to read as follows:

§ 21.11 Miscellaneous forms shared by all domestic public radio services.

(a) * * *

(2) Annually no later than March 31 for the end of the preceding calendar year by licensees or permittees (except for individual mobile subscribers to a common carrier service), if public

service was offered at any time during that calendar year.

* * * * *

PART 22—PUBLIC MOBILE RADIO SERVICES

2. In § 22.11 subparagraph (a)(2) is revised to read as follows:

§ 22.11 Miscellaneous forms shared by all domestic public radio services.

(a) * * *

(2) Annually no later than March 31 for the end of the preceding calendar year by licensees or permittees (except for individual mobile subscribers to a common carrier service), if public service was offered at any time during that calendar year.

* * * * *

[FR Doc. 82-3227 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 47, No. 26

Monday, February 8, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AGL-48]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near St. Jacob, Illinois, to accommodate a new instrument approach into Shafer Metro East Airport, St. Jacob, Illinois, established on the basis of a request from the Shafer Metro East Airport officials to provide that facility with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before February 27, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-48, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground

to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-48, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before February 27, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near St. Jacob, Illinois. Subpart G of Part 71 was published in the Federal Register on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

St. Jacob, Illinois

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Shafer Metro East Airport (latitude 38°43'55" N., longitude 89°48'17" W.), and within 1.75 miles each side of the VORTAC facility 090° radial, extending from the 5-mile radius to 6.5 miles east of the VORTAC.

(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)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on January 20, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-2984 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ANW-9]

Proposed Alteration VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter several airways in the Yakima, WA, area. We have agreed to support an International Civil Aviation Organization (ICAO) mandate to delete alternate airways from the National Airspace System (NAS) and this action supports that mandate.

DATE: Comments must be received on or before March 10, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest/Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANW-9, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, WA 98108.

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 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 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 persons may participate in the 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. 81-ANW-9." 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 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 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 docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of several airways in the vicinity of Yakima, WA. These changes are in conjunction with our agreement with ICAO to eliminate alternate airways from the NAS. This proposal supports that commitment. Section 71.123 of Part 71 was republished on January 2, 1981, (46 FR 409).

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 republished (46 FR 409) as follows:

1. *V-187 [Amended]*

By removing the words "Pasco, WA." and substituting the words "Pasco, WA; INT Pasco 321°T(300°M) and Ellensburg, WA, 107°T(086°M) radials; Ellensburg; INT Ellensburg 274°T(253°M) and McChord, WA, 096°T(075°M) radials; McChord; INT McChord 275°T(254°M) and Olympia, WA, 031°T(010°M); Olympia; to Astoria, OR."

2. *V-4 [Amended]*

By removing the words "Seattle; Yakima, WA; including a south alternate from Seattle to Yakima via INT Seattle 163° and McChord, WA, 096° radials and INT McChord 096° and Yakima 305° radials, excluding the airspace between the main and this alternate airway; Pendleton, OR; including a north alternate from Seattle via Ellensburg, WA; INT Ellensburg 107° and Pasco, WA, 321° radials; Pasco, to Pendleton; Baker, OR;" and substituting for them the words "Seattle, WA; Yakima, WA; Pendleton, OR; Baker, OR;"

3. *V-204 [Revised]*

"V-204 From Hoquiam, WA; Olympia, WA; INT Olympia 114°T(093°M) and Yakima, WA; 271°T(250°M) radials; Yakima; Pasco, WA; INT Pasco 035°T(014°M) and Spokane 221°T(200°M) radials; to Spokane."

4. *V-298 [Amended]*

By removing the words "to Yakima, INT Yakima 129° and Pasco, WA, 274° radials; Pasco;" and substituting for them the words "to Yakima; Pasco, WA;"

5. *V-112 [Amended]*

By deleting the words "From Astoria, OR," and substituting for them "From Hoquiam, WA; INT Hoquiam 182°T(161°M) and Astoria, OR, 309°T(288°M) radials; Astoria;" and by removing the words "Pendleton; 53 miles, 28 miles, 45 MSL, Spokane, WA, including a W alternate from Pendleton via Pasco, WA, 35 miles, 35 MSL INT Pasco 035° and Spokane 221° radials; 6 miles 35 MSL, to Spokane," and substituting for them the words "Pendleton; 53 miles, 28 miles, 45 MSL, Spokane, WA;"

6. *V-27 [Amended]*

By removing the words "Astoria, OR; Hoquiam, WA, including a west alternate via INT Astoria 309° and Hoquiam 182° radials; Seattle, WA, including an east alternate from Astoria to Seattle via Olympia, WA, and INT Olympia 010° and Seattle 249° radials," and substituting for them the words "Astoria, OR; Hoquiam, WA; Seattle, WA."

7. *V-444 [New]*

"V-444 From Walla Walla, WA; 22 miles, 48 miles, 45 MSL, to Spokane, WA."

8. *V-468 [New]*

"V-468 From Portland, OR, INT Portland 075°T(054°M) and Yakima, WA, 222°T(201°M) radials; Yakima; INT Yakima 305°T(284°M) and Ellensburg, WA, 191°T(170°M) radials; Ellensburg."

(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 January 29, 1982.

John W. Baier,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-3168 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 21727; Notice No. 82-2]

Flightcrew Requirements for Aircraft Certificated Under SFAR 41

Correction

In FR Doc. 82-2245 appearing at pages 4092-4094, in the issue of Thursday,

January 28, 1982, make the following changes:

1. On page 4093, 1st column, the first two lines should read: "Regulations relating to general operating and flight rules to allow certain operations of . . ."

2. On page 4093, in the 3rd column, the first word in the 2nd full paragraph which now reads "GMA", should read "GAMA".

3. On page 4093, in the 3rd column, 3rd full paragraph, 4th line, the last word which now reads "safety", should read "safely".

4. On page 4093, in the 3rd column, last paragraph, the second word in the 3rd line from the bottom which now reads "requiries" should read "requires".

5. On page 4094, 1st column, 5th line, the last word which now reads "safety", should read "safely".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[LR-189-81]

Collection of Past-Due Support From Federal Tax Refunds

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this *Federal Register*, the Internal Revenue Service is issuing temporary regulations on procedure and administration relating to the collection of past-due support from Federal tax refunds. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 9, 1982. The amendments are proposed to be effective as final regulations 30 days after their publication as final regulations in the *Federal Register*.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (LR-189-81).

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

SUPPLEMENTARY INFORMATION: Explanation

The temporary regulations in the Rules and Regulations portion of this issue of the *Federal Register* and a new Part 304 to Title 26 of the Code of Federal Regulations. The final regulations, which this document proposes to be based on the text of those temporary regulations, would be added to Part 301 of Title 26 of the Code of Federal Regulations as final regulations under section 6402 of the Internal Revenue Code of 1954. The temporary regulations implement section 6402 (c) of the Internal Revenue Code of 1954 which provides for the collection of past-due support by offset against Federal tax refunds. For the text of the temporary regulations, see FR Doc. 82-3299 published in the Rules and Regulations portion of this issue of the *Federal Register*. The preamble to the temporary regulations explains their provisions.

These regulations are proposed to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 7805; 68A Stat. 917) and section 2331(a) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, 95 Stat. 357) amending section 464 (a) of the Social Security Act (88 Stat. 2351).

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Notice of Proposed Rulemaking as it will not have a significant economic impact on a substantial number of small entities. The regulations impose recordkeeping duties only upon State agencies responsible for child and spousal support enforcement.

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *Federal Register*.

Drafting Information

The principal author of these regulations is Susan K. Thompson of the Legislation and Regulations Division of

the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Joseph T. Davis,

Acting Commissioner of Internal Revenue.

[FR Doc. 82-3300 Filed 2-3-82; 5:03 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining

Reclamation and Enforcement

30 CFR Parts 700, 701, 764, 770, 771, 779, 780, 783, 784, 785, 786, 788, 816, 817, 825 and 828

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Reopening of Comment Period

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; Reopening of comment period.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is reopening the comment period on the two-acre exemption rule, published at 47 FR 41, January 4, 1982, which closed on February 3, 1982. OSM is reopening the comment period in response to requests from members of the public.

DATE: The comment period will extend until 5:00 PM on February 16, 1982.

ADDRESSES: Comments may be mailed to: Administrative Record (R&I-03) Office of Surface Mining, Room 5315-L, South Interior Building, 1951 Constitution Avenue, NW., Washington, DC 20240.

Comments may be hand-carried to: Office of Surface Mining, Room 239, 1951 Constitution Avenue, NW., Washington, DC

Office of Surface Mining, Room 5315, 1100 L Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dean Hunt, (202) 343-4264.

Dated: February 3, 1982.

J. S. Griles,

Deputy Director, Office of Surface Mining.

[FR Doc. 82-3297 Filed 2-5-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81-099]

Drawbridge Operation Regulations;
Corte Madera Creek, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Marian Council, Inc., Boy Scouts of America, a yacht harbor, four mariners and 30 homeowners along Corte Madera Creek, the Coast Guard is considering changing the regulation governing the Northwestern Pacific Railroad bridge over Corte Madera Creek near Greenbrae, California, to require the bridge to remain open except for the passage of trains or rail maintenance equipment. The bridge is presently operated 14 hours a day, from May 1 through October 31 on Saturdays, Sundays, and holidays that are observed on Monday and Friday during this period, with 24 hours notice at all other times. This action is intended to meet the needs of increased waterway traffic.

DATE: Comments must be received on or before March 10, 1982.

ADDRESS: Comments should be submitted to and are available for examination from 7 a.m. to 4 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Twelfth Coast Guard District, 630 Sansome Street, Room 936, San Francisco, California 94126.

FOR FURTHER INFORMATION CONTACT: Rose E. Guerra, Bridge Administrator, at (415) 556-8668 or at the above address.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope. The Commander, Twelfth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Rose E. Guerra, Bridge Administrator, and Lieutenant Commander W. A. Cassels, Project Attorney, District Legal Office, Twelfth Coast Guard District.

Discussion of the Proposed Rule

The Corte Madera Creek railroad bridge is a low-level, hand operated, single-leaf bascule bridge built in 1924. It provides 9.7 feet vertical clearance when closed, and must open for the safe passage of many of the vessels moored upstream. The adjacent highway bridge is a fixed bridge providing 20.4 feet vertical clearance above MHW. Waterway traffic is recreational in nature. Until about one year ago, a commercial fishing vessel was moored upstream of the bridge and with increased access, it is possible that fishing vessel moorings will be reestablished. Riparian property upstream of the bridge is mostly residential, and many residents have docks and boats. Since the last change to the bridge regulation which increased service, a number of larger cabin cruiser type craft have been moored upstream of the bridge, and the owners of those vessels have made requests to the Coast Guard for better bridge service. The Northwestern Pacific Railroad Company proposed to abandon the line on which the bridge is located, in 1976; however, to date, the Interstate Commerce Commission has not authorized that abandonment. There is only one rail customer on the Corte Madera line, and there have been few if any rail movements during the past year. Due to the decline of traffic, the railroad company has been leaving the bridge open except for the passage of trains. The proposed regulation would make the current mode of operation mandatory.

Regulatory Evaluation

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, the impact of the proposed regulation is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that

this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE
OPERATION REGULATIONS

In consideration of the foregoing it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.712(e) to read as follows:

§ 117.712 Tributaries of San Francisco Bay
and San Pablo Bay, Calif.

* * * * *

(e) Corte Madera Creek, Northwestern Pacific railroad bridge near Greenbrae. The draw shall remain open except for the passage of trains or rail maintenance equipment.

* * * * *

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); Sec. 6(g)(2), Pub. L. 89-670; 80 Stat. 931, at 937, as amended (49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: January 26, 1982.

J. P. Stewart,

*Vice Admiral, U.S. Coast Guard Commander,
Twelfth Coast Guard District.*

[FR Doc. 82-3259 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 52

[A-1-FRL-2004-3]

Massachusetts Group II Volatile
Organic Compound Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this document is to announce EPA's proposed action on the July 21, 1981, submittal by Massachusetts of Regulations for surface coating of miscellaneous metal parts and products, graphic arts—rotogravure and flexography, dry cleaning systems perchloroethylene, and for petroleum liquid storage in external floating roof tanks. EPA is proposing to approve the regulations for surface coating of miscellaneous metal parts and products, graphic arts—rotogravure and flexography, and for dry cleaning systems perchloroethylene but to take no action on test methods and specialty printing for graphic arts—rotogravure and flexography, and test methods for dry cleaning systems perchloroethylene. EPA is also proposing to take no action at this time on the regulations for petroleum liquid storage in external

floating roof tanks. EPA's proposed approval of these regulations meet requirements of Part D of the Clean Air Act.

DATE: Comments must be received on or before March 10, 1982.

ADDRESSES: Comments should be sent to Harley F. Laing, Chief, Air Branch, Room 1903, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M. St., SW., Washington, D.C. 20460; and the Department of Environmental Quality Engineering, (DEQE), One Winter Street, Boston, Massachusetts 02108.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: In the September 16, 1980 final rulemaking notice (45 FR 61293), EPA approved the ozone portion of the Massachusetts Part D non-attainment plan and stated that submittal of additional Reasonably Available Control Technology (RACT) regulations for Control Technique Guideline (CTG) Group II categories for volatile organic compounds (VOC), published between January 1978 and January 1979, were required by January 1, 1981. The CTGs provide information to the states on available control techniques. The recommended emission limitations contained in the CTGs are a "presumptive norm"—that is, they are emission limitations which EPA believes may be attained by applying RACT. EPA acknowledges that what is RACT for a general source category may not be reasonably available for a particular source or even several sources within a source category. It is EPA policy to accept, as part of a state's VOC control strategy, emission limitations for particular sources or source categories which are different from the EPA-recommended numbers if such new emission limitations are based upon documented evaluations of what RACT is for each source or group of sources within the source category.

Public hearings were held on Regulations 310 CMR 7.18(11) surface coating of miscellaneous metal parts and products; (12) graphic arts—rotogravure and flexography; and (13) dry cleaning systems—

perchloroethylene, on December 1, 2, and 4, 1980. On July 21, 1981 the Massachusetts Department of Environmental Quality Engineering (DEQE) submitted these three regulations as SIP revisions and certified that there are no sources in Massachusetts for the four categories of synthesized pharmaceutical products, manufacture of pneumatic rubber tires, surface coating of flatwood paneling, and petroleum refinery equipment. DEQE also submitted an existing state Regulation, 310 CMR 7.02(12) for petroleum liquid storage in external floating roof tanks. For reasons discussed later in the Notice, Massachusetts did not submit a regulation for leaks from gasoline tank trucks and vapor recovery systems. EPA's evaluation and proposed action for each of the regulations submitted is discussed below.

A. Surface Coating of Miscellaneous Metal Parts and Products 310 CMR 7.18(11)

The surface coating of miscellaneous metal parts and products Regulation 310 CMR 7.18(11) is consistent with EPA guidance as referenced in the CTG: *Surface Coating of Miscellaneous Metal Parts and Products*, except that sources committed to achieving the emission limitations through the development of low/no solvent volatile organic compound (VOC) coatings may apply to the Department for an extended compliance date up to, but no later than December 31, 1985. EPA guidance allows a time extension for reformulation. (see Rhoads memo of April 25, 1980 "Compliance Schedules for Low Solvent Technology Programs for the Graphic Arts CTG Category" available at locations cited in the Addresses section of this Notice). Therefore, EPA is proposing to approve this regulation.

Proposed Action: EPA is proposing to approve Regulation 310 CMR 7.18(11).

B. Graphic Arts—Rotogravure and Flexography 310 CMR 7.18(12)

The graphic arts—rotogravure and flexography Regulation 310 CMR 7.18(12) is consistent with EPA guidance as referenced in the CTG: *Graphic Arts Rotogravure and Flexography*, except that it does not cover specialty printing and it does not contain methods for testing compliance. In an EPA policy memo of December 2, 1980, "RACT for Specialty Printing Operations" (available at locations cited in the Addresses section of this Notice) the states were asked to cover specialty printing, defined as, " * * * all gravure and flexographic operations which print a design or image, excluding publication

gravure and packaging printing" under either the paper and fabric regulation or the graphic arts regulation. Massachusetts Regulation 310 CMR 7.18(12) went to hearing before the above mentioned EPA policy memo was issued. EPA has discussed this issue with the state and the DEQE has agreed to cover specialty printing under the Graphic Arts Regulation. Therefore, EPA proposes to approve this regulation as it meets the requirements for control of graphic arts—rotogravure and flexography (except for testing methods), but to take no action on the control of specialty printing.

The Clean Air Act requires each State Implementation Plan (SIP) to contain EPA approved methods for testing compliance with SIP requirements. Additionally, when a state regulation lacks EPA test methods, EPA Regulation 40 CFR 51.12(c) states that EPA will use test methods as prescribed in 40 CFR Part 60 for compliance determination.

Massachusetts graphic arts—rotogravure and flexography regulation does not include EPA test methods for determining compliance, but DEQE has agreed to revise its SIP to require that EPA approved test methods be used. In the interim, EPA will use reference methods 24 and 25 as prescribed in Appendix A of 40 CFR Part 60, and as currently amended, for enforcement purposes. Therefore, EPA proposes to take no action on the test methods for graphic arts—rotogravure and flexography.

Proposed Action: EPA is proposing to: (1) Approve Regulation 310 CMR 7.18(12) for graphic arts—rotogravure and flexography, (2) take no action on test methods for graphic arts—rotogravure and flexography and, (3) take no action on the control of specialty printing.

C. Dry Cleaning Systems—Perchloroethylene 310 CMR 7.18(13)

The dry cleaning systems—perchloroethylene Regulation 310 CMR 7.18(13) is consistent with EPA guidance as referenced in the CTG: *Control of Volatile Organic Emissions from Perchloroethylene Dry Cleaning Systems* except that it does not contain test methods. The DEQE has agreed to revise its SIP to require that EPA test methods be used. For reasons discussed above, EPA proposes to approve this regulation, but to take no action on the test methods for dry cleaning systems—perchloroethylene. In the interim, EPA will use the test method described in section 6-1 to 6-4 of the above mentioned CTG and any other applicable EPA reference methods for enforcement purposes.

Although not a requirement for approval, EPA suggests that Massachusetts consider revising its emission limit from 100 ppmv of perchloroethylene to either a mileage rate of 5 pounds of VOC per 100 pounds of clothing cleaned or a percent reduction of at least 90 percent VOC reclaimed, averaged over the dryer exhaust cycle. This change would be consistent with EPA guidance, and it would expand the types of control options available to the industry to achieve compliance. If Regulation 310 CMR 7.18(13) is revised to include such changes, EPA proposes to approve the revision without further opportunity for public comment.

Proposed Action: EPA is proposing to: (1) Approve Regulation 310 CMR 7.18(13) and, (2) take no action on the test methods for dry cleaning systems-perchloroethylene.

D. Petroleum Liquid Storage in External Floating Roof Tanks 310 CMR 7.02(12)

The DEQE submitted its existing Regulation 310 CMR 7.02(12), Organic Material, Bulk Plants and Terminals Handling Organic Material for a petroleum liquid storage in external floating roof tanks regulation. This regulation is not consistent with EPA guidance as referenced in the CTG: *Control of Volatile Organic Emissions from Petroleum Liquid Storage External Floating Roof Tanks* because it does not require secondary seals, inspection of those seals, or a compliance date. Therefore, EPA will take no action pending Massachusetts' submittal of an approvable regulation for this source category, or federally enforceable permits for applicable sources.

Proposed Action: EPA is proposing to take no action at this time.

E. Leaks from Gasoline Tank Trucks and Vapor Collection Systems

Massachusetts did not submit a regulation for leaks from gasoline tank trucks and vapor collection systems. The Northeast States for Coordinated Air Use Management (NESCAUM), which includes the six states in Region I plus New York and New Jersey, have identified several problems associated with developing regulations in a highly urbanized area such as the Northeast where the states are small and where there is a significant amount of interstate transport of gasoline.

The problems include the need for regulatory consistency, the lack of resources, procedures for enforcing the program, the lack of readily available inventory of tank trucks, and self-certification for independents. NESCAUM believes that the solutions to

these problems should be consistent throughout the region and therefore the states are working collectively with EPA to develop a suitable control strategy which will be consistent nationwide.

Proposed Action: EPA is proposing to take no action on leaks from gasoline tank trucks and vapor collection systems at this time, and has made a commitment to continue to work with the NESCAUM states to develop satisfactory regulations.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes SIP approval under sections 110 and 172 within the terms of the January 27 certification. This action will impose no new requirements, and will only approve state-determined control levels.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore, subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because, if promulgated, it will only approve Massachusetts state actions enabling sources to meet state-determined control levels and will add no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of sections 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to section 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601 (a) and 7601 (a)).

Dated: November 6, 1981.

Leslie Carothers,
Acting Regional Administrator.

[FR Doc. 82-3331 Filed 2-5-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Parts 122, 123, 124, and 146

[WH-4-FRL-2044-3]

Florida Department of Environmental Regulations; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency has received a complete application from the Florida Department of Environmental Regulation requesting its approval for the Underground Injection Control program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary either to approve, disapprove, or approve in part and disapprove in part the application from the Florida Department of Environmental Regulation to regulate Classes I, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by March 8, 1982; Public Hearing will be held on March 18, 1982 9:00 a.m.-1:00 p.m. and 7:00 p.m.-9:00 p.m. Comments must be received by March 31, 1982. Should EPA not receive sufficient public comments or requests to present oral testimony by March 8, 1982, the Agency reserves the right to cancel the public hearing.

ADDRESSES: Comments and requests to testify may be mailed to Curtis Fehn, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia, 30365. Copies of the application and pertinent material are available between 9:00 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency,
Region IV, Library, 1st Floor, 345
Courtland Street, Atlanta, Georgia,
30365, (404) 881-3866
Florida Department of Environmental
Regulation, Twin Towers Office
Building, 2600 Blair Stone Road,
Tallahassee, Florida 32301, (904) 488-
3601.

The Hearing will be held at the Florida Department of Environmental Regulation Board Room, 7601 Highway 301, North, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Curtis Fehn, Ground Water Section, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia, 30365; (404) 881-3781.

SUPPLEMENTARY INFORMATION: This application from the Florida Department of Environmental Regulation is for the

regulation of all Class I, III, IV, and V injection wells in the State. The application includes a description of the State Underground Injection Control program, copies of all applicable regulations and forms, a statement of legal authority, and a memorandum of agreement between the Florida Department of Environmental Regulation and the Region IV office of the Environmental Protection Agency.

Dated: February 2, 1982.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 82-3230 Filed 2-5-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 123

[WH-6-FRL-2044-4]

Texas Railroad Commission; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the Texas Railroad Commission requesting approval of its Underground Injection Control program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the application from the Texas Railroad Commission to regulate oil and natural gas related injection wells; wells used for in situ combustion of fossil fuels or for the recovery of geothermal energy; and geothermal wells used for heating or aquaculture.

DATES: Requests to present oral testimony should be filed by March 4, 1982; the public hearing will be held on March 11, 1982, beginning at 10:00 a.m. The public comment period closes March 18, 1982. Comments must be received by that date.

ADDRESSES: Comments and requests to testify should be mailed to Ronald Van

Wyk, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270. Copies of the application and pertinent material are available between 8:30 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region 6, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767-7341

Texas Railroad Commission, Underground Injection Control Section, 1124 South Interstate Highway 35, Austin, Texas 78711 (512) 445-1373

The hearing will be held in the 29th Floor Conference Room, 1201 Elm Street, Dallas, Texas.

FOR FURTHER INFORMATION CONTACT:

Ronald Van Wyk, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2774.

SUPPLEMENTARY INFORMATION: This application from the Texas Railroad Commission is for the regulation of all oil and natural gas related injection wells, wells used for in situ combustion of fossil fuels or for recovery of geothermal energy, and geothermal wells used for heating or aquaculture in the State. The application includes a description of the State Underground Injection Control program, copies of all applicable rules and forms, a statement of legal authority and a memorandum of agreement between the Texas Railroad Commission and the Region 6, Office of the Environmental Protection Agency.

Dated: February 2, 1982.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 82-3238 Filed 2-5-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 251

Delay in Rulemaking for the National Defense Feature Communications Equipment Program

AGENCY: Maritime Administration, Maritime Subsidy Board, DOT.

ACTION: Delay in rulemaking action.

SUMMARY: The Maritime Administration published, with opportunity for public comment, an advance notice of proposed rulemaking in 46 FR 45164 (September 10, 1981). Rulemaking is with respect to implementing authority in

Pub. L. 96-387 to pay vessel operators, when funds become available, for the purchase and installation of communications equipment on existing U.S.-flag vessels found to be suitable for use by the United States Government in time of war or national emergencies. The purpose of this notice is to inform all interested parties that rulemaking action has been suspended until further notice due to the non-availability of funding.

FOR FURTHER INFORMATION CONTACT:

Mr. James C. McCoy, Jr., Manager Electronic Systems, Office of Ship Construction (Code MAR-721), Maritime Administration, 400 Seventh Street, SW, Washington, D.C. 20590, (202) 426-5727.

Robert Patton,

Secretary, Maritime Administration, Maritime Subsidy Board.

[FR Doc. 82-3172 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-81-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21 and 22

[CC Docket No. 82-37; FCC 82-46]

Abolish the Annual Filing of FCC Form 430

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: It appears that the annual filing of FCC Form 430 (Annual Common Carrier and Satellite Radio Licensee Qualification Report) may be unnecessary. Licensees in the Domestic Public Fixed and Public Land Mobile Radio Services are required to file updated information when the information on file is no longer accurate. Accordingly, the Federal Communications Commission is initiating a proceeding which proposes to eliminate the annual filing requirement and seeks comment on whether burdens imposed by the Form can be lessened.

DATES: Comments are due by March 10, 1982 and replies by March 25, 1982.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Terrence E. Reider, (202) 632-6430.

SUPPLEMENTARY INFORMATION:

In re amendment of §§ 21.11(a) and 22.11(a) of the Rules to abolish the annual filing of FCC Form 430; CC Docket No. 82-37.

Notice of Proposed Rulemaking

Adopted: January 27, 1982.

Released: February 2, 1982.

1. Notice is hereby given of proposed rulemaking in the above entitled matter.

2. Sections 21.11(a) and 22.11(a) of the Rules require, in part, that licensees and permittees in the Domestic Public Fixed Radio Services and the Public Mobile Radio Services annually file a Common Carrier and Satellite Radio Licensee Qualification Report (FCC Form 430). Form 430 is a three page qualification report which seeks citizenship and other ownership information regarding various Commission licensees.¹

3. Today we granted a Petition for Rulemaking filed by the Law Offices of Blooston and Mordkofsky and adopted Report and Order (RM-3753), amending §§ 21.11(a)(2) and 22.11(a)(2) of the Rules to extend the filing deadline for FCC Form 430 from January 31 to March 31. We amended these portions of the Rules in order to afford greater flexibility to licensees and permittees in the Domestic Public Fixed Radio Service and the Public Mobile Radio Service to adapt their needs to our requirements as well as to eliminate added attendant processing burdens placed on our staff by individual requests for extensions of time. In processing RM-3753, it became apparent that requiring affected parties to make an annual filing is an unnecessary burden. Sections 21.11(a) and 22.11(a) require licensees and permittees in the radio common carrier services to keep the information provided in Form 430 current. There appears to be no significant public interest reason for requiring the annual filing of information which has not changed. When information changes licensees and permittees in the affected services are obliged to submit amended information. We are therefore proposing that §§ 21.11(a) and 22.11(a) of the Rules be amended to abolish the requirement that licensees and permittees in the affected services file a FCC Form 430 annually.

4. We also invite interested persons to submit comments as to whether the form can be simplified. The present form may be completed primarily by checking yes—no responses, and thus does not seem to impose a substantial workload on licensees. However, we question

whether some of the questions are unnecessarily intrusive. Parties are asked to identify such questions and offer other suggestions as to how the burdens imposed by the form might be lessened.²

5. Although the proposed rulemaking will affect all licensees and permittees in the Domestic Public Fixed Radio Services and the Public Mobile Radio Services, we believe the impact will not be substantial within the meaning of the Regulatory Flexibility Act of 1980 (Pub. L. 696-354). The proposed rule changes, if adopted, will impose no new recordkeeping, reporting or other requirements upon the affected parties. Instead, abolishing the requirements that a separate Form 430 be filed every year, regardless of the absence of change in the carrier's regulatory profile, will reduce further the reporting burden borne by holders of licenses and permits in the common carrier radio services.

6. Authority for the rule amendments specified in the attached appendix is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Rules, interested persons may file comments on those proposed rule changes contained in the attached appendix on or before March 10, 1982 and reply comments on or before March 25, 1982. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken with respect to the proposals contained in the appendix. In reaching its decision, the Commission 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 Report and Order.

8. In accordance with the provisions of § 1.419 of the Rules, an original and five copies of all comments, replies, pleadings, briefs of other documents shall be furnished to the Commission. Responses will be made available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

9. For purposes of this non-restricted notice and comment rule-making proceeding, members of the public are

²For example, where a licensee is controlled by another corporation, the addresses of the ten largest stockholders of the controlling corporation must be identified (question 5(e)).

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 comment/pleadings and formal oral arguments) between a person outside the Commission and 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 Secretary for inclusion in the public files. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comment 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's Secretary for inclusion in the public file, with a copy of 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, § 1.1231 of the Rules.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission

William J. Tricarico,

Secretary.

Appendix

It is proposed to amend Parts 21 and 22 of Chapter I of Title 47 of the Code of Federal Regulations as follows:

PART 21—DOMESTIC PUBLIC RADIO SERVICES

1. In § 21.11 paragraph (a) introductory text shall be revised as follows and paragraph (a)(2) shall be removed.

§ 21.11 Miscellaneous forms shared by all domestic public radio services.

(a) Licensee qualifications. FCC Form 430 ("Common Carrier Radio Licensee Qualification Report") shall be filed for each radio service and shall be kept current under § 1.65.

* * * * *

¹Section 310 of the Communications Act, 47 U.S.C. 310, generally prohibits aliens from becoming licensees of radio stations. Section 308 of the Act permits the Commission to obtain other information it may require. Applicants requesting authorizations to construct and operate domestic satellite earth stations or Section 214 certification of telecommunications facilities other than radio also utilize Form 430 to provide common carrier qualification information.

PART 22—PUBLIC MOBILE RADIO SERVICES

2. In § 22.11 paragraph (a) introductory text shall be revised as follows and paragraph (a)(2) shall be removed.

§ 22.11 Miscellaneous forms shared by all domestic public radio services.

(a) Licensee qualifications. FCC Form 430 ("Common Carrier Radio Licensee Qualification Report") shall be filed for each radio service and shall be kept current under § 1.65.

* * * * *

[FR Doc. 82-3226 Filed 2-5-82; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-43; RM-3989]

TV Broadcast Stations in Hays, Garden City and Randall, Kans.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to reassign Channel *9 from Garden City, Kansas, and from Randall, Kansas, to Hays, Kansas, and to substitute Channel *18 at Garden City in response to a petition filed by Smoky Hills Public Television Corp. which has a permit to operate on Channel *14 at Hays. We also propose to delete Channel *14 from Hays.

DATES: Comments must be filed on or before March 22, 1982, and reply comments must be filed on or before April 6, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: January 27, 1982.

Released: February 3, 1982.

In the matter of an amendment of §73.606(b), Table of Assignments, Television Broadcast Stations. (Hays, Garden City and Randall, Kansas), BC Docket No. 82-43, RM-3989; notice of proposed rulemaking.

1. The Commission has before it the petition for rulemaking filed by Smoky Hills Public Television Corp. (SHPTV) requesting an exchange of reserved TV Channels between Garden City, Randall and Hays, Kansas.¹ No comments have been received.

2. Hays (population 16,301), seat of Ellis County (population 26,098)² is located 400 kilometers (250 miles) west of Kansas City, Kansas. It is served by commercial Station KAYS-TV (Channel 7) and by noncommercial educational Station KSMH-TV (permit held by SHPTV) (Channel *14).

3. Garden City (population 18,250), seat of Finney County (population 23,825) is located 310 kilometers (193 miles) west-northwest of Wichita, Kansas. It is served by two commercial TV stations (KGLD, Channel 11 and KUPK-TV, Channel 13) and a permit has been issued for a noncommercial educational station on Channel *9 to Garden City Community Junior College for Station KSWK-TV.

4. Randall (population 154), in Jewell County (population 5,241), is located 225 kilometers (140 miles) north of Wichita. It has no TV service with its only channel assignment (Channel *9) unoccupied.

5. SHPTV is the permittee for Station KSMH-TV on Channel *14. It seeks to move to Channel *9 at Hays by deleting that channel from Garden City and from Randall. At Garden City, Channel *9 has a permittee (Garden City Community College (GCCC)) which, in a letter attached to the petition, states that it would not object to transferring its channel to Hays so as to expedite the initiation of noncommercial educational service in northwestern Kansas.

	Capital costs	Annual energy costs	Area served ¹	Population served
Channel *14.....	\$1,150,000	\$47,653	8,075 sq. miles.....	105,031
Channel *9.....	790,000	14,778	14,526 sq. miles.....	122,106

¹ This estimation is based on the use of 25 dBk at 2000 ft. HAAT for Channel *9 and 33 dBk at 2000 ft. HAAT for Channel *14.

SHPTV asserts that the state withdrawal of funds (approximately \$500,000) can be met by the construction of a VHF station instead of a UHF station along with funding from local sources. The funding problems of public broadcasters are said to be recognized by the Commission in its *Second Report and Order* in Docket 21136.

7. We believe that SHPTV has made a sufficient showing to warrant the issuance of a *Notice of Proposed Rule Making* to solicit comments from the public, although we generally hold that a licensee's interest in obtaining a lower TV channel is not of public benefit.³ However, where a public interest reason is found, we have no objection to the use of the lower channel.⁴ Here, SHPTV

Channel *18 has been suggested as a replacement at Garden City. GCCC indicates that although it has been authorized to construct its station, it has the same problem as SHPTV, that being the recent development of the withdrawal of state funding for public television stations in Kansas. Thus, GCCC does not anticipate a commencement of service in the near future. The Randall channel has remained unoccupied since it was assigned in 1979 (BC Dkt. 78-321). At that time the channel was assigned as consistent with the Kansas Public TV Board's network plan for the state. SHPTV has suggested that Channel *28 could be substituted at Randall but several other UHF channels are also available there.

6. SHPTV relates that it applied for Channel *14 to provide service to the northwestern region of Kansas and was to be a participant in the proposed state public television network. Funding for the station was to come from local, state and federal sources, according to SHPTV. However, we are told that the state legislature withdrew its appropriation for this purpose causing SHPTV to consider other ways of affording the operation expenses. SHPTV argues that the costs of constructing and operating a VHF station are considerably less than that for a UHF station as indicated by the following:

argues that the use of a VHF channel rather than a UHF channel will expedite the initiation of service to Hays and to the northwestern portion of Kansas by providing a means for SHPTV to afford to construct and operate its proposed station. The effect of the state's withdrawal of funding has apparently had a substantial impact in SHPTV's plans for initiating service which can also be seen by the willingness of GCCC to divest its rights to a VHF channel with no prospects of constructing a station in the near future. The difference in costs between constructing and operating VHF and UHF channels, particularly in energy costs, is demonstrated sufficiently in the chart in para. 6, *supra*. Here the lower costs

¹ Public Notice of the petition was given on October 22, 1981, Report No. 1314.

² Population data are taken from the 1980 U.S. Census, Advance Reports.

connected with VHF channels plus the recent cutbacks or elimination of funding to noncommercial educational stations provides a sufficient basis for proposing to make an exception to our policy of refusing to commence a rule making proceeding on a broadcaster's preference of TV channels (see, fn. 3, *supra*).

8. We are also proposing to delete Channel *9 from Randall. That channel was originally allocated based on its availability there without a definite commitment from the Kansas Public TV Board for implementing service from Randall. Without an expression of interest and with the withdrawal of state participation, we shall assume that there is no interest in a replacement channel for Randall.

9. In view of the above, the Commission proposes to amend the Television Table of Assignments (See § 73.606(b) of the Commission's Rules), as follows:

	Channel No.	
	Present	Proposed
Garden City, Kans.....	*9, 11+, 13-	11+, 13-, *18
Hays, Kans.....	7-, *14	7-, *9
Randall, Kans.....	*9-	

10. 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.

11. Interested parties may file comments on or before March 22, 1982, and reply comments on or before April 6, 1982.

12. 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 TV Table of Assignments, § 73.606(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.

13. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to

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.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division,
Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(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 assignment 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 Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *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. 82-3224 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 81 and 83

[Docket No. 21349]

Assignment of Marine Radiotelephone Frequencies; Extension of Comment and Reply Comment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, extension of comment/reply comment period.

SUMMARY: This action extends the time for filing comments and reply comments in Docket No. 21349 regarding the implementation of the new frequency allotment plan for coast stations operating in the exclusive maritime mobile bands between 4000 and 23000 kHz adopted at the World Maritime Administrative Radio Conference, Geneva, 1974.

DATES: Comments must be received on or before February 12, 1982, and reply comments must be received on or before March 8, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: January 28, 1982.

Released: January 29, 1982.

In the matter of an amendment of Parts 81 and 83 to implement changes in frequencies, operating procedures and other criteria relating to radiotelephony in the band 4000 to 27500 kHz in the maritime mobile services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974, Docket No. 21349 (46 FR 62113; 12/22/81) order.

1. Martin W. Bercovici, of the firm of Keller and Heckman, counsel for three public coast stations, has requested that

³See, *High Point, N.C.*, 44 FR 67665 (1979); and *Mansfield and Marion, Ohio*, 45 FR 81203 (1980).

⁴See, *Booneville, Miss.*, 27 R.R. 2d 246 (1973).

the Chief, Private Radio Bureau extend the time for filing comments and reply comments ten days.

2. Counsel indicates that the time available for pursuing finalization of comments for this proceeding is severely limited by virtue of his participation in oral argument scheduled for January 28, 1982, in the U.S. Court of Appeals for the District of Columbia, concerning the Commission's Gen. Docket No. 80-1

rulemaking proceeding. It is further submitted that the grant of the brief extension requested will not adversely impact any interested party or the public interest.

3. We find that the public interest will be served by granting the brief extension of time requested in order to permit full and thorough preparation of comments of interested public coast station licensees. Accordingly, the

request for extension of time filed by Martin W. Bercovici IS GRANTED. The date for filing comments and reply comments in this proceeding is extended to February 12, 1982, and March 8, 1982, respectively.

Federal Communications Commission.

James C. McKinney,
Chief, Private Radio Bureau.

[FR Doc. 82-3225 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 47, No. 26

Monday, February 8, 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

Meeting of the Citizens' Advisory Committee on Equal Opportunity

Notice is hereby given that a Citizens' Advisory Committee meeting has been scheduled for March 22-23, 1982. In Washington, D.C. The meeting will begin at 9:00 a.m., on March 22 and 9:00 a.m., on March 23. The agenda will include an overview of equal opportunity programs in U.S. Department of Agriculture.

Persons wishing additional information concerning this meeting may contact Elda Inoue, Office of the Assistant Secretary for Administration, U.S. Department of Agriculture, Washington, D.C. 20250 (Telephone No. 447-7043).

John E. Schrote,
Deputy Assistant Secretary for Administration.

February 3, 1982.

[FR Doc. 82-3313 Filed 2-5-82; 8:45 am]

BILLING CODE 3410-95-M

COMMISSION ON CIVIL RIGHTS

Minnesota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 6:00 p.m., and will end at 9:00 p.m., on February 26, 1982, at the Holiday Inn, 1313 Nicolett Mall, Minneapolis, Minnesota, 55403. The purpose of this meeting is to review the Duluth Desegregation project, followup report on the Twin Cities Police Task Force, and discuss program plans for 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Lupe Lopez, 210.5 Stillwater, White Bear Lake, Minnesota, 55101, (612) 227-8954 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-3181 Filed 2-5-82; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 9:00 p.m., on February 23, 1982, at the University of Vermont, the Waterman Building, Room 409, South Prospect Street, Burlington, Vermont, 05405. The purpose of this meeting is to discuss the materials of the project on prejudice and stereotyping in Vermont.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Philip H. Hoff, 192 College Street, Hoff, Wilson and Powell, P.C., Burlington, Vermont, 05401, (802) 658-4300 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-3182 Filed 2-5-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE Foreign-Trade Zones Board

[Order No. 183]

Baltimore Maryland; Resolution and Order Approving Application Proceedings of the Foreign-Trade Zones Board, Washington, D.C. Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of Baltimore, Maryland, filed with the Foreign-Trade Zones Board (the Board) on August 17, 1981, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Baltimore, within the Baltimore Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone In Baltimore, MD.

Whereas, by an Act of Congress approved June 18, 1934, an Act "To

provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the City of Baltimore, Maryland (the Grantee) has made application (filed August 17, 1981) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Baltimore, within the Baltimore Customs port of entry;

Whereas, notices of said applications has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 74 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 21st day of January 1982, pursuant to Order of the Board.

Foreign-Trade Zones Board.
Joseph R. Wright, Jr.,
Acting Chairman and Executive Officer.

Attest:
John J. Da Ponte, Jr.,
Executive Secretary.
[FR Doc. 82-3325 Filed 2-5-82; 8:45 am]
BILLING CODE 3510-25-M

[Order No. 182]

Detroit, Michigan; Resolution and Order Approving Application for a Special-Purpose Subzone Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 18a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Detroit Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone No. 70, filed with the Foreign-Trade Zones Board (the Board) on August 10, 1981, requesting authority to establish a special-purpose subzone for Chrysler Corporation's Jefferson Assembly Plant in Detroit, within the Detroit Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the

local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish A Foreign-Trade Subzone In Detroit, Michigan

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Detroit Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone No. 70, Detroit, Michigan, has made application (filed August 10, 1981) in due and proper form to the Board for authority to establish a special-purpose subzone at Chrysler Corporation's Jefferson Assembly Plant, 12200 East Jefferson Avenue, Detroit;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, Therefore, in accordance with the application filed August 10, 1981, the Board hereby authorizes the establishment of a subzone at Chrysler Corporation's Jefferson Assembly Plant in Detroit, designated on the records of the Board as Foreign-Trade Subzone No. 70B at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though

the same were fully set forth herein, and also to the following express conditions and limitations;

Operation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 22nd day of January 1982 pursuant to Order of the Board.

Foreign-Trade Zones Board.
Malcolm Baldrige,
Chairman and Executive Officer.

Attest:
John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 82-3324 Filed 2-5-82; 8:45 am]
BILLING CODE 3510-25-M

International Trade Administration

Initiation of Countervailing Duty Investigations Certain Steel Products From France

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in France of certain steel products receive benefits that constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine

whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Tolerico, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202)/377-4036.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982, we received petitions from United States Steel Corporation; from counsel for Bethlehem Steel Corporation; and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation, and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petitions allege that producers, manufacturers, or exporters in France of certain steel products receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1671a(5)) (the "Act") and that imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a decision regarding this issue on or before the date of our preliminary determinations, April 6, 1982.

France is a "country under the Agreement" within the meaning of section 701(6) of the Act; therefore, title VII of the Act applies to these investigations.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petitions on certain steel products and we have found that they meet these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating

countervailing duty investigations to determine whether manufacturers, producers, or exporters in France of certain steel products receive benefits that constitute subsidies within the meaning of section 771(5) of the act. If our investigations proceed normally, we will make our preliminary determinations of April 6, 1982.

Scope of the Investigations

The products covered by these investigations are: Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars, cold-formed carbon steel bars and cold-formed alloy steel bars. For a further description of these products, see the appendix to this notice.

Allegations of Subsidies

The petitions allege that producers, manufacturers, or exporters in France receive the following benefits that constitute subsidies: preferential loans and loan guarantees, the recapitalization of the French carbon steel industry under the 1978 Rescue Plan, grants and preferential loans through the Short-term Industrial Adaptation Fund, regional development incentives, labor-related aid, research and development funding, incentives to supplier industries, preferential export credits, and export insurance.

The petitions also allege that producers, manufacturers, or exporters in France of certain steel products benefit from the following European Communities subsidies: preferential loans and loan guarantees, research and development incentives, and assistance to labor. Therefore, we will investigate both French government and European Communities programs as applicable.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from France are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

Appendix—Description of Products

For purposes of these investigations:

1. The term *carbon steel structural shapes* covers hot-rolled, forged, extruded, or drawn, or cold-formed or cold-finished carbon steel angles, shapes, or sections, not drilled, not punched, and not otherwise advanced, and not conforming completely to the specifications given in the headnotes to Schedule 6, Part 2 of the *Tariff Schedules of the United States Annotated* ("TSUSA"), for blooms, billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, tie plates, or any tubular products set forth in the TSUSA, having a maximum cross-sectional dimension of 3 inches or more, as currently provided for in items 609.8005, 609.8015, 609.8035, 609.8041, or 609.8045 of the TSUSA. Such products are generally referred to as structural shapes.

2. The term *hot-rolled carbon steel plate* covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6615, or 607.94, of the *Tariff Schedules of the United States Annotated* ("TSUSA"); and hot- or cold-rolled carbon steel plate which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710 or 608.11 of the TSUSA. Semifinished products of solid rectangular cross section with a width at least four times the thickness in the as cast condition or processed only through primary mill hot rolling are not included.

3. The term *hot-rolled carbon steel sheet and strip* covers the following hot-rolled carbon steel products. Hot-rolled carbon steel sheet is a hot-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 12 inches in width and in coils or if not in coils under 0.1875 inch in thickness; as currently provided for in items 607.6610, 607.6700, 607.8320, 607.8342, or 607.9400 of the *Tariff Schedules of the United States Annotated* ("TSUSA"). PLEASE NOTE THAT THE DEFINITION OF HOT-ROLLED CARBON STEEL SHEET INCLUDES SOME PRODUCTS CLASSIFIED AS "PLATE" IN THE TSUSA (ITEMS 607.6610 AND 607.8320).

Hot-rolled carbon steel strip is a flat-rolled steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled, not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and not over 12 inches in width; as currently provided for in items 608.1920, 608.2120, or 608.2320 of the TSUSA. Hot-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

4. The term *cold-rolled carbon steel sheet and strip* covers the following cold-rolled carbon steel products. Cold-rolled carbon steel sheet is a cold-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 12 inches in width and in coils or if not in coils under 0.1875 inch in thickness; as currently provided for in items 607.8320 or 607.8344 of the *Tariff Schedules of the United States Annotated* ("TSUSA"). PLEASE NOTE THAT THE DEFINITION OF COLD-ROLLED CARBON STEEL SHEET INCLUDES SOME PRODUCTS CLASSIFIED AS "PLATE" IN THE TSUSA (ITEM 607.8320). Cold-rolled carbon steel strip is a flat-rolled carbon steel product; cold-rolled, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width; as currently provided for in items 608.1940, 608.2140, or 608.2340 of the TSUSA. Cold-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

5. The term *galvanized carbon steel sheet* covers hot- or cold-rolled carbon steel sheet which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710, 608.0730, 608.11 or 608.13 of the *Tariff Schedules of the United States Annotated* ("TSUSA"). NOTE THAT THE DEFINITION OF GALVANIZED CARBON STEEL SHEET INCLUDES SOME PRODUCTS CLASSIFIED AS "PLATE" IN THE TSUSA (ITEMS 608.0710 AND 608.11). Hot- or cold-rolled carbon steel sheet which has been coated or plated with metal other than zinc is not included.

6. The term *hot-rolled carbon steel bars* covers hot-rolled carbon steel products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, not cold-formed, and not coated or plated with metal, as currently provided for in items 608.8310, 608.8330, or 608.8350 of the *Tariff Schedules of the United States Annotated*.

7. The term *hot-rolled alloy steel bars* covers hot-rolled alloy steel products, other than those of stainless or tool steel, of solid section which have cross sections in the shape of circles segments of circles, ovals, triangles, rectangles, hexagons, or octagons, not cold-formed, and not coated or plated with metal, as currently provided for in item 606.97 of the *Tariff Schedules of the United States*.

8. The term *cold-formed carbon steel bars* covers cold-formed carbon steel

products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, and not coated or plated with metal, currently provided for in items 606.8805 or 606.8815 of the *Tariff Schedules of the United States Annotated*.

9. The term *cold-formed alloy steel bars* covers cold-formed alloy steel products, other than those of stainless or tool steel, of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, and not coated or plated with metal, as currently provided for in item 606.99 of the *Tariff Schedules of the United States*.

[FR Doc. 82-3191 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigations; Certain Steel Products From France

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigations.

SUMMARY: On the basis of petitions filed with the Department of Commerce, we are initiating antidumping investigations to determine whether certain steel products from France are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before June 21, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Tolerico, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202)/377-4036.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982 we received petitions from United States Steel Corporation, and from counsel for Bethlehem Steel Corporation, on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions allege that imports of certain steel products from France are being, or are 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, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The petitions also allege that sales in the home market of certain steel products have been made at less than the cost of production. Critical circumstances have been alleged under section 733(e) of the Act. We will make a determination regarding this issue on or before the date of our preliminary determinations, June 21, 1982.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products and we have found that they meet these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating antidumping investigations to determine whether certain steel products from France are being, or are likely to be, sold at less than fair value. We will also investigate whether sales in the home market of certain steel products have been made at less than cost of production. If our investigations proceed normally, we will make our preliminary determinations by June 21, 1982.

Scope of the Investigations

The products covered by these investigations are carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, and galvanized carbon steel sheet. For a further description of these products see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the Federal Register.

Notification of ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy

Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from France are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3192 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations; Certain Steel Products From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in the Federal Republic of Germany (FRG) of certain steel products receive benefits that constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, D.C. 20230, (202) 377-1279.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982, we received petitions from United States Steel Corporation; from counsel for Bethlehem Steel Corporation; and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel

Corporation, and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petitions allege that producers, manufacturers, or exporters in the FRG of certain steel products receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1671a(5)) (the "Act") and that imports of these steel products are materially injuring, or threatening to materially injure, a U.S. industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a determination regarding this issue on or before the date of our preliminary determinations, April 6, 1982.

The FRG is a "country under the Agreement" within the meaning of section 701(6) of the Act; therefore, title VII of the Act applies to these investigations.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petitions on certain steel products, and we have found that the petitions on the products listed in the "Scope of the Investigations" section of this notice meet these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in FRG of certain steel products as listed in the "Scope of Investigations" section of this notice receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigations proceed normally, we will make our preliminary determinations by April 6, 1982.

Scope of the Investigations

The products covered by these investigations are: Carbon steel structural shapes, hot-rolled carbon steel sheet plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars, cold-formed carbon steel bars, and cold-formed alloy steel bars. For a further description of these products see the appendix

appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the *Federal Register*.

Allegations of Subsidies

The petitions allege that producers, manufactures, or exporters in the FRG receive the following benefits that subsidies: Preferential loans and loan guarantees, coal and coke subsidies, transportation subsidies, debt forgiveness, debt conversion and equity infusions, capital grants, tax exemptions, labor-related aid, research and development funding, and other general and regional incentives.

The petitions also allege that producers, manufacturers, or exporters in the FRG of certain steel products benefit from the following European Communities subsidies: preferential loans and loan guarantees, research and development incentives, and assistance to labor. Therefore, we will investigate both the FRG government and European Communities programs as applicable.

Notification to ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of this action to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982, whether there is a reasonable indication that imports of certain steel products from the Federal Republic of Germany are materially injuring, or threatening to materially injure a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3193 Filed 2-6-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigations; Certain Steel Products From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating antidumping investigations to determine whether certain steel products from the Federal Republic of Germany are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before June 21, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, (202) 377-1279.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982 we received petitions from United States Steel Corporation and counsel for Bethlehem Steel Corporation, on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions allege that imports from the Federal Republic of Germany of certain steel products are being, or are 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, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The petitions also allege that sales in the home market of certain steel products have been made at less than the cost of production. Critical circumstances have been alleged under section 733(e) of the Act. We will make a determination regarding this issue on or before the date of our preliminary determinations, June 21, 1982.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a

petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products and we have found that they meet these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating antidumping investigations to determine whether certain steel products from the Federal Republic of Germany are being, or are likely to be, sold at less than fair value. We will also investigate whether sales in the home market of certain steel products have been made at less than cost of production. If our investigations proceed normally, we will make our preliminary determination by June 21, 1982.

Scope of the Investigations

The products covered by these investigations are carbon steel structural shapes, hot-rolled carbon steel plates, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, and galvanized carbon steel sheet. For a further description of these products see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the *Federal Register*.

Notification to ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from the Federal Republic of Germany are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will

terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3194 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations/Dismissal of Countervailing Duty Petitions; Certain Steel Products From the Netherlands

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in the Netherlands of certain steel products receive benefits that constitute subsidies within the meaning of the countervailing duty law. Concurrently, we are dismissing other petitions on steel bar products. Additionally, a petitioner withdrew a petition on carbon steel structural shapes. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 377-1279.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982, we received petitions from United States Steel Corporation; from counsel for Bethlehem Steel Corporation; and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation, and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petitions allege that producers,

manufacturers, or exporters in the Netherlands of certain steel products receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1671a(5)) (the "Act") and that imports of these steel products are materially injuring, or threatening to materially injure, a U.S. industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a decision regarding this issue on or before the date of our preliminary determinations, April 6, 1982.

The Netherlands is a "country under the Agreement" within the meaning of section 701(6) of the Act; therefore, title VII of the Act applies to these investigations.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petitions on certain steel products, and we have found that petitions on products listed in the "Scope of the Investigations" section of this notice meet these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in the Netherlands of certain steel products as listed in the "Scope of the Investigations" section of this notice receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigations proceed normally, we will make our preliminary determinations by April 6, 1982.

Scope of the Investigations

The products covered by these investigations are: hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet, and galvanized carbon steel sheet. For a further description of these products, see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the **Federal Register**.

Withdrawal

On January 26, 1982, the Five withdrew their petition on carbon steel structural shapes.

Dismissals

We are dismissing the Five's petitions with respect to hot-rolled carbon steel

bars, hot-rolled alloy steel bars, cold-formed carbon steel bars, and cold-formed alloy steel bars because there have been no or only *de minimis* imports of those products at any time in recent years. A prerequisite for the imposition of countervailing duties is that the foreign government " * * * is providing, directly or indirectly, a subsidy with respect to * * * merchandise imported into the United States * * * " (19 U.S.C. 1671). We have concluded that the statutory standard is not met where there have been either no imports or a *de minimis* level of imports within recent years.

Allegations of Subsidies

The petitions allege that producers, manufacturers, or exporters in the Netherlands receive the following benefits that constitute subsidies: Preferential loans and loan guarantees, interest rebates, preferential export financing, capital grants, tax exemptions, labor-related aid, research and development funding, debt forgiveness, debt conversion and equity infusions, energy subsidies, and other general and regional incentives.

The petitions also allege that producers, manufacturers, or exporters in the Netherlands of certain steel products benefit from the following European Communities subsidies: Preferential loans and loan guarantees, research and development incentives, and assistance to labor. Therefore, we will investigate both the Netherlands government and European Communities programs as applicable.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission (ITC) of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from the Netherlands are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these

investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3195 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigations; Certain Steel Products From the Netherlands

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating antidumping investigations to determine whether certain steel products from the Netherlands are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before June 21, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, (202) 377-1279.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982 we received petitions from United States Steel Corporation and from counsel for Bethlehem Steel Corporation, on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions allege that imports of certain steel products from the Netherlands are being, or are 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, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The petitions also allege that sales in the home market of certain steel products have been made at less than the cost of production. Critical

circumstances have been alleged under section 733(e) of the Act. We will make a determination regarding this issue on or before the date of our preliminary determinations, June 21, 1982.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products, and we have found that they meet these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating antidumping investigations to determine whether certain steel products from the Netherlands are being, or are likely to be, sold at less than fair value. We will also investigate whether sales in the home market of certain steel products have been made at less than cost of production. If our investigations proceed normally, we will make our preliminary determination by June 21, 1982.

Scope of the Investigations

The products covered by these investigations are hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet, and galvanized carbon steel sheet. For a further description of these products see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the *Federal Register*.

Notification to ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from the Netherlands are materially injuring, or threatening to materially injure, a U.S. industry. If its

determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3196 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations; Certain Steel Products From Belgium

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in Belgium of certain steel products receive benefits which constitute subsidies within the meaning of the countervailing duty law. Additionally, a petitioner withdrew a petition on hot-rolled alloy steel bar. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982, and we will make ours on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Michael J. Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-1785.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982, we received petitions from United States Steel Corporation; from counsel for Bethlehem Steel Corporation; and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation, and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petitions allege that producers, manufacturers, or exporters in Belgium

of certain steel products receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1671a(5)) (the "Act") and that imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a decision regarding this issue on or before our preliminary determinations, April 6, 1982.

Belgium is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, title VII of the Act applies to these investigations.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petitions on certain steel products, and we have found that they meet these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers or exporters in Belgium of certain steel products receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigations proceed normally, we will make our preliminary determinations by April 6, 1982.

Scope of the Investigations

The products covered by these investigations are: carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, galvanized carbon steel sheet, hot-rolled carbon steel bars, cold-formed carbon steel bars and cold-formed alloy steel bars. For a further description of these products, see the appendix with the notice of "Initiation of Countervailing Duty Investigation, Certain Steel Products from France", in this issue of the Federal Register.

Withdrawal

On January 26, 1982, the Five withdrew their petition on hot-rolled alloy steel bar.

Allegations of Subsidies

The petitions allege that producers, manufacturers, or exporters in Belgium receive the following benefits from the Belgian government that constitute

subsidies: Capital grants; interest rebates; preferential loans and loan guarantees; special government purchases of convertible debentures; debt consolidation, extension, and conversion; tax incentives; commercial risk assistance; labor-related aids; and research and development advances and loans. The petitions also allege that producers, manufacturers, or exporters in Belgium of certain steel products benefit from the following European Communities subsidies: Preferential loans and loan guarantees, research and development incentives, coal and coke input subsidies, and assistance to labor. Therefore, we will investigate both Belgian government and European Communities programs as applicable.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982, whether there is a reasonable indication that imports of certain steel products from Belgium are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3197 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigations; Certain Steel Products From Belgium

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating antidumping investigations to determine whether certain steel products from Belgium are being, or are likely to be,

sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before June 21, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT:

Michael J. Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-1785.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982 we received petitions from United States Steel Corporation, and from counsel for Bethlehem Steel Corporation, on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions allege that imports of certain steel products from Belgium are being, or are 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, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The petitions also allege that sales in the home market of certain steel products have been made at less than the cost of production. Critical circumstances have been alleged under section 733(e) of the Act. We will make a determination regarding this issue on or before the date of our preliminary determinations, June 21, 1982.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products and we have found that they meet these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating antidumping investigations to determine whether certain steel products from Belgium are being, or are likely to be,

sold at less than fair value. We will also investigate whether sales in the home market of certain steel products have been made at less than cost of production. If our investigations proceed normally, we will make our preliminary determinations by June 21, 1982.

Scope of the Investigations

The products covered by these investigations are carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, and galvanized carbon steel sheet. For a further description of these products see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the Federal Register.

Notification to ITC

Section 732(d) of the Act requires us to notify the ITC of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from Belgium are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3198 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations; Certain Steel Products From Italy

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating countervailing duty investigations to

determine whether producers, manufacturers, or exporters in Italy of certain steel products receive benefits which constitute subsidies within the meaning of the countervailing duty law. Additionally, a petitioner withdrew a petition on carbon steel structural shapes. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982, and we will make ours on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, (202) 377-5288.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982, we received petitions from United States Steel Corporation; from counsel for Bethlehem Steel Corporation; and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation, and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petitions allege that producers, manufacturers, or exporters in Italy of certain steel products receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1671a(5)) (the "Act") and that imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a decision regarding this issue on or before the date of our preliminary determinations, April 6, 1982.

Italy is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, title VII of the Act applies to these investigations.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the

initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petitions on certain steel products and we have found that the petitions on products listed in the "Scope of the Investigations" section of this notice meet these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers or exporters in Italy of certain steel products as listed in the "Scope of the Investigations" section of this notice receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigations proceed normally, we will make our preliminary determinations by April 6, 1982.

Scope of the Investigations

The products covered by these investigations are: hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars, cold-formed carbon steel bars and cold-formed alloy steel bars. For a further description of these products see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the Federal Register.

Withdrawal

On January 31, 1982 the Five withdrew their petitions on carbon steel structural shapes.

Allegations of Subsidies

The petitions allege that producers, manufacturers, or exporters in Italy receive the following benefits that constitute subsidies: Preferential loans and loan guarantees, interest subsidies, capital grants, local and federal tax exemptions, recapitalizations, debt forgiveness, debt conversion and equity infusions, research and development funding, labor-related aid, utility subsidies, and other general and regional incentives.

The petitions also allege that producers, manufacturers, or exporters in Italy of certain steel products benefit from the following European Communities subsidies: Preferential loans and loan guarantees, research and development incentives, and assistance to labor. Therefore, we will investigate both Italian government and European Communities programs as applicable.

Notification to ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from Italy are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3199 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigations; Certain Steel Products From Italy

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigations.

SUMMARY: On the basis of petitions filed in proper form with the U.S. Department of Commerce, we are initiating antidumping investigations to determine whether certain steel products from Italy are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before June 21, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street

and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-5288.

SUPPLEMENTARY INFORMATION:**Petitions**

On January 11, 1982 we received petitions from United States Steel Corporation and from counsel for Bethlehem Steel Corporation, on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions allege that imports of certain steel products from Italy are being, or are 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, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The petitions also allege that sales in the home market of certain steel products have been made at less than the cost of production. Critical circumstances have been alleged under section 733(e) of the Act. We will make a decision on the validity of the allegation on or before the date of our preliminary determinations, June 21, 1982.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain carbon steel products and we have found that they meet these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating antidumping investigations to determine whether certain steel products from Italy are being, or are likely to be, sold at less than fair value. We will also investigate whether sales in the home market of certain steel products have been made at less than the cost of production. If our investigations proceed normally, we will make our preliminary determination by June 21, 1982.

Scope of the Investigations

The products covered by these investigations are hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, and galvanized carbon steel sheet. For a further description of these products see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations,

Certain Steel Products from France", in this issue of the Federal Register.

Notification to ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from Italy are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3200 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigations; Certain Steel Products From the United Kingdom

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating antidumping investigations to determine whether certain steel products from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before June 21, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly, Office of Investigations,

Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202)/377-2923.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982 we received petitions from United States Steel Corporation and from counsel for Bethlehem Steel Corporation, on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions allege that imports of certain steel products from the United Kingdom are being, or are 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, as amended (19 U.S.C. 1673) (the "Act"), and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The petitions also allege that sales in the home market of certain steel products have been made at less than the cost of production. Critical circumstances have been alleged under section 733(e) of the Act. We will make a determination regarding this issue on or before the date of our preliminary determinations, June 21, 1982.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products and we have found that they meet these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating antidumping investigations to determine whether certain steel products from the United Kingdom are being, or are likely to be, sold at less than fair value. We will also investigate whether sales in the home market of certain steel products have been made at less than cost of production. If our investigations proceed normally, we will make our preliminary determinations by June 21, 1982.

Scope of the Investigations

The products covered by these investigations are carbon steel structural shapes, hot-rolled carbon steel plate, cold-rolled carbon steel sheet and strip, and galvanized carbon steel sheet. For a further description of these products see the appendix

appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the *Federal Register*.

Withdrawal

On January 30 United States Steel Corporation withdrew its petition on hot-rolled carbon steel sheet.

Notification of ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Director of the Office of Compliance, Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982, whether there is a reasonable indication that imports of certain steel products from the United Kingdom are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Leonard M. Shambon,

Director, Office of Compliance, Import Administration.

[FR Doc. 82-3201 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations; Certain Steel Products From the United Kingdom

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in the United Kingdom of certain steel products receive benefits that constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the

investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT:

Brian Kelly, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982 we received petitions from United States Steel Corporation; from counsel for Bethlehem Steel Corporation; and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation, and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petitions allege that producers, manufacturers, or exporters in the United Kingdom of certain steel products receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1671a(5)) (the "Act") and that imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a decision regarding this issue on or before the date of our preliminary determinations, April 6, 1982.

The United Kingdom is a "country under the Agreement" within the meaning of section 701(6) of the Act; therefore, title VII of the Act applies to these investigations.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products, and we have found that they meet these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in the United

Kingdom of certain steel products receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigations proceed normally, we will make our preliminary determination by April 6, 1982.

Scope of the Investigations

The products covered by these investigations are: Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars, cold-formed carbon steel bars and cold-formed alloy steel bars. For a further description of these products, see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the Federal Register.

Allegations of Subsidies

The petitions allege that producers, manufacturers, or exporters in the United Kingdom receive the following benefits that constitute subsidies: Preferential loans and loan guarantees, transportation subsidies, overdraft guarantees, debt forgiveness, debt conversion and equity infusions, capital grants, subsidization of inputs, direct grants in return for overvalued equity, concessional export financing, labor-related aid, research and development funding, and other general and regional incentives.

The petitions also allege that producers, manufacturers, or exporters in the United Kingdom of certain steel products benefit from the following European Communities subsidies: Preferential loans and loan guarantees, research and development incentives, and assistance to labor. Therefore, we will investigate both United Kingdom government and European Communities programs as applicable.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Director of the Office of Compliance, Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from the United Kingdom are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Leonard M. Shambon,

Director, Office of Compliance Import Administration.

[FR Doc. 82-3202 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigations; Certain Steel Products From Luxembourg

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating antidumping investigations to determine whether certain steel products from Luxembourg are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before June 21, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Michael J. Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, (202) 377-1785.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982 we received petitions from United States Steel Corporation and from counsel for Bethlehem Steel Corporation, on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions allege that imports of certain steel products from Luxembourg are being, or are 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, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The petitions also allege that sales in the home market of certain steel products have been made at less than the cost of production. Critical circumstances have been alleged under section 733(e) of the Act. We will make a determination regarding this issue on or before the date of our preliminary determinations, June 21, 1982.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products and we have found that they meet these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating antidumping investigations to determine whether certain steel products from Luxembourg are being, or are likely to be, sold at less than fair value. We will also investigate whether sales in the home market of certain steel products have been made at less than cost of production. If our investigations proceed normally, we will make our preliminary determination by June 21, 1982.

Scope of the Investigations

The products covered by these investigations are carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet, and strip, and galvanized carbon steel sheet. For a further description of these products see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the Federal Register.

Notification to ITC

Section 732(d) of the Act requires us to notify the U.S. ITC of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written

consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982 whether there is a reasonable indication that imports of certain steel products from Luxembourg are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3203 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations/Dismissal of Countervailing Duty Petition Certain Steel Products From Luxembourg

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in Luxembourg of certain steel products receive benefits which constitute subsidies within the meaning of the countervailing duty law. Concurrently, we are dismissing the petitions on hot-rolled alloy steel bar. Additionally, a petitioner withdrew petitions on cold-formed carbon steel bar and cold-formed alloy steel bar. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982 and we will make ours on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT:

Michael J. Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, (202) 377-1785.

SUPPLEMENTARY INFORMATION: Petitions

On January 11, 1982, we received petitions from United States Steel Corporation; from counsel for Bethlehem Steel Corporation; and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation, and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petitions allege that producers, manufacturers, or exporters in Luxembourg of certain steel products receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1671a(5)) (the "Act") and that imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a decision regarding this issue on or before the date of our preliminary determinations, April 6, 1982.

Luxembourg is a "country under the Agreement" within the meaning of section 701(6) of the Act; therefore, title VII of the Act applies to these investigations.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products and we have found that petitions on products listed in the "Scope of the Investigations" section of this notice meet these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in Luxembourg of certain steel products as listed in the "Scope of the Investigations" section of this notice receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigations proceed normally, we will make our preliminary determination by April 6, 1982.

Scope of the Investigations

The products covered by these investigations are: Carbon steel structural shapes, hot-rolled carbon

steel plate, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, galvanized carbon steel sheet, and hot-rolled carbon steel bars. For a further description of these products, see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the **Federal Register**.

Withdrawals

On January 26, 1982, the Five withdrew their petitions on cold-formed carbon steel bars and cold-formed alloy steel bars.

Dismissals

We are dismissing the Five's petition with respect to hot-rolled alloy steel bars because there have been no or only *de minimis* imports of those products at any time in recent years. A prerequisite for the imposition of countervailing duties is that the foreign government, " * * * is providing, directly or indirectly, a subsidy with respect to * * * merchandise imported into the United States * * *" (19 U.S.C. 1671). We have concluded that this statutory standard is not met where there have been either no imports or a *de minimis* level of imports within recent years.

Allegations of Subsidies

The petitions allege that producers, manufacturers, or exporters in Luxembourg receive the following benefits that constitute subsidies: Preferential loans and loan guarantees, interest subsidies on loans, preferential export financing, capital grants, tax concessions, labor-related aid, research and development funding, Societe Nationale de Credit et d' Investissement credits, and special government purchase of convertible debentures.

The petitions also allege that producers, manufacturers, or exporters in Luxembourg of certain steel products benefit from the following European Communities subsidies: Preferential loans and loan guarantees, research and development incentives, and assistance to labor. Therefore, we will investigate both Luxembourg government and European Communities programs as applicable.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982, whether there is a reasonable indication that imports of certain steel products from Luxembourg are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3204 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations Certain Steel Products From South Africa

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in South Africa of certain steel products receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigations proceed normally, we will make our preliminary determinations on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202) 377-1774.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982, we received petitions from United States Steel Corporation and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation and Cyclops Corporation, (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 355.26 of the

Commerce Regulations (19 CFR 355.26) the petitions allege that producers, manufacturers, or exporters in South Africa of certain steel products receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the "Act"). Critical circumstances also have been alleged.

Since South Africa is not a "country under the Agreement", section 303 of the Act applies to these investigations. In addition, the merchandise is dutiable; therefore, an injury determination is not required.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products, and we have found that petitions on products listed in the "Scope of the Investigations" section of this notice meet these requirements.

Therefore, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in South Africa of certain steel products as listed in the "Scope of the Investigations" section of this notice receive bounties or grants. If our investigations proceed normally, we will make our preliminary determinations by April 6, 1982.

Since South Africa is not a "country under the Agreement" and this investigation is under section 303 of the Act, the critical circumstances provision is not applicable (see section 303(b)(3)). Accordingly, we will take no further action on the critical circumstances allegation.

Scope of the Investigations

The products covered by these investigations are: Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars, and cold-formed carbon steels bars. For a further description of these products see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the *Federal Register*.

Withdrawals

On January 31, 1982, the Five withdrew their petition on cold-formed alloy steel bar.

Allegations of Bounties or Grants

The petitions allege that manufacturers, producers, or exporters of certain steel products in South Africa receive the following benefits that constitute bounties or grants: Reduced transportation rates; refunds of shipping costs; export credit insurance; preferential pre- and post-shipment financing for exports; preferential development loans, direct grants, and preferential loans given to a government-owned steel producer; tax deductions and investment allowances for certain export development expenses; employee training programs, doing business in certain development areas, and beneficiation of base minerals; the steel export incentive scheme; and other export incentives.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3205 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations; Certain Steel Products From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigations.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in Brazil of certain steel products receive benefits that constitute subsidies within the meaning of the countervailing duty law. Additionally, a petitioner withdrew petitions on galvanized carbon steel sheet, hot-rolled alloy steel bars and cold-formed alloy steel bars. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of certain steel products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before February 25, 1982, and we will make ours on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and

Constitution Avenue, NW., Washington, D.C. 20230, (202)/377-1167.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982, we received petitions from United States Steel Corporation; and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation, and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petitions allege that producers, manufacturers, or exporters in Brazil of certain steel products receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1671a(5)) (the "Act") and that imports of these steel products are materially injuring, or threatening to materially injure, a U.S. industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a decision regarding this issue on or before the date of our preliminary determinations.

Brazil is a "country under the agreement" within the meaning of section 701(6) of the Act; therefore, title VII of the Act applies to these investigations.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petitions on certain steel products, and we have found that petitions on products listed in the "Scope of the Investigations" section of this notice meet these requirements.

Therefore, in accordance with section 702(c) of the act, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in Brazil of certain steel products as listed in the "Scope of the Investigations" section of this notice receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigations proceed normally, we will make our preliminary determinations by April 6, 1982.

Scope of the Investigations

The products covered by these investigations are: carbon steel structural shapes, hot-rolled carbon

steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, hot-rolled carbon steel bars, and cold-formed carbon steel bars. For a further description of these products, see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the **Federal Register**.

Withdrawal

On January 26, 1982, the Five withdrew their petitions on hot-rolled alloy steel bars and cold-formed alloy steel bars; on January 31, 1982, the Five withdrew its petition on galvanized carbon steel sheet.

Allegations of Subsidies

The petitions allege that producers, manufacturers, or exporters in Brazil of certain steel products benefit from the following subsidies: preferential loans and loan guarantees, preferential working capital and export financing, capital grants, tax exemptions, investment subsidies from tax rebates, overrebate of indirect taxes, special amortization and tax-loss carry forward privileges for export-oriented projects, subsidized factor inputs and transportation subsidies.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982, whether there is a reasonable indication that imports of certain steel products from Brazil are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3206 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation/Dismissal of Antidumping Petitions Certain Steel Products From Romania

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation/dismissal of petitions.

SUMMARY: On the basis of petitions filed in proper form with the Department of Commerce, we are initiating antidumping investigation to determine whether hot-rolled carbon steel plate from Romania is being, or is likely to be, sold in the United States at less than fair value. Concurrently, we are dismissing petitions on other steel products. Additionally, petitions on some steel products have been withdrawn. We are notifying the U.S. International Trade Commission ("ITC") of these actions so that it may determine whether imports of the merchandise are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before February 25, 1982 and we will make ours on or before June 21, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Raymond G. Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, (202) 377-1784.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982 we received petitions from United States Steel Corporation; and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation, and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions allege that imports of certain steel products from Romania are being, or are 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, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring or threatening to materially injure, a U.S. industry. Critical circumstances have been alleged under section 733(e) of the Act. We will make a determination regarding this issue on or before the

date of our preliminary determination, June 21, 1982.

The United States Steel Corporation and the Five petitions allege that Romania is a state-controlled economy country within the meaning of the Act. They allege that sales of certain steel products in Romania do not permit a determination of foreign market value and that the Department of Commerce must choose a non-state-controlled economy country to be used as a surrogate for the purpose of determining foreign market value of the product.

The petitions suggest that Italy be chosen as the surrogate country and that an Italian manufacturer, Italsider, is representative of the entire Italian steel industry. It is also alleged that sales by Italsider are made at prices below the cost of production.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products and we have found that they meet these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether hot-rolled carbon steel plate from Romania is being, or is likely to be, sold at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by June 21, 1982.

Scope of the Investigation

The product covered by this investigation is hot-rolled carbon steel plate. For a further description of this product see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the Federal Register.

Withdrawals

On January 26, 1982, the Five withdrew their petitions on carbon steel structural shapes, hot-rolled carbon steel bars, hot-rolled alloy steel bars, cold-formed carbon steel bars, and cold-formed alloy steel bars. On January 31, 1982, the Five withdrew their petition on galvanized carbon steel sheet.

Dismissals

We are dismissing the Five's petitions with respect to hot-rolled carbon steel sheet and cold-rolled carbon steel sheet because there have been no or only *de*

minimis imports of those products in recent years, and no evidence has been provided of bona fide offers on merchandise for export to the United States. One of the two prerequisites for imposition of antidumping is a determination by the Department of Commerce that " * * * a class or kind of foreign merchandise is being, or is likely to be, sold in the United States at less than its fair value * * *" (19 U.S.C. 1673). We have concluded that, where there have been either no imports or a *de minimis* level of imports within recent years, and where no evidence has been furnished of a current offer the acceptance of which is reasonably expected, then no adequate allegation has been made of current or likely sales at less than fair value.

Notification to ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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 an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by February 25, 1982, whether there is a reasonable indication that imports of hot-rolled carbon steel plate from Romania are materially injuring, or threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed to conclusion.

Gary N. Horlick,
Deputy Assistant Secretary for Import
Administration.

February 1, 1982.

[FR Doc. 82-3207 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations Certain Steel Products From Spain

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigations.

SUMMARY: On the basis of petitions filed in proper form with the U.S. Department of Commerce, we are initiating countervailing duty investigations to

determine whether producers, manufacturers, or exporters in Spain of certain steel products receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigations proceed normally, we will make our preliminary determinations on or before April 6, 1982.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230 (202)/377-1273.

SUPPLEMENTARY INFORMATION:

Petitions

On January 11, 1982, we received petitions from United States Steel Corporation and from counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Incorporated, National Steel Corporation and Cyclops Corporation (the "Five"), on behalf of the U.S. industry producing certain steel products. In compliance with the filing requirements of 355.26 of the Commerce Regulations (19 CFR 355.26) the petitions allege that producers, manufacturers, or exporters in Spain of certain steel products receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the "Act"). Critical circumstances also have been alleged.

Since Spain is not a "country under the Agreement," section 303 of the Act applies to these investigations. In addition, the merchandise is dutiable; therefore, no injury determination is required.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petitions on certain steel products, and we have found that petitions on products listed in the "Scope of the Investigations" section of this notice meet these requirements.

Therefore, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in Spain of certain steel products, as listed in the "Scope of the Investigations" section of this notice, receive bounties or grants. If

our investigations proceed normally, we will make our preliminary determinations by April 6, 1982.

Since Spain is not a "country under the Agreement," and this investigation is under section 303 of the Act, the critical circumstances provision is not applicable (see section 303(b)(3)). Accordingly, we will take no further action on the critical circumstances allegation.

Scope of the Investigation

The products covered by these investigations are: Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars, cold-formed carbon steel bars and cold-formed alloy steel bars. For a further description of these products see the appendix appearing with the notice of "Initiation of Countervailing Duty Investigations, Certain Steel Products from France", in this issue of the *Federal Register*.

Allegations of Bounties or Grants

The petitions allege that producers, manufacturers, or exporters of certain steel products in Spain receive the following benefits that constitute bounties or grants: Excessive remission of indirect taxes; export credit insurance at premium rates; preferential loans and loan guarantees; preferential export financing programs; capital grants; refinancing of existing debt; amendment of annual financial investment plans; exceptional credit for new investments; deferral of tax and social security benefits; research and development funding; and other general and regional incentives.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3206 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Termination of Countervailing Duty and Antidumping Investigations; Certain Steel Products from Belgium, Brazil, France, Romania, South Africa, and Spain

AGENCY: International Trade Administration, Commerce.

ACTION: Termination of countervailing duty and antidumping investigations.

SUMMARY: We are terminating the countervailing duty and antidumping investigations on certain steel products from Belgium, Brazil, France, Romania, South Africa, and Spain that the

Department of Commerce initiated in November 1981 under the steel Trigger Price Mechanism. The terminations are based on our initiation of investigations encompassing all the products and allegations covered by the November 1981 cases. These initiations are the result of countervailing duty and antidumping petitions filed by several U.S. steel manufacturers on behalf of the domestic steel industry.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202) 377-3793.

SUPPLEMENTARY INFORMATION: On November 18, 1981, the Department of Commerce self-initiated three countervailing duty investigations regarding carbon steel plate from Belgium, Brazil, and South Africa; one countervailing duty investigation regarding hot-rolled steel sheet from France; and one antidumping investigation regarding carbon steel plate from Romania. On November 24, 1981, we self-initiated one countervailing duty investigation on structural steel from Spain. These investigations were self-initiated based upon information, developed under the steel Trigger Price Mechanism, which indicated that imports of these products might be benefitting from subsidies or were being, or were likely to be, sold in the United States at less than fair value.

On January 11, 1982, several U.S. steel manufacturers, on behalf of the domestic steel industry, filed petitions, alleging that steel products imported from eleven countries were receiving subsidies upon their manufacture, production or exportation and/or were being, or were likely to be, sold in the United States at less than fair value. These petitions covered a greater number of products, programs and countries than the self-initiated cases discussed above. However, included within the petitions were allegations sufficient to cover the entire scope of investigation of our self-initiated cases. On February 1, 1982, we initiated countervailing duty and antidumping investigations based on the petitions filed on behalf of the domestic steel industry.

Sections 704(a) and 734(a) of the Tariff Act of 1930, as amended (the "Act") (19 U.S.C. (1671c(a), 1673c(a))), provide that "An investigation under this subtitle may be terminated by either the administering authority or the Commission after notice to all parties to the investigation, upon the withdrawal of the petition by the petitioner." Under

section 103(b) of the Trade Agreements Act of 1979 (19 U.S.C. 1303) and 19 CFR 355.30 investigations under section 303 of the Act also may be terminated on this basis.

We have determined that in self-initiated investigations the administering authority is the petitioner for purposes of these provisions and may, in appropriate circumstances, withdraw its petitions and terminate the investigations.

Termination of the self-initiated cases will consolidate, on a single timetable, both the Department of Commerce and the International Trade Commission ("ITC") investigations. Consolidation of all the cases will ease the administrative burden and allow simultaneous consideration of issues common to all investigations. Thus, the Department has concluded that the termination of these investigations is in the public interest.

The Department of Commerce has notified all parties to the investigations that it is terminating the self-initiated investigations and has consulted with the ITC regarding this action.

Accordingly, I hereby terminate these investigations.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 1, 1982.

[FR Doc. 82-3209 Filed 2-3-82; 11:56 am]

BILLING CODE 3510-25-M

Importers' and Retailers' Textile Advisory Committee; Renewal

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Renewal.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. (1976)), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, and after consultation with the General Services Administration, the delegate of the Secretary of Commerce has determined that the renewal of the Importers' and Retailers' Textile Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

The Committee was initially established by the Secretary of Commerce on August 13, 1963. Its purpose was, and continues to be, to advise Department officials on the effects on import markets and retailing of cotton, wool and man-made fiber textile agreements. The information and recommendations of the Committee are

not only essential to the effective administration of the textile agreements, but are invaluable to U.S. negotiators in reaching new textile agreements. The Committee represents retailers and importers who are directly affected by the textile program.

The Committee will have balanced representation of not more than 25 members who are directly involved in importing and for retailing imported textile and apparel products, or who represent consumer or public interest groups. Members will be appointed by the Secretary of Commerce and will serve two-year, renewable terms.

The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress concurrent with the publication of this notice.

EFFECTIVE DATE: February 3, 1982.

FOR FURTHER INFORMATION CONTACT: Committee Control Officer, Arthur Garel, Director, Office of Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Room 2808, Washington, D.C. 20230, telephone: (202) 377-5078 or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce (202) 377-4217.

Dated: February 2, 1982.

Dennis C. Boyd,

Executive Director, Information Resources Management.

[FR Doc. 82-3308 Filed 2-5-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C.1531-1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

- Applicant:
 - Name: Mr. Harold M. Brundage III (P298), Ichthyological Associates, Inc.
 - Address: 100 South Cass Street, Middletown, Delaware 19709.
- Type of Permit: Scientific Research.
- Names and Number of Animals: Shortnose sturgeon (*Acipenser brevirostrum*), 2,500.

4. Type of Take: Juvenile and adult shortnose sturgeon will be captured with experimental gill nets and bottom trawls. Eggs and larvae will be sampled with an epibenthic sled and an anchored bottom-set plankton net.

5. Location of Activity: Delaware River and Bay.

6. Period of Activity: 5 years.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: February 3, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammal and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-3306 Filed 2-5-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Pub. L. 95-202, Section 401 (The G.I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on January 13, 1982, that the service of the members of the group known as the American Merchant Marine Who Were in Active Oceangoing Service During the

Period December 7, 1941, to December 31, 1946, not be considered active military service in the Armed Forces of the United States for all laws administered by the Veterans' Administration.

For further information contact: Technical Sergeant Stephen J. Koegle, USAF telephone: 694-5380, Office of the Secretary of the Air Force Personnel Council (SAF/MIPC), The Pentagon, Washington, DC 20330.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-3251 Filed 2-5-82; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

February 4, 1982.

The USAF Scientific Advisory Board Chief's Technical Advisory Group will meet at the Pentagon on February 23, 1982. The purpose of the meeting will be to review the current status of several technical programs to be provided by the Air Staff. The meeting will convene at 0930 and adjourn at 1700.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-3391 Filed 2-5-82; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)

Date of meeting: 3 March 1982

Time: 0830-1700 hours, 3 March 1982 (Closed)

Place: Foreign Science & Technology Center, Charlottesville, Virginia

Proposed Agenda: The Army Science Board Study Group on Chemical Warfare will meet to present and receive classified briefings and hold discussions to address the following Terms of Reference:

- Are current Army programs appropriately balanced (offensive/defensive), considering threats, national policy, Defense guidance, and the Army's key chemical role in DoD?
- Are research, development, and acquisition programs adequately funded and managed?

- Are Army and contractor research and development capabilities adequate to meet projected systems acquisition and fielding milestones?
- What technical and management initiatives should be implemented?
- What costs are involved (people, facility, funding)?
- What changes to the current Chemical Action Plan, if any, are required?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695-3039 or 697-9703.

Helen M. Bowen,
Administrative Officer.

[FR Doc. 82-3174 Filed 2-5-82; 8:45 am]
BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)
Dates of meeting: 8 March 1982, 9 March 1982
Times: 0830-1700 hours, 8 March 1982 (Closed), 0830-1600 hours, 9 March 1982 (Closed)

Place: The Pentagon, Room 2E715B, Washington, D.C.

Proposed agenda: The Army Science Board Ad Hoc Subgroup conducting a study on Laser Eye Protection will meet to present and receive briefings and hold discussions of a classified nature on 8 March. Discussions and an executive writing session will constitute the business on 9 March. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 697-9703 or 695-3039.

Helen M. Bowen,
Administrative Officer.

[FR Doc. 82-3175 Filed 2-5-82; 8:45 am]
BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of meeting: 4 March 1982, 5 March 1982
Times: 0830-1700 hours, 4 March 1982 (Closed), 0830-1600 hours, 5 March 1982 (Closed)

Place: U.S. Army Armor Center, Fort Knox, Kentucky

Proposed Agenda: The Army Science Board Ad Hoc Subgroup on Manning Army Systems will meet to present and receive briefings of a classified nature and to conduct a facility visit in connection with this study effort. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 697-9703 or 695-3039.

Helen M. Bowen,
Administrative Officer.

[FR Doc. 82-3176 Filed 2-5-82; 8:45 am]
BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)
Dates of Meeting: Thursday, March 4, 1982, Friday, March 5, 1982.
Times: 0830-1700 hours on March 4, 1982 (Open), 0830-1500 hours on March 5, 1982 (Open).

Place: The Carnegie-Mellon Institute of Research, Pittsburgh, Pennsylvania.

Proposed Agenda: The Army Science Board Ad Hoc Subgroup conducting a study on Robotics and Artificial Intelligence will meet to present and receive briefings and hold discussions addressing the following Terms of Reference:

(1) What opportunities exist for the Army to use commercially developed/modified industrial production machines in government owned facilities (e.g., ammunition plants, arsenals)?

(2) How could tactical applications of robotics and artificial intelligence increase combat capabilities and decrease personnel requirements (particularly in very hazardous tasks)? To what extent might overall costs be reduced?

(3) What applications of robotics and artificial intelligence should be made in the training, personnel, and logistics support areas? To what extent might machines be substituted for support forces?

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The Army Science Board Administrative Officer, Helen M. Bowen, may be contacted for further information and specific meeting locations at (202) 695-3039 or 697-9703.

Helen M. Bowen,
Administrative Officer.

[FR Doc. 82-3258 Filed 2-5-82; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program and PLUS Program; Special Allowances for Quarter Ending December 31, 1981

AGENCY: Education Department.

ACTION: Notice of special allowances for quarter ending December 31, 1981.

The Secretary announces that for the three-month period ending December 31, 1981, except with respect to loans to which section 438(b)(2)(B) of the Higher Education Act of 1965, as amended, applies, a special allowance at an annual rate of nine (9) percent will be paid to holders of eligible loans made prior to October 1, 1981 under the Guaranteed Student Loan Program having an applicable annual interest rate of seven (7) percent, and a special allowance at an annual rate of seven (7) percent will be paid to holders of eligible loans made prior to October 1, 1981 under the Guaranteed Student Loan Program or PLUS Program having an applicable annual interest rate of nine (9) percent.

The Secretary also announces that for the same three-month period, except with respect to loans to which section 438(b)(2)(B) of the Act applies, a special allowance at an annual rate of 8.92 percent will be paid to holders of eligible loans made on or after October 1, 1981 under the Guaranteed Student Loan Program having an applicable annual interest rate of seven (7) percent, a special allowance at an annual rate of 6.92 percent will be paid to holders of eligible loans made on or after October 1, 1981 under the Guaranteed Student Loan Program having an applicable annual interest rate of nine (9) percent, and a special allowance at an annual rate of 1.92 percent will be paid to holders of eligible loans made on or after October 1, 1981 under the PLUS Program having an applicable annual interest rate of fourteen (14) percent.

These special allowance rates were computed under the statutory formula of section 438(b) of the Higher Education Act of 1965, as amended by the Postsecondary Student Assistance Amendments of 1981, Title V-B of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, August 13, 1981). Under the amended statutory formula, the special allowance rates for loans made on or after October 1, 1981 are not rounded up to the nearest one-eighth of one percent.

Loans Made Prior to October 1, 1981. Under the statutory formula, each quarterly special allowance rate for loans made prior to October 1, 1981, is computed by determining the average of the bond equivalent rates of the 91-day Treasury bills auctioned during that three-month period (12.42 percent), by subtracting from that average either three and one-half (3.5) percent for seven (7) percent loans (8.92 percent) or five and one-half (5.5) percent for nine (9) percent loans (6.92 percent), by rounding the remainders upward to the nearest one-eighth of one percent (9 percent and 7 percent, respectively), and by dividing the resultant percentages by four (2.25 percent and 1.75 percent, respectively).

Thus, the percentage rates of the two special allowances to be paid for the three-month period ending December 31, 1981 for loans made prior to October 1, 1981, will be 2.25 percent for loans with an applicable annual interest rate of seven (7) percent, and 1.75 percent for loans with an applicable annual interest rate of nine (9) percent, computed on the average unpaid principal balance (not including unearned interest added to principal) of all eligible loans held by lenders under the Guaranteed Student Loan Program or the PLUS Program.

Loans Made on or After October 1, 1981. Under the amended statutory formula, each quarterly special allowance rate for loans made on or after October 1, 1981 is computed by determining the average of the bond equivalent rates of the 91-day Treasury bills auctioned during that three-month period (12.42 percent), by subtracting from that average the interest rate applicable to each loan (yielding remainders of 5.42 percent for 7 percent loans, 3.42 percent for 9 percent loans, and -1.58 percent for 14 percent loans), by adding 3.5 percent to the remainders (8.92 percent, 6.92 percent, and 1.92 percent, respectively), and by dividing the resultant percentages by four (2.23 percent, 1.73 percent, and 0.48 percent, respectively).

Thus, the three percentage rates for the special allowances to be paid for the three-month period ending December 31,

1981 for loans made on or after October 1, 1981 will be 2.23 percent for loans with an applicable annual interest rate of seven (7) percent, 1.73 percent for loans with an applicable annual interest rate of nine (9) percent, and 0.48 percent for loans with an applicable annual interest rate of fourteen (14) percent, computed on the average unpaid principal balance (not including unearned interest added to principal) of all eligible loans held by lenders under the Guaranteed Student Loan Program or the PLUS Program.

(20 U.S.C. 1087-1(b))

Dated: February 2, 1982.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 82-3214 Filed 2-5-82; 8:45 am]

BILLING CODE 4000-01-M

National Commission on Excellence in Education; Meeting

AGENCY: Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule of the third full meeting of the National Commission on Excellence in Education. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE: February 25, 1982.

LOCATION: Hubert H. Humphrey Building, 200 Independence Avenue SW., Penthouse, Room 800.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, 1200 19th Street NW., Washington, D.C. 20208, (202) 254-7920 or Betty Baten, Program Assistant, (202) 254-7924.

The National Commission on Excellence in Education is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees. The Commission is established to advise and make recommendations to the nation and to the Secretary of Education.

The meeting of the Commission is open to the public. The agenda will include presentations by: Barbara Burn, Christopher J. Hurn, Max Eckstein, Catherine Ailes, Thorsten Husen.

The presenters will focus on comparisons of American education with educational systems overseas, mathematics and science education in

the U.S. and the U.S.S.R., and the International Education Assessment.

Records are kept of all Commission proceedings, and are available for public inspection at the office of the National Commission on Excellence in Education, 1200 19th Street NW., Room 639, from the hours of 8 a.m. to 5 p.m.

Dated: February 3, 1982.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 82-3231 Filed 2-5-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-32-NG]

Natural Gas Imports; Midwestern Gas Transmission Company; Application for Authorization to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application by Midwestern Gas Transmission Company for authorization to import Canadian natural gas from TransCanada PipeLines Limited.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Midwestern Gas Transmission Company (Midwestern) to amend its existing import authorization in order to permit it to import up to 222,360 Mcf of Canadian natural gas per day from TransCanada PipeLines Limited (TransCanada) from November 1, 1984, through October 31, 1994. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act (NGA) and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m., on March 10, 1982.

FOR FURTHER INFORMATION CONTACT: Earl D. Bragdon (Natural Gas Branch), Economic Regulatory Administration, 2000 M Street NW., Room 6304, RG-13, Washington, D.C. 20461, (202) 653-3623.

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue SW., Forrestal Building, Room 6E-042, Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: On April 14, 1960, Midwestern agreed to purchase

up to 204,000 Mcf per day of Canadian natural gas from TransCanada over a twenty-five year term ending December 15, 1985. This agreement (Contract No. 1) was subsequently amended on May 19, 1964, when TransCanada agreed to increase the volumes available to Midwestern to 222,360 Mcf per day from November 1, 1967, through the balance of the term of Contract No. 1. That Contract was further amended on June 3, 1981, when the parties agreed to extend the term of the agreement through October 31, 1994, contingent upon all necessary U.S. and Canadian regulatory approvals being obtained on terms satisfactory to both parties.

TransCanada was authorized initially to export gas for sale to Midwestern by Canadian Export License No. GL-1, which expired on May 14, 1981. That authorization was extended by Export License No. GL-60, which authorized TransCanada to export 223,000 Mcf per day through November 1, 1984. From November 1, 1984, through October 31, 1985, volumes approved for export to Midwestern were reduced to a maximum daily quantity of 167,249 Mcf per day and total of 55,000 MMcf and for the period from November 1, 1985, through December 14, 1985, further reduced to a maximum daily quantity of 111,502 Mcf per day and a total of 4,907 MMcf.

The Federal Power Commission (FPC) authorized Midwestern to import 204,000 Mcf per day in FPC Opinion No. 331, issued October 31, 1959 (22 FPC 775). This authorization was amended by FPC Opinion No. 469, issued August 19, 1965 (34 FPC 457), which increased the volumes approved for import to 222,360 Mcf per day. In its application filed with the ERA on August 31, 1981, Midwestern requests ERA to extend its authorization to import Canadian natural gas from TransCanada from November 1, 1984, through October 31, 1994, in accordance with the terms of Contract No. 1, as amended, which entitles it to purchase up to 222,360 Mcf per day during this period. Midwestern also states that the gas would continue to be purchased and imported at a point near Emerson, Manitoba, where Midwestern's Northern System interconnects with TransCanada's facilities.

Midwestern asserts that its application for an extension of its authorization is not inconsistent with the public interest. Midwestern's application indicates that Contract No. 1 has the largest daily and annual purchase entitlements of any of its four gas purchase contracts with TransCanada. Midwestern further notes that its Northern System has been

supplied solely with Canadian natural gas since the system was placed in service in 1960, and that because of its geographical location and its lack of pipeline access to domestic producing areas, it has no practical alternative sources of domestic supply to meet its customers' needs. Midwestern's Northern System includes Michigan, Minnesota, North Dakota and Wisconsin. Midwestern states that unless it is authorized to continue to import the same daily and annual volumes of gas as are currently available to it under Contract No. 1 for the additional ten-year contract period, it will not be able to continue serving the requirements of its Northern System customers at current levels.

With respect to TransCanada's efforts to obtain authorization to export the gas for resale to Midwestern and several other U.S. customers, Midwestern indicates that TransCanada has filed applications with the Canadian National Energy Board (NEB) for such authorization. Midwestern notes that it has intervened in the following import applications filed with ERA by TransCanada's other customers: Tennessee Gas Pipeline Corporation (ERA Docket No. 81-24-NG); Transcontinental Pipe Line Company (ERA Docket No. 81-29-NG); and Boundary Gas, Inc. (ERA Docket No. 81-04-NG).

Midwestern states that it believes that TransCanada can demonstrate to the NEB its ability to support all its proposed exports, and that it does not oppose the corresponding import applications before ERA. In the event, however, that the NEB determines that the amount of surplus gas available for export is inadequate to satisfy all export applications, Midwestern states that the United States government should indicate to the Canadian government a preference for continuing export service to U.S. companies that have historically relied on Canadian gas supplies over new import projects.

Other Information

Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convened must file a petition to intervene.

Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed

with the Natural Gas Branch, Economic Regulatory Administration, Room 6304, RG-13, 2000 M Street, N.W., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., March 10, 1982.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for a hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Midwestern's application is available for inspection and copying in the Natural Gas Branch Docket Room, located in Room 6013, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on January 29, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-3235 Filed 2-5-82; 8:45 am]

BILLING CODE 6450-01-M

Northwest Pipeline Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Northwest Pipeline Corporation and provides an opportunity for public comment on the proposed Consent Order.

DATE: Comments by March 10, 1982.

ADDRESS: Send comments to: Thomas A. Elliott, Deputy Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466.

FOR FURTHER INFORMATION CONTACT:

Thomas A. Elliott, Deputy Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466, (816) 374-5936.

Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On November 10, 1981, the ERA executed a proposed Consent Order with Northwest

Pipeline Corporation of Salt Lake City, Utah. Under 10 CFR 205.199(b), a proposed Consent Order which involves a sum of \$500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the *Federal Register* requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Northwest Pipeline Corporation ("Northwest") with its home office located in Salt Lake City, Utah, is a firm engaged in the sale of natural gas liquids and natural gas liquid products, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212 during the period covered by this Consent Order. (February 1, 1974 through January 28, 1981). To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with Northwest transactions involving natural gas liquids and natural gas liquid products during the period February 1, 1974 through January 28, 1981, the ERA and Northwest entered into a Consent Order, the significant terms of which are as follows:

A. The ERA alleges that, during the period covered by this Consent Order, Northwest sold product at prices in excess of the applicable ceiling or maximum lawful selling prices in violation of 10 CFR 212.73, 212.82, 212.83, 212.143 and 212.163.

B. Northwest will refund the sum of \$1,500,000, which includes interest, in twelve (12) equal monthly installments commencing within thirty (30) days after the effective date of the Consent Order. Each installment payment will include installment interest computed at the average prime rate for the calendar quarter.

C. The provisions of 10 CFR 205.199, including those regarding the publication of this Notice, are applicable to the Consent Order.

II. Refunds and Civil Penalty

Under this Consent Order, Northwest will pay the sum of \$1,500,000, plus applicable installment interest, to the DOE in twelve monthly installments commencing within thirty (30) days after the effective date of this Consent Order.

The ERA will determine the ultimate disposition of these funds. Upon full satisfaction of the terms and conditions of this Consent Order by Northwest, the DOE releases Northwest from any civil claims that the DOE may have arising out of the specified transactions during the settlement period.

Northwest agrees to pay the sum of \$7,500 in compromise of civil penalties relating to the above-described transactions within thirty (30) days after the effective date of this Consent Order. The penalty is payable to the U.S. Department of Energy.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Northwest Pipeline Corporation Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time on or before March 10, 1982. Any information or data considered confidential by the person submitting it must be identified in accordance with the procedures in 10 CFR 205.9(f).

Issued: in Washington, D.C. on the 28th days of January 1982.

Milton C. Lorenz,
Special Counsel, Economic Regulatory
Administration.

[FR Doc. 82-3236 Filed 2-5-82; 8:45 am]
BILLING CODE 6450-01-M

T.W. Oil, Inc., Proposed Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with T.W. Oil, Inc. and provides an opportunity for public comment on the Consent Order.

DATE: Comments by March 10, 1982.

ADDRESS: Send comments to: Albert Mancini, Chief, Audit Operations, Reseller Division, Economic Regulatory Administration, 10th Floor, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Albert Mancini, Chief, Audit Operations, Reseller Division, Economic Regulatory Administration, 10th Floor, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, (215) 597-4550.

Copies of the Consent Order may be obtained free of charge by written or telephone request to this office.

SUPPLEMENTARY INFORMATION: On October 13, 1981, the ERA executed a Consent Order with T.W. Oil, Inc. (formerly JOC Oil, Inc.) of New York, New York. Under 10 CFR 205.199(b), a Proposed Consent Order which involves a sum of \$500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the *Federal Register* requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

T.W. Oil, Inc. (formerly JOC Oil, Inc.), with its home office located in New York, New York, is a firm engaged in the wholesale and retail sales of petroleum products, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211 and 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Price and Allocation Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212 in connection with JOC's transactions involving No. 2 and No. 6 heating oil during the period November 1, 1973 through June 30, 1974 ("the period covered by this Consent Order"), the ERA and T.W. Oil, Inc. entered into a Consent Order, the significant terms of which are as follows:

A. As a result of the ERA's audit of JOC, the ERA alleges that during the period from November 1, 1973 through June 30, 1974, T.W. Oil, Inc. recovered in its sales of No. 2 and No. 6 oil, revenues in excess of amounts allowed by the applicable price rule, 10 CFR 212.93.

B. It is alleged that T.W. Oil, Inc. incorrectly computes its maximum allowable selling price in its sales of No. 2 and No. 6 oil to an end-user customer, the Commonwealth of Virginia, and to other unidentifiable purchasers during the period covered by this Consent Order.

C. T.W. Oil, Inc., without admitting that it has violated any statute or regulations or overcharged any customer, has agreed to undertake the actions specified below as a means of settling all issues with ERA with respect to its sales of No. 2 and No. 6 oil during the period from November 1, 1973 through June 30, 1974.

II. Refunds and Civil Penalty

Under this Consent Order, T.W. Oil, Inc. will pay the sum of \$607,808, plus applicable installment interest if the firm elects to pay the sum in installments as permitted by the Consent Order.

The amount of \$294,739, together with any applicable installment interest, shall be refunded to the Commonwealth of Virginia, an end-user customer. The remaining sum of \$313,069, together with any applicable installment interest, will be remitted to the United States Department of Energy. The DOE will determine the ultimate disposition of these monies. Upon full satisfaction of the terms and conditions of this Consent Order by T.W. Oil, Inc., the DOE releases T.W. Oil, Inc. (and its predecessor JOC Oil, Inc.) from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

T.W. Oil, Inc. agrees to pay the sum of \$12,156 in compromise of civil penalties relating to the above described transactions during the period covered by this Consent Order.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms, conditions, or procedural aspects of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on T.W. Oil, Inc. Consent Order." The ERA will consider all comments which it receives by 4:30 p.m., Eastern Standard Time, on March 10, 1982. Any information of data considered confidential by the person submitting it must be identified in accordance with the procedures in 10 CFR 205.9(f).

Issued: in Washington, D.C. on the 26th day of January 1982.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 82-3237 Filed 2-5-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER80-713-002]

Arkansas Power & Light Co.; Compliance Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Arkansas Power & Light Company (AP&L), on January 22,

1982, tendered for filing proposed changes in its rates and charges to five municipalities, as reflected in revised Rate Schedule WM3, and one rural electric cooperative, as reflected in revised Rate Schedule WC3. The revised rates represent a redetermination of AP&L's wholesale rates based upon a cost of service study utilizing the same test year, costing methodology and other revenue requirement determinations reflected in AP&L's retail rates ordered in Arkansas Public Service Commission Docket No. U-3108. The redetermined rates, which are lower than the rates originally filed in this proceeding, have been calculated in accordance with the August 8, 1980 Settlement Agreement between AP&L and its Arkansas wholesale customers, filed in this proceeding and approved by the Commission by Order issued October 21, 1980.

Copies of the filing were served on AP&L's jurisdictional customers affected by the filing. Copies were also served on the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Missouri Public Service Commission and the Tennessee Public Service Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 22, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3272 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-251-000]

Consumers Power Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Consumers Power Company on (Consumers) on January 26, 1982, tendered for filing Supplemental Agreement No. 1 to its contract for wholesale for resale electric service with the City of Bay City, Michigan. The aforementioned contract was dated and became effective on February 7, 1980.

Consumers states that Bay City is presently installing an electric generating unit and desires to operate the same in parallel with Consumer's generating system. Supplemental Agreement No. 1 provides that

Consumers gives permission for such parallel operation to Bay City.

Consumers requests an effective date of December 21, 1981, and therefore requests waiver of the Commission's notice requirements.

According to Consumers, copies of the filing were served on Bay City and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3273 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-138-000]

East Tennessee Natural Gas Co.; Application

February 4, 1982.

Take notice that on December 29, 1981, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP82-138-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a long-term storage agreement with the Mid-Continent Gas Storage Company (Mid-Continent) and the construction and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to the terms of a long-term storage agreement with Mid-Continent to store summer valley gas which is available under Applicant's current gas purchase agreement with its pipeline supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), for redelivery during subsequent seasons. Applicant asserts that under such agreement it would purchase for storage injection a portion of its contractual entitlement from Tennessee at a new delivery point to be established

at the existing interconnection of the facilities of Tennessee and United Gas Pipe Line Company (United) near West Monroe, Louisiana, where Applicant would deliver equivalent volumes to United for the account of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern). It is further submitted that United and Northern would exchange equivalent volumes with Northern's transporting such volumes from Ogden, Iowa, to East Dubuque, Illinois, for delivery to Mid-Continent at an existing Northern Illinois Gas Company (NI Gas) delivery point for the account of Applicant. Applicant states that Mid-Continent would accept such gas for storage pursuant to its limited-term storage agreement with NI Gas and that on withdrawal Mid-Continent would deliver withdrawal volumes by displacement at an existing NI Gas delivery point to Midwestern Gas Transmission Company (Midwestern) for Applicant's account. Applicant further states that Midwestern would transport the withdrawal volumes by displacement to Tennessee at Portland, Tennessee, for the account of Applicant and Tennessee would transport the volumes by displacement for delivery to Applicant at the existing Ridgetop delivery point.

Applicant states that under such arrangement it would store 1,000,000 Mcf of natural gas for the 1982-1983 heating season and 4,000,000 Mcf of natural gas for the 1983-1984 heating season and beyond with certain options to increase the storage quantity.

Applicant further proposes to construct and operate facilities to expand pipeline capacity. Specifically, Applicant proposes to construct and operate 2.5 miles of 12-inch loop lines in Sullivan County, Tennessee, and 9.0 miles of 12-inch loop in Virginia; 0.600 mile of 6-inch lateral loop in Blount County, Tennessee, two 1,100 horsepower compressor stations in Smyth and Wythe Counties, Virginia, one 1,100 horsepower addition in Washington County, Virginia, and 3,300 horsepower addition in Trousdale and Putnam Counties, Tennessee.

Applicant estimates the cost of the proposed facilities to be \$16,809,600 which would be financed with borrowed funds.

Applicant also requests authorization to rearrange the maximum daily quantities of certain of its customers prior to the 1982-1983 heating season and to increase the contract demand in the amount of 25,089 Mcf for certain of its customers prior to the 1983-1984 heating season as more fully set forth in Exhibit I to the application.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3274 Filed 2-5-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-237-000]

Florida Power & Light Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on January 22, 1982, tendered for filing four documents entitled "Exhibit I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is

proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FP&L states that under the Exhibit I FP&L will transmit power and energy for Orlando Utilities Commission (Orlando) as is required by Orlando in the implementation of its interchange agreements with the City of Homestead, Fort Pierce Utilities Commission, City of Vero Beach and the Jacksonville Electric Authority.

FP&L requests waiver of the Commission's notice requirements and proposed that the Exhibits become effective immediately.

FP&L states that copies of the filing were served on Orlando Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 925 North Capitol Street, NE., Washington, D.C. 20406, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3275 Filed 2-5-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER77-578]

Kansas Gas & Electric Co.; Refund

February 3, 1982.

The filing Company submits the following:

Take notice that on January 22, 1982, Kansas Gas and Electric Company filed a refund report for the City of Augusta, Kansas. Such filing is made in accordance with Opinion 80-B, dated November 24, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 22, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3276 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-128-000]

Mississippi Power and Light Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Intervention, Granting in Part and Denying in Part Motions for Summary Disposition, and Establishing Procedures

Issued: February 2, 1982.

On December 4, 1981, Mississippi Power and Light Company (MP&L) tendered for filing revised rates, proposed to become effective February 3, 1982, for service to five full requirement customers and four transmission customers,¹ the proposed rates would result in an increase of approximately \$4,762,782 (45.02%) based on the twelve month period ending December 31, 1982.

Notice of the filing was issued on December 10, 1981, with comments, protests, or petitions to intervene due on or before December 31, 1982. On December 14, 1981, The Municipal Energy Agency of Mississippi (MEAM) and its members, the municipal customers of MP&L² (hereafter collectively referred to as MEAM), requested that the due date for filing protests and petitions to intervene be changed to January 5, 1982. On December 22, 1981, the Commission's Secretary issued a notice which granted MEAM's request.

On January 5, 1982 MEAM filed a protest and petition to intervene. In this filing, MEAM alleges a number of improper cost of service calculations, requests a five-month suspension, and requests summary disposition of the following issues: (1) MP&L's asserted right to reserve for an evidentiary hearing the option of adding an attrition allowance in calculating its overall rate of return; and (2) MP&L's present capitalization of AFUDC for projects completed during 1976. As a final matter, MEAM alleges that MP&L's proposed rates may result in a price squeeze.

¹ See Attachment A for the list of customers and rate schedule designations.

² Specifically the Mississippi cities of Canton, Durant, Kosciusko, Leland, Itta Bena, Clarksdale, Greendale and Yazoo City. The first five cities receive full requirements service; the latter three cities receive transmission service.

On January 5, 1982, South Mississippi Electric Power Association (SMEPA) filed a protest and petition to intervene. SMEPA is a generation and transmission association of distribution cooperative systems, receiving transmission service from MP&L. In its petition, SMEPA asserts that MP&L's rate filing lacks the workpapers required by § 35.13 of the Commission's regulations. Accordingly, SMEPA requests that the Commission issue a deficiency letter directing MP&L to submit workpapers prior to the Commission's establishing a filing date for MP&L's proposed rate increase. SMEPA also argues that MP&L's rates must be suspended for five months. SMEPA indicates that a number of issues relating to cost of service and terms and conditions will have to be explored at an evidentiary hearing. However, SMEPA requests that the Commission summarily dispose of the following issues: (1) MP&L's present capitalization of AFUDC for projects completed during 1976; (2) MP&L's inclusion of deferred taxes related to unbilled revenues, as an addition to rate base; and (3) MP&L's \$1,725,000 adjustment to operating income to reflect the accrual of non-cash expense reserves.

On January 20, 1982, MP&L filed separate answers to the pleadings filed by MEAM and SMEPA. MP&L contends that its filing substantially complies with the Commission's filing requirements, that summary disposition is inappropriate, that the matters raised by the intervenors should be pursued at hearing, and that a five month suspension is unwarranted. In addition, MP&L characterizes MEAM's price squeeze allegation as speculative.

Discussion

Initially, we note that participation in this proceeding by MEAM and SMEPA is in the public interest. Consequently, we shall grant their petitions to intervene.

As a threshold matter, we have reviewed MP&L's filing and find that it substantially complies with the Commission's filing requirements; thus, we shall deny SMEPA's request that we issue a deficiency letter.³

We shall grant, however, MEAM's request for summary disposition relating to MP&L's use of an attrition allowance. We note that MP&L's cost of service does not reflect an attrition allowance. Yet, MP&L has proposed a specific attrition allowance which it reserves the right, in an evidentiary hearing, to

provide as an addition to its cost of service calculations. According to the prepared testimony submitted by MP&L,⁴ the purpose of this allowance is to offset prospective increases in costs which MP&L's filed cost of service did not anticipate. The Commission has previously summarily rejected an attrition allowance which, as the one MP&L now proposes, lacked specific cost support while increasing costs beyond test year projections.⁵ We see no reason to depart from this precedent.

The remaining requests by MEAM and SMEPA for summary disposition will be denied. These issues as well as the matters raised by the petitions of MEAM and SMEPA present questions of law or fact more appropriately resolved on the basis of an evidentiary hearing which we direct below.

Our analysis of MP&L's filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In a number of suspension orders,⁶ we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that the rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

No such circumstances have been presented here. Accordingly, we shall suspend the rates for a period of five months to become effective, subject to refund, on July 3, 1982.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by MEAM. As we have noted in prior orders, this procedure will allow a

⁴ See Prepared Direct Testimony of John C. Duna at pages 38-42.

⁵ See *Southern California Edison Company*, Docket No. ER81-177-000 (February 13, 1980).

⁶ E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

³ See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenor or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission Orders:

(A) SMEPA's request for an issuance of a deficiency letter is hereby denied.

(B) MP&L's proposed rates are hereby accepted for filing and are suspended for five months, to become effective July 3, 1982, subject to refund.

(C) MEAM's motion for summary disposition on the issue of attrition allowance is hereby granted. All other motions by MEAM and SMEPA for summary disposition are hereby denied.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the

Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning MP&L's rates.

(E) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(F) The Commission Staff shall serve top sheets in this proceeding on or before February 16, 1982.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C.

20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.
Kenneth F. Plumb,
Secretary.

Attachment A

RATE SCHEDULE DESIGNATIONS.—Mississippi Power & Light Company

[Docket No. ER82-128-000]

Designation	Description	Other party
(1) Supplement No. 9 to Rate Schedule FPC No. 87 (Supersedes Supplement No. 8)	Rate Schedule MW-16	City of Kosciusko, Miss.
(2) Supplement No. 9 to Rate Schedule FPC No. 88 (Supersedes Supplement No. 8)	do	City of Canton, Miss.
(3) Supplement No. 9 to Rate Schedule FPC No. 93 (Supersedes Supplement No. 8)	do	City of Leland, Miss.
(4) Supplement No. 5 to Rate Schedule FPC No. 236 (Supersedes Supplement No. 4)	do	City of Durant, Miss.
(5) Supplement No. 5 to Rate Schedule FPC No. 238 (Supersedes Supplement No. 4)	do	City of Itta Bena, Miss.
(6) Supplement No. 2 to Supplement No. 6 to Rate Schedule FPC No. 239	Amendment No. 1 to Revised Service Schedule E	Greenwood Utilities Commission.
(7) Supplement No. 2 to Supplement No. 6 to Rate Schedule FPC No. 243	do	City of Clarksdale, Miss.
(8) Supplement No. 2 to Supplement No. 5 to Rate Schedule FERC No. 254	do	Yazoo City, Miss.
(9) Supplement No. 1 to Supplement No. 8 to Rate Schedule FERC No. 251	Amendment No. 1 to Revised Service Schedule TS-2	South Mississippi Electric Power Association.
(10) Supplement No. 1 to Supplement No. 11 to Rate Schedule FERC No. 251	Amendment No. 1 to Revised Service Schedule TS-1	Do.

[FR Doc. 82-3277 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-115-000]

Mitco Pipeline Co.; Application

February 4, 1982.

Take notice that on December 14, 1981, Mitco Pipeline Company, (Applicant), P.O. Box 4000, The Woodlands, Texas 77380, filed in Docket No. CP82-115-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with § 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3278 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-236-000]

Pacific Power & Light Co.; Cancellation

February 3, 1982.

The filing Company submits the following:

Take notice that on January 21, 1982, Pacific Power & Light Company (PP&L) tendered for filing a notice of cancellation of Rate Schedule FPC No. 104, dated June 22, 1972, between PP&L and the City of Ashland.

PP&L requests waiver of the Commission's notice requirements in order to allow for an effective date of February 27, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3279 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-558]

Philadelphia Electric Co.; Refund

February 3, 1982.

The filing Company submits the following:

Take notice that on January 18, 1982, Philadelphia Electric Company filed a refund report in accordance with the Commission's letter dated December 11, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, D.C. 20426, on or before February 22, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3280 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-239-000]

Southern California Edison Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that on January 22, 1982, Southern California Edison Company (Edison) tendered for filing an energy delivery agreement with the California City of Burbank providing for the delivery by Edison of power purchased by Burbank from Metropolitan Water District of Southern California (MWD). Edison will charge Burbank for transmission, dispatching and scheduling services and for losses between the Points of Attachment to MWD and the Point of Delivery to Burbank.

Edison requests that the Agreement be made effective as an initial rate schedule on minimum statutory notice; i.e., 60 days after receipt by the Commission for filing, but in no event, later than April 1, 1982.

Copies of this filing were served upon the City of Burbank, California, and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3281 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI77-851-001, et al.]

Superior Oil Co. (Successor In Interest to Alminex U.S.A. Inc.), et al.; Application of Superior Oil Co. for Certificates of Public Convenience and Necessity Authorizing Continuance of Service Being Rendered by Alminex U.S.A., Inc.; and Request for Redesignation of Rate Schedules

February 2, 1982.

Take notice that on January 25, 1982, Superior Oil Company (Superior), of P.O. Box 1521, Houston, Texas 77001, as successor in interest to Alminex U.S.A. Inc., (Alminex), filed an application in Docket Nos. CI77-851-001, et al., in order that Superior may succeed to certain certificates of public convenience and necessity issued to Alminex, to redesignate certain rate schedules, and to substitute Superior for Alminex in any pending proceedings before the Commission.

By assignment, effective July 31, 1981, Alminex conveyed and transferred to Superior certain of its oil and gas properties and assets together with all rights and privileges, obligations and responsibilities incident thereto, and did thereby transfer all gas sales contracts and amendments pertaining thereto.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a Hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene

is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applications to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3282 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. ER82-238-000]

Tampa Electric Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Tampa Electric Company (Tampa Electric), on January 22, 1982, tendered for filing an Agreement for Interchange Service between Tampa Electric and the City of St. Cloud (St. Cloud), together with Service Schedules A, B, and C thereunder.

Tampa Electric states that Service Schedules A, B, and C provide for emergency, schedules short-term, and economy energy interchange service, respectively, between Tampa Electric and St. Cloud.

Tampa Electric proposes an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on St. Cloud and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3283 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-235-000]

Tucson Electric Power Co.; Cancellation

February 3, 1982.

The filing Company submits the following:

Take notice that on January 21, 1982, Tucson Electric Power Company (Tucson) tendered for filing a notice of cancellation of Rate Schedule FPC No. 37, dated July 1, 1980, between Tucson and the Community Public Service Company.

Tucson requests an effective date of December 31, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3284 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-137-000]

Transcontinental Gas Pipe Line Corp.; Application

February 4, 1982.

Take notice that on December 28, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-137-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interruptible transportation of up to 5,000 dekatherms (dt) equivalent of natural gas per day for the City of Lexington, North Carolina (Lexington), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on behalf of Lexington up to 5,000 dt equivalent of natural gas per day which Lexington would purchase from North Carolina Gas Service, Division of Pennsylvania & Southern Gas Company

(NC Gas Service). Applicant explains that it would receive such quantities from NC Gas Service at an existing point of delivery between NC Gas Service and Applicant. It is submitted that NC Gas Service would make such gas available by reducing its takes from Applicant. It is stated that Applicant would then redeliver equivalent quantities by displacement to Lexington at the existing delivery points between Applicant and Lexington.

Applicant indicates that the proposed transportation service would be for a term beginning on the date of initial deliveries and ending no later than November 1, 1982. It is said that the transportation would be interruptible at Applicant's sole discretion and would be subordinate to Applicant's deliveries to Lexington under Applicant's Rate Schedules CD, ACQ, LGA, GSS and WSS.

Applicant submits that for the proposed transportation service Lexington would initially pay Applicant 3.5 cents per dt equivalent of gas with no retainage for compressor fuel and line loss make-up.

It is indicated that Lexington would use the gas to be transported by Applicant to reduce anticipated curtailment to high priority customers during the current winter heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the

matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3285 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-144-000]

Upper Peninsula Power Co.; Refund

February 3, 1982.

The filing Company submits the following:

Take notice that on January 19, 1982, Upper Peninsula Power Company filed a refund report pursuant to the Commission's order approving settlement issued November 20, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 22, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3286 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-242-000]

Arizona Public Service Co.; Proposed Change of Rate

February 3, 1982.

The filing Company submits the following:

Take notice that Arizona Public Service Company (Company) on January 25, 1982, tendered for filing Amendment No. 1 dated November 30, 1981 to the Firm Transmission Service Agreement between the Utah Power & Light Company (Utah) and Company.

Waiver is requested under the provisions of Section 35.11 so that this Amendment becomes effective as of December 1, 1981 in accordance with its terms.

A copy of this filing was served upon Utah and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3260 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1992-000]

James F. Cobey, Jr.; Application

February 3, 1982.

The filing individual submits the following:

Take notice that on January 18, 1982, James F. Cobey, Jr. filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Connecticut Yankee Atomic Power Company

Director, President, and Chief Operating Officer—United Illuminating Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with that §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3261 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-247-000]

Consumers Power Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Consumers Power Company (Consumers) on January 26, 1982, tendered for filing Amendment No. 1 to its contract for wholesale for resale electric service with the Village of Union City, Michigan. The aforementioned contract was dated and became effective on September 30, 1975.

Consumers states that Union City has entered into a Power Sales Contract with the Michigan South Central Power Agency organized by the Cities of Coldwater, Hillsdale and Marshall and the Villages of Clinton and Union City, Michigan under which that agency will sell to Union City all electric power and energy required by Union City for its electric system in excess of that produced from cogeneration facilities and nonelectric generating activities. The Agency plans to be a generally self-sufficient generating entity and is engaged in the construction of a fossil fuel-fired steam electric generating unit located at Litchfield, Michigan and presently expected to be in commercial operation by July 1, 1982. Amendment No. 1 supplements and modifies the term of the September 30, 1975 contract so that the said contract will terminate when Union City commences to purchase its bulk power supply requirements from the South Central Power Agency.

Consumers requests an effective date of October 29, 1981, and therefore requests waiver of the Commission's notice requirements.

According to Consumers copies of the filing were served on Union City and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3262 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-248-000]

Consumers Power Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Consumers Power Company (Consumers) on January 26, 1982, tendered for filing Amendment No. 2 to its contract for wholesale for resale electric service with the City of Marshall, Michigan. The aforementioned contract was dated and became effective on March 10, 1977.

Marshall has entered into a Power Sales Contract with the Michigan South Central Power Agency organized by the Cities of Coldwater, Hillsdale and Marshall and the Villages of Clinton and Union City, Michigan under which that agency will sell to Marshall for its electric system in excess of that produced from cogeneration facilities and nonelectric generating activities. The Agency plans to be a generally self-sufficient generating entity and is engaged in the construction of a fossil fuel-fired steam electric generating unit located at Litchfield, Michigan and presently expected to be in commercial operation by July 1, 1982. Amendment No. 2 supplements and modifies the term of the March 10, 1977 contract so that the said contract will terminate when Marshall commences to purchase its bulk power supply requirements from the South Central Power Agency.

Consumers requests an effective date of October 29, 1981, and therefore requests waiver of the Commission's notice requirements.

According to Consumers, copies of the filing were served on Marshall and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3263 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-249-000]

Consumers Power Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Consumers Power Company (Consumers) on January 26, 1982, tendered for filing Amendment No. 1 to its contract for wholesale for resale electric service with the City of Coldwater, Michigan. The aforementioned contract was dated and became effective on March 10, 1977.

Consumers states that Coldwater has entered into a Power Sales Contract with the Michigan South Central Power Agency organized by the Cities of Coldwater, Hillsdale and Marshall and the Villages of Clinton and Union City, Michigan under which that agency will sell to Coldwater all electric power and energy required by Coldwater for its electric system in excess of that produced from cogeneration facilities and nonelectric generating activities. The Agency plans to be a generally self-sufficient generating entity and is engaged in the construction of a fossil fuel-fired steam electric generating unit located at Litchfield, Michigan and presently expected to be in commercial operation by July 1, 1982. Amendment No. 1 supplements and modifies the terms of the March 10, 1977 contract so that the said contract will terminate when Coldwater commences to purchase its bulk power supply requirements from the South Central Power Agency.

Consumers requests an effective date of October 29, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Coldwater and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3264 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-250-000]

Consumers Power Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Consumers' Power Company (Consumers) on January 26, 1982, tendered for filing a Transmission Service Agreement between Consumers and the City of Bay City, Michigan. The aforementioned contract was dated and became effective on December 15, 1981.

Consumers states that Bay City proposes to operate a dual fuel diesel electric generating unit, with an expected rating of 6,000 kW, located near Bay City's Saginaw Street Municipal Substation, and proposes to deliver electric capacity and energy from said unit to Consumers' system at the 46,000 volt bus of the said substation to four delivery points, being the 46,000 volt bus of each of Bay City's other four substations as described in the agreement.

Consumers' further states that the rate to be charged for such transmission service is the standard rate charged by Consumers for firm transmission service, previously accepted for filing by this Commission on January 21, 1981 in Docket No. ER80-98. The weekly rate of \$0.096 per kW of billing demand is the incremental rate for firm transmission service at 46,000 volts (\$318 per kW) approved in Docket No. ER80-98, the component of said rate attributable to firm service at 138,000 volts (\$222 per kW) approved in the same docket.

Consumers requests waiver of the Commission's notice requirements in order to allow for an effective date of December 15, 1981.

According to Consumers, copies of the filing were served on Marshall and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8,

1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3265 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-243-000]

Florida Power & Light Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on January 25, 1982, tendered for filing documents entitled "Exhibit I to Service Agreement for Interchange Transmission Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts For Interchange Service." FP&L states that this filing is proposed to amend FERC Electric Tariff Original Volume II (Sheets Nos. 1-19).

According to FP&L under Exhibit I FP&L will transmit power and energy for Fort Pierce Utilities Authority (Fort Pierce) as is required by Fort Pierce in the implementation of its interchange agreement with Sebring Utilities Commission.

FP&L requests waiver of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately.

Copies of the filing were served on Fort Pierce Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3266 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-246-000]

Florida Power & Light Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on January 25, 1982, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." FP&L states that this filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FP&L states that under the Exhibit I FP&L will transmit power and energy for the Utilities Commission, City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with the City of St. Cloud.

FP&L requests waiver of the Commission notice requirements and requests that the proposed Exhibit be made effective immediately.

According to FP&L copies of the filing were served on the Utilities of New Smyrna Beach.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3267 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-241-000]

Public Service Co. of Indiana, Inc.; Proposed Tariff Change

February 3, 1982.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. (PSCI) on January 25, 1982, tendered for filing pursuant to the Interconnection Agreement between PSCI and Louisville Gas and Electric Company a Seventh Supplemental Agreement to become effective March 22, 1982.

PSCI states that said Supplemental Agreement increases the demand charge for Short Term Power from 85¢ per kilowatt per week to \$1.05 per kilowatt per week.

PSCI further states that copies of the filing were served upon Louisville Gas and Electric Company, Kentucky Public Service Commission and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3268 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-240-000]

Southern California Edison Co.; Tariff Change

February 3, 1982.

The filing Company submits the following:

Take notice that on January 22, 1982, Southern California Edison Company ("Edison") tendered for filing a change of rates for firm transmission service under the provisions of Edison's agreements with the parties listed below as embodied in their FERC Rates Schedules. Edison requests that the new rates for these services be made effective May 1, 1982.

Entity	Rate schedule FERC No.
1. City of Burbank ("Burbank")	135
2. City of Glendale ("Glendale")	136
3. City of Pasadena ("Pasadena")	137
4. Imperial Irrigation District ("IID")	138
5. San Diego Gas and Electric Company ("SDG&E")	139

Edison states that the filing is in accordance with the terms of each of these agreements, which state that the rates for these services will be redetermined 90 days prior to commencement of service under the agreements to reflect the current California Public Utilities Commission authorized rate of return for Edison's retail operations and any system changes since the agreements were originally executed.

Copies of this filing were served upon the California cities of Burbank, Glendale, and Pasadena, IID, SDG&E, and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before February 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3269 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-244-000]

Virginia Electric and Power Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that Virginia Electric and Power Company (VEPCO) on January 25, 1982, tendered for filing a supplemental contract on behalf of the Rappahannock Electric Cooperative (REC) which requests a change in delivery voltage from 12.5 kV to 115 kV at the Kings Dominion Delivery Point.

The proposed change is as follows:

Delivery point	Present FERC No.	Proposed FERC No.	Proposed effective date
Kings Dominion.	101-16	To be designated by FERC.	Sept. 11, 1981.

VEPCO states that the revised contract supplement for Kings Dominion Delivery Point supersedes FERC Rate Schedule No. 101-16 dated February 22, 1980.

VEPCO requests an effective date of September 11, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1982.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3270 Filed 2-5-82; 8:45 am]

BILLING CODE 6117-01-M

[Project No. ER82-252-000]

West Texas Utilities Co.; Filing

February 3, 1982.

The filing Company submits the following:

Take notice that on January 27, 1982, West Texas Utilities Company ("WTU") submitted for filing three (3) executed Delivery Point and Service Specifications sheets providing for changes in conditions of service under Service Agreements between WTU and the Stamford Electric Cooperative, Inc. executed under WTU's FERC Electric Tariff, Original Volume No. 1. The changes provide for the decrease or increase in stated maximum contract demand at the existing delivery point.

WTU states that copies of the filing have been sent to the Public Utility Commission of Texas and the Stamford Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission,

825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All Such petitions or protests should be filed on or before February 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on application with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-3271 Filed 2-5-82; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 82-31, 82-32; File Nos. 21774-CD-P-(4)-81, 22428-CD-P-(1)-81]

Airsignal International, Inc. and Gulf Coast Electronic, Inc.; Designated Applications for Consolidated Hearing on Stated Issues

Adopted January 19, 1982.

Released February 1, 1982.

In re applications of Airsignal International, Inc., for a construction permit to add-additional locations on frequency 35.22 MHz for Station KKG501 in the Domestic Public Land Mobile Radio Service at Houston, Texas, CC Docket No. 82-31, File No. 21774-CD-P-(4)-81; Gulf Coast Electronics, Inc., for a construction permit to add an additional location on frequency 35.22 MHz for Station WXS436 in the Domestic Public Land Mobile Radio Service near Hamshire, Texas, CC Docket No. 82-32, File No. 22428-CD-P-(1)-81.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Airsignal International, Inc. (Airsignal) and Gulf Coast Electronics, Inc. (Gulf Coast). The Airsignal application proposed facilities at four new locations, numbers 8, 9, 10 and 11. The Airsignal proposal at location 9 and the Gulf Coast proposal are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. Airsignal's proposed locations 8, 10 and 11 are not mutually exclusive with any other pending applications.

2. We find the applicants to be legally, technically and otherwise qualified to construct and operate the proposed

facilities. We further find that a grant of the request by Airsignal at locations 8, 10 and 11 to operate on frequency 35.22 MHz will serve the public interest, convenience, and necessity.

Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the application of Airsignal International, Inc., File No. 21774-CD-P-(4)-81 at locations 8, 10 and 11 is granted and that the application of Airsignal International, Inc., File No. 21774-CD-P-(4)-81 at location no. 9 and the application of Gulf Coast Electronics, Inc., File No. 22428-CD-P-(1)-81 are designated for hearing in a consolidated proceeding upon the following issues:

(a) 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;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 43 dBu contours,¹ based upon the standards set forth in § 22.504(a) of the Commission's Rules,² and services in said areas; and

(c) 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.

3. 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.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.2212(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the

¹For the purpose of this proceeding, the interference-free area is defined as the area within the 43 dBu contour as calculated from Section 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.

²Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 35 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.)

hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the *Federal Register*.

William F. Adler,

Acting Chief, Mobile Services Division,
Common Carrier Bureau.

[FR Doc. 82-3243 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-25, 82-26; File Nos. BPH-801128AK, BPH-810427AM]

Coleman Broadcasting Co. and Lynn L. Martin; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 18, 1982.

Released: February 1, 1982.

In re applications of Anne Gail Coleman, d.b.a. Coleman Broadcasting Company, Alva, Oklahoma, Req: 104.7 MHz, Channel 284, 100 kW (H&V), 526 feet, BC Docket No. 82-25, File No. BPH-801128AK; Lynn L. Martin Alva, Oklahoma, Req: 104.7 MHz, Channel 284, 100 kW (H&V), 776.98 feet, BC Docket No. 82-26, File No. BPH-810427AM; for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Anne Gail Coleman d.b.a. Coleman Broadcasting Company (Coleman) and Lynn L. Martin (Martin).

2. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's rules to give notice of the filing of their applications. The must then file with the Commission the statement described in § 73.3580(h) of the rules. We have no evidence that either Coleman or Martin published the required notice. To remedy this deficiency, both will be required to publish local notice of their applications and to file a statement of publication with the presiding Administrative Law Judge.

3. *Martin*. Since no determination has been reached that the antenna proposed by Martin would not constitute a menace to air navigation, an issue regarding this matter is required.

4. Data submitted by the applicants indicates that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural

services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether there is a reasonable possibility that the tower height and location proposed by Martin would constitute a hazard to air navigation.

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

7. It is further ordered, that, Coleman and Martin file a statement of publication of local notice of their respective applications, in accordance with § 73.3580(f) of the Commission's rules, with the presiding Administrative Law Judge.

8. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

9. It is further ordered, that in the event the application of Lynn L. Martin is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Lynn L. Martin will divest himself of either his interest in Radio Station KALV-AM or his FM station in accordance with the requirements established in such rulemaking proceeding.

10. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.2212(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3574 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-3244 Filed 2-5-82; 8:45 am]

BILLING CODE 8712-01-M

[BC Docket Nos. 82-56—82-58; File Nos. BPH-800918AC, etc.]

B & M Communications, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of B & M Communications, Inc., Mountain Home, Arkansas, Req: 105.5 MHz, Channel 288A, 1.13 kW (H&V), 457 feet, BC Docket No. 82-56, File No. BPH-800918AC; Mountain-Valley Broadcasters, Inc., Mountain Home, Arkansas, Req: 105.5 MHz, Channel 288, 0.794 kW (H&V), 585 feet, BC Docket No. 82-57, File No. BPH-810204AB; Dr. Ambrose T. Walker, M.D., Mountain Home, Arkansas, Req: 105.5 MHz, Channel 288, 1.0 kW (H&V), 480 feet, BC Docket No. 82-58, File No. BPH-810210AD; for construction permit for a New FM Station.

Adopted: January 29, 1982.

Released: February 3, 1982.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration (i) the above-captioned mutually exclusive applications filed by B & M Communications, Inc. (B&M), Mountain-Valley Broadcasters, Inc. (MVB), Dr. Ambrose T. Walker, M.D. (Dr. Walker), (ii) a Motion For Designation of Issues, filed February 9, 1981 by MVB, and (iii) a responsive Motion to Dismiss or For Extension of Time, filed by B&M on February 23, 1981.¹

¹ Pursuant to the Commission's Report and Order in re Revised Procedures for the Processing of Contested Broadcast Applications: Amendments of Part 1 of the Commission's rules, 72 FCC 2d 202, 45 RR 2d 1220 (1979), which directed the deletion of all issue pleadings in pending cases, the matters sought to be raised by MVB in its pleadings have not been considered in this Order. Accordingly, an opportunity to raise any allegations contained in the Petition which have not been discussed herein will

2. B&M. Analysis of the financial portion of B&M's application reveals that it will require \$177,778 to construct the proposed facility and operate for three months, itemized as follows:

Equipment down payment.....	\$10,217
Equipment payments with interest.....	3,485
Land.....	21,300
Building.....	70,500
Miscellaneous and other costs.....	49,581
Operating costs (three months).....	22,695
Total.....	177,778

B&M plans to finance construction and operation with the following funds: (i) Existing capital—\$387; (ii) unfulfilled stock subscriptions by James D. Lewis and James L. Reinhard—\$5,712 each, or \$11,424 total; (iii) two bank loans—\$300,000; (iv) further stockholder loan commitments or stock subscriptions by Messrs. Lewis and Reinhart of \$50,000 and \$10,000, respectively; and (v) "other" sources—\$10,741. However, Mr. Lewis financial statement indicates he has only \$35,562 in net liquid assets to meet his commitment. In addition, the bank loan letters fail to comply with Paragraph 4(e) of Section III of FCC Form 301, in that they do not specify the length of the loan or the terms of repayment. Finally, the source of \$10,741 is not disclosed. Therefore, the applicant has shown only \$51,661, an amount insufficient to meet proposed costs of \$177,778. A limited financial issue will be specified.

3. MVB. Analysis of the financial portion of MVB's application reveals that it will require \$129,216 to construct the proposed facility and operate for three months, itemized as follows:

Equipment.....	\$62,016
Building (leased).....	39,000
Miscellaneous and other costs.....	28,200
Operating costs (three months).....	129,216
Total.....	129,216

MVB plans to finance construction and operation with \$3,000 cash on hand and \$100,000 in loans from each of the two principals, Messrs. Bruce I. Higgins and Allen S. McGaughey. Mr. McGaughey's balance sheet discloses only \$195 in net liquid assets. Although he intends to rely upon a bank loan, Mr. McGaughey's letter of commitment from the First Bank & Trust Co. of Mountain Home fails to comply with Paragraph 4(e) of Section III of FCC Form 301 in that it does not specify the interest rate of the loan or the terms of repayment. As a result, MVB has shown only \$103,195 available to meet a commitment of \$129,216. Moreover, MVB does not include a copy of the lease agreement or indicate the

be afforded the parties post designation, pursuant to § 1.229.

leasing costs it will incur in acquiring, remodeling or constructing buildings. Accordingly, a financial issue will be specified.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and population which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and population which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine with respect to B&M:
(a) The source and availability of additional funds over and above the \$51,661 indicated;
(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(2) To determine with respect to MVB:
(a) The source and availability of additional funds over and above the \$103,095 indicated;

(b) The costs of leasing, acquiring, remodeling, and/or constructing buildings; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

(4) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(5) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating

an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

9. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower proposed by the below listed applicant. Accordingly, it is further ordered, that the following issue is specified:

(3) To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height and location proposed by Mountain-Valley Broadcasters, Inc.

10. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 82-3242 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-48, 82-49; File Nos. BPH-800925AB, BPH-801211AD]

CM Broadcasting Co. and Dr. Ambrose T. Walker; Hearing Designation Applications Order on Stated Issues

Adopted: January 28, 1982.

Released: February 2, 1982.

In reapplications of Carl G. and Mary F. Minton, d.b.a. CM Broadcasting Co., West Plains, Missouri, Req: 102.3 MHz, Channel 272A, 3 kW (H&V), 300 feet, BC Docket No. 82-48, File No. BPH-800925AB; Dr. Ambrose T. Walker, M.D., West Plains, Missouri, Req: 102.3 MHz, Channel 272A, 3 kW (H&V), 300 feet, BC Docket No. 82-49, File No. BPH-801211AD, for construction permit for a New FM Station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Carl G. and Mary F. Minton, d.b.a. CM Broadcasting Co. and Dr. Ambrose T. Walker, M.D.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the

populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

6. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

7. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, it is further ordered, that the following issue is specified:

(1) To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s)

proposed by Carl G. and Mary F. Minton, d.b.a. CM Broadcasting Co. and Dr. Ambrose T. Walker, M.D.

8. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 82-3248 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-46, 82-47; File Nos. BPH-800710AF, 801003AA]

Cedar Creek Radio Co. and Henderson County Radio; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 28, 1982.

Released: February 3, 1982.

In re applications of Edd Lowe Routt, Norma Lee Routt, Edd L. Routt, Jr. and Kendall A. Minter, d.b.a. Cedar Creek Radio Company, Malakoff, Texas, Req: 95.9 MHz, Channel 240, 3 kW (H&V), 300 feet, BC Docket No. 82-46, File No. BPH-800710AF; Kenneth R. Jones and Glenda J. Jones, d.b.a. Henderson County Radio, Malakoff, Texas, Req: 95.9 MHz, Channel 240, 3 kW (H&V), 300 feet, BC Docket No. 82-47, File No. BPH-801003AA, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (1) Above-captioned mutually exclusive applications filed by Edd Lowe Routt, Norma Lee Routt, Edd L. Routt Jr. and Kendall A. Minter, d.b.a. Cedar Creek Radio Company (Cedar Creek), and Kenneth R. Jones and Glenda J. Jones d.b.a. Henderson County Radio (Henderson County).

2. Cedar Creek. Applicants for new broadcast stations are required by § 73-3580(f) of the Commission's rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the rules. We have no evidence that Cedar Creek published the required notice. To remedy this deficiency, Cedar Creek will be required to publish local notice of its application, if it has not already done so, and to file a statement of publication with the presiding Administrative Law Judge.

3. From the evidence before us, the engineering exhibit submitted by Cedar Creek appears to contain an inconsistency concerning the proposed transmitter site. Sec. V-B, paragraph 4 shows the transmitter site 2.5 miles SE of Malakoff on Route 2636 at 32°08'48"

north latitude, 95°58'24" west longitude. The June 22, 1980 lease in Attachment C of the February 2, 1981 amendment obligates the lessor to build at a transmitter site 32°08'13" north latitude, 95°58'18" west longitude, which appears to be 5 acres in the city of Malakoff. Therefore, it appears that Cedar Creek has amended its transmitter site without making the necessary amendment of Section V-B. Accordingly, an issue will be specified to determine the site of Cedar Creek's transmitter and whether a proper engineering amendment is required.

4. *Henderson County.* Henderson County has also failed to submit the local notice required by § 73.3580(f) of the Commission's Rules. To remedy this deficiency, it will be required to publish local notice, if it has not already done so, and to file a statement of publication with the presiding Administrative Law Judge.

5. Section 73.1125 of the Commission's rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. Henderson County proposes to locate its main studio outside the corporate limits of Malakoff, Texas on State Highway 31 near Crescent Heights, Texas. The applicant alleges that the proposed location is easily accessible from Malakoff. Under these circumstances, we believe that adequate justification has been provided for the proposed studio location.

6. Analysis of the financial data submitted by Henderson County reveals that \$55,884 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment.....	\$18,240
Equipment payments with interest.....	2,736
Land lease (transmitter and studio).....	208
Miscellaneous.....	18,500
Building.....	1,200
Operating costs (three months).....	15,000
Total.....	55,884

Henderson County plans to finance construction and operation with the following funds: \$31,000 in existing capital; \$98,000 bank loan; and \$23,850 from KTLR profits. The First State Bank letter dated September 25, 1980 requires a first lien on all station equipment of the applicant. However, the broadcast equipment is being purchased on credit from McMartin Industries, Inc. Therefore, a question arises as to whether the loan is available. Additionally, the existing capital of \$31,000 to be supplied by Kenneth R. Jones appears to be unavailable. Jones has \$31,000 in current liquid assets

offset by \$12,300 in current liabilities, leaving \$18,700 in existing capital available. Therefore, Henderson County has failed to provide documentation to support more than \$42,550 available to meet the \$55,884 required for construction and operation. Accordingly, a limited financial issue will be specified.

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the area and population which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the site of Cedar Creek's transmitter and whether a proper engineering amendment is required.

(2) To determine with respect to Henderson County: (a) The source and availability of additional funds over and above the \$42,550 indicated; and (b) whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(3) To determine which of the proposals would, on comparative basis, better serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, that, Cedar Creek Radio Company shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's rules.

11. It is further ordered, that, Kenneth R. Jones and Glenda J. Jones, d.b.a. Henderson County Radio shall file a

statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's rules.

12. It is further ordered, that to avail themselves of the opportunity to be heard, the applications herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-3241 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 82-29, 82-30; File Nos. 20292-CD-P-80, 21011-CD-P-80]

Larry D. Swartz and Radio Telephone Company of Daytona Beach, Inc.; Memorandum Opinion and Order Designating Applications Consolidated Hearing on Stated Issues

Adopted January 13, 1982.

Released February 2, 1982.

In re applications of Larry D. Swartz for a construction permit to establish a new two-way station to operate on frequency 454.175 MHz in the Domestic Public Land Mobile Radio Service at Flagler Beach, Florida, CC Docket No. 82-29, File No. 20292-CD-P-80; Radio Telephone Company of Daytona Beach, Inc., for a construction permit to add two-way frequency 454.175 MHz to existing Station KWU540 in the Domestic Public Land Mobile Radio Service at Bunnell, Florida, CC Docket No. 82-30, File No. 21011-CD-P-80.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the above-captioned applications of Larry D. Swartz (Swartz) and Radio Telephone Company of Daytona Beach, Inc. (RTC). As originally filed, both applications requested the use of the same frequency in the same

geographic area and were found to be electrically mutually exclusive and entitled to comparative consideration pursuant to § 22.31 of the Commission's rules.¹ In a "Petition to Dismiss Amended Application," RTC argues that as a result of certain actions taken in connection with Swartz's application, these applications are not longer mutually exclusive and that Swartz's application must be returned as defective. Swartz did not file a response.

2. The events giving rise to RTC's petition are as follows. In a letter dated June 13, 1980, C.T. Simpson, Swartz's consulting engineer, requested amendment of Swartz's application to change the frequency requested from 454.175 MHz to 454.200 MHz. This letter amendment, which was not signed by Swartz, appeared on the Bureau's Public Notice of Applications Accepted for Filing dated July 8, 1980. According to RTC, no consideration was offered or provided to Swartz by RTC in connection with this amendment.

3. On July 9, 1980, the Bureau received a telegram bearing the names of both Simpson and Swartz which referred to a telephone conversation of July 8, 1980 with the staff confirming "our desire to cancel" the previous amendment (the June 13 letter). This telegram was followed by a letter received by the Bureau on July 15, 1980 signed by Simpson and confirming the telegram's request to withdraw the previous amendment.² Notice of amendment of Swartz's application to change the frequency requested from 454.200 MHz to 454.175 MHz (the originally requested frequency) appeared on the Bureau's Public Notice of Applications Accepted for Filing dated July 29, 1980.

4. RTC's petition notes that a pending mobile radio application may be amended as a matter of right prior to designation for hearing and that a change in (or addition of) a radio frequency is considered a major amendment to a mobile radio application.³ RTC also points out that an application that has been amended by a major amendment will be considered a newly filed application for purposes of § 22.31.⁴ Therefore, according to RTC,

the letter dated June 13, 1980 constituted a major amendment to Swartz's application that was effective when filed, and the effort to withdraw that amendment constituted an attempt at a second major amendment back to the frequency originally requested by both Swartz and RTC. RTC argues that since RTC's application had been pending for more than 60 days when the June 13, 1980 letter amendment was filed, its application was subsequently considered to be a protected "cut-off" status pursuant to Section 22.31 and Swartz could not amend his application back to frequency 454.175MHz. RTC claims that Swartz's application must be returned as defective and cites the Commission's decision in *Dial-A-Page, Inc.*, 75 FCC 2d 432 (1980) as controlling in this case.

Discussion

5. We believe that RTC has relied on a flawed assumption which ultimately renders its arguments without merit. Pursuant to Sections 308(b) and 319(a) of the Communications Act of 1934, as amended,⁵ all applications for stations licenses, modifications, renewals, and construction permits must be signed by the applicant or licensee. The Commission has specified in §§ 22.6(d), 22.23(g), 1.743(a), and 1.744(a) of the rules⁶ that mobile radio applications and amendments, including letter amendments, as in this case, must be personally signed by the applicant if, as here, the applicant is an individual. Since neither of the purported amendments was personally signed by Swartz, they should have been returned as unacceptable for filing pursuant to § 22.20 of the rules,⁷ and we have no power to act on them. *Johnstown Broadcasting Co. v. FCC*, 175 F. 2d 351, 356 (D.C. Cir. 1949), *on remand*, 14 FCC 472 (1950), *applied in Jane A. Roberts*, 29 FCC 141, 150 (1960); *B. J. Hart*, 44 FCC 2088, 2090 (1960). See also *Communication Gaithersburg, Inc.*, 60 FCC 2d 537, 541-42 (1976). Therefore, our July 8 and July 29, 1980 Public Notices listing amendments to Swartz's application were in error. Because the amendments were not effective, the Commission's decision in *Dial-A-Page, Inc.*, *supra*, is not applicable here. Thus, we conclude that Swartz's application has remained mutually exclusive with the RTC application for frequency 454.175 MHz throughout this proceeding and that a comparative hearing should

be held to determine which applicant would better serve the public interest, convenience, and necessity.

6. RTC also argues that Swartz violated the Commission's *ex parte* rules⁸ because RTC was not served copies of the July 9 telegram or the July 15 letter (which were sent after the June 24, 1980 Public Notice announcing the mutually exclusive situation and the restricted nature of the proceeding). Although Swartz should have served copies of those communications on RTC pursuant to § 22.23(e) of the Rules,⁹ those communications were not directed to decision-making personnel, as defined in Rule § 1.1205, and thus were not considered *ex parte* presentations under § 1.1201(g).

7. We find both applicants to be legally, technically, and otherwise qualified to be Commission licensees and to operate their proposed facilities.

8. Accordingly, it is ordered, that the application of Larry D. Swartz, File No. 20292-CD-P-82, and Radio Telephone Company of Daytona Beach, Inc., File No. 21011-CD-P-82, 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 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;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free areas within the 39 dBu contours,¹⁰ based upon the standards set forth in § 22.504(a) of the Commission's rules,¹¹ and to determine and compare the need for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the

¹ 47 CFR 1.1201 *et seq.*

² 47 CFR 22.23(e).

³ 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 equal to or greater than R in FCC Report No. R-6406, equation 8.

⁴ 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 limits of the reliable service area for base stations engaged in two-way communications service on frequencies on the 450-470MHz 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 the Bureau in an effort to submit joint technical exhibits.)

¹ 47 CFR 22.31. Swartz's application was listed as acceptable for filing on the Common Carrier Bureau's Public Notice dated December 18, 1979. RTC's application was received on February 15, 1980. Notice of the mutually exclusive situation and applicability of the Commission's *ex parte* rules appeared on our Public Notice dated June 24, 1980.

² Copies of the telegram and the letter received on July 15, 1980 were not served on RTC or its counsel. These communications did not specify whether Swartz participated in the July 8, 1980 telephone conversation.

³ 47 CFR 22.23(a)(c).

⁴ 47 CFR 22.21(e).

⁵ 47 U.S.C. 308(b) and 319(a).

⁶ 47 CFR 22.6(d), 22.23(g), 1.743(a), and 1.744(a).

⁷ 47 CFR 22.20. This section may be considered to apply to amendments also. See CFR 1.746(a) and the rule sections cited at n. 6.

foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

9. 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.

10. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

11. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issue specified in this Memorandum Opinion and Order.

12. The Secretary shall cause a copy of this Order to be published in the Federal Register.

William F. Adler,

Acting Chief, Mobile Services Division,
Common Carrier Bureau.

[FR Doc. 82-3245 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 82-54, 82-55; File Nos. 10288-CM-P-80, 50003-CM-P-81]

**Northstar Communications and
Microband Corporation of America;
Memorandum Opinion and Order on
Designating Applications for
Consolidated Hearing on Stated Issues**

Adopted: January 25, 1982.

Released: February 2, 1982.

In re applications of Northstar Communications, CC Docket No. 82-54, File No. 10288-CM-P-80; and Microband Corporation of America, CC Docket No. 82-55, File No. 50003-CM-P-81; for construction permits in the Multipoint Distribution Service for a new Station in the Altoona, Pennsylvania area.

1. For consideration are the above-referenced applications.¹ These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in the Altoona, Pennsylvania area. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to

¹ On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. See Application for Transfer of Control Memorandum Opinion, Order and Authorization, File Nos. 11-76-CM-TC-(69)-80, 85 FCC 2d 1023 (1981).

deny or other objections under consideration.²

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:³

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Northstar Communications, Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common
Carrier Bureau.

[FR Doc. 82-3239 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

² By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to Section 21.31 of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

³ Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[BC Docket Nos. 82-50, 82-51; File Nos. BP-800515AD, BP-801105AD]

**Pathfinder Communications Corp. and
Premier Broadcasting Corp.;
Memorandum Opinion and Order on
Designating Applications for
Consolidated Hearing on Stated Issues**

Adopted: January 28, 1982.

Released: February 3, 1982.

In re applications of Pathfinder Communications Corporation, WBZA, Glens Falls, New York, Has: 1410 kHz, 1 kW, Day, Req: 1230 kHz, 250 W, 1 kW-Ls, U, BC Docket No. 82-50, File No. BP-800515AD; Premier Broadcasting Corporation, South Glens Falls, New York, Req: 1230 kHz, 250 W, 1 kW-LS, U, BC Docket No. 82-51, File No. BP-801105AD; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (a) The above-captioned application of Pathfinder Communications Corporation to change the facilities of station WBZA; (b) the above-captioned mutually exclusive application of Premier Broadcasting Corporation for a new AM station at South Glens Falls, New York; (c) Pathfinder's petition to dismiss or deny the Premier application; and (d) related pleadings.¹

2. *Initial matter.* While both proposals would result in prohibited overlap with existing co-channel class IV stations, in violation of § 73.37(a) of our rules, waiver is warranted. Had either applicant first proposed daytime facilities of 250 watts, no overlap with any existing operation would have been caused. Hence such an application would have been granted. The permittee could have then, pursuant to § 73.37(d), immediately increased its power to one kilowatt, notwithstanding the resulting overlap. Logic and convenience favor eliminating this two-step procedure through initial waiver of § 73.37(a). *Everette Broadcasting Co.*, FCC 76-1117, 39 RR 2d 255 (1976).

3. *Pathfinder Communications Corporation.* Pathfinder requests waiver of § 73.24(j),² but its request is

¹ Berkshire Broadcasting Co., Inc., licensee of station WMNB, North Adams, Massachusetts, filed and then withdrew petitions to deny raising an interference issue concerning both applications, a lack of candor issue concerning Pathfinder, and a suburban community issue concerning Premier. The first and third of these questions are considered herein, either on our own motion or on that of one of the applicants. The second question was inadequately supported when made, and will not be pursued further.

² Section 73.24(j) requires in pertinent part that AM proposals provide nighttime interference-free service to all residential areas of their communities.

unnecessary. The proposal complies substantially with our requirements, in that the nighttime interference-free contour would encompass 92 percent of the area and 98.9 percent of the population of Glens Falls. See *Dowric Broadcasting Co., Inc.*, FCC 72-162, 37 FR 4376, 23 RR 2d 926 (1972).

4. Pathfinder's local notice of its application did not state the operating power proposed. It must give a corrected local notice and file the necessary statement.

5. *Premier Broadcasting Corporation*. On March 24, 1981, Premier notified the Commission of the death of Robert G. Jennings, its vice president, director, 33 1/3 percent stockholder, and proposed general manager. On May 20, 1981, Premier again amended its application, this time to report that Jennings' widow had been elected vice president and director, that she would vote the stock held by his estate, and that she would assume the position of bookkeeper. Carleton R. Reis, president, director, 33 1/3 percent stockholder, and proposed technical director, would assume the now vacant position of general manager, it also reported. Pathfinder partially opposes Premier's petition for leave to amend, arguing that Premier may not enhance its comparative position through an amendment filed after the amendment as of right period has ended. However, the rule Pathfinder states does not apply to this situation. Where Premier originally proposed to integrate two principals (Robert G. Jennings and Carleton R. Reis) into its operation on a full-time basis, it now proposes one fully integrated principal (Carleton R. Reis) and a second principal (Joyce Jennings) whose position has not been specified a full-time commitment. Certainly there is no comparative benefit to the applicant in this change, and thus no barrier to acceptance of the amendment. The petition for leave to amend is therefore granted.

6. Premier's application shows that its nighttime proposal would not serve about 25 percent of South Glens Falls' land area. That this area constitutes the only part of the village where future residential growth can occur is a proposition accepted, apparently, by the applicant. As for the number of people now residing in the unserved area, while the parties do differ as to the precise figure, even the lowest estimate represents a substantial portion (10.8 percent) of South Glens Falls' population. Arguing that waiver of § 73.24(j) is warranted, Premier maintains that its transmitter site, to the northeast of Glens Falls, was chosen to provide necessary clearance to co-

channel stations requiring protection and to avoid environmental and zoning problems through close association with existing towers. Significant as these factors may be, however, there is no suggestion that they could not be furthered at other sites. In fact, Premier itself acknowledges clearances of one and three miles between its proposal's and the other stations' relevant contours. A waiver cannot be granted absent hearing under these circumstances.³

7. Closely related to the waiver issue is the question of Premier's service intentions.⁴ As a village of 3,714 (1980 U.S. Census) with its own mayor, village board, court system, taxes and budget, municipal services, schools, and business establishments, South Glens Falls is a licensable community for our purposes. See *e.g. Teche Broadcasting Corp.*, 52 FCC 2d 970 (Rev. Bd. 1975). Pathfinder maintains, however, that Premier does not in fact plan to serve the village, but proposes instead a service to the larger adjacent community of Glens Falls, with its population of 15,897 (1980 U.S. Census). Given the proximity of the two communities—Glens Falls and South Glens Falls face each other from opposite banks of the Hudson River—it is unlikely that one could be served satisfactorily without the other being served as well. As Pathfinder points out, though, Premier would provide better coverage to Glens Falls than to South Glens Falls, in that proportionately more of the larger city than the smaller city would be served during daytime and nighttime hours.

8. This coverage difference, all parties agree, is the result of Premier's transmitter site selection, the site being closer to Glens Falls than to South Glens Falls.⁵ If, as Premier claims, this selection was dictated by technical considerations (see paragraph 6 *supra*), then no inferences as to the applicant's service intentions can properly be drawn from the choice. If, however, other feasible sites were available, Premier's selection of a site so favorable to Glens Falls would be inherently

³ Pathfinder's argument to the contrary notwithstanding, § 73.24(j) does not require that every business in the community be encompassed by the 25 mV/m contour. It is sufficient that the central business district be covered, a test which the Premier proposal meets.

⁴ Given the size of Glens Falls (under 50,000 population), our suburban community presumption does not arise here. *Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities*, 2 FCC 2d 190 (1965), *reconsid. denied*, 2 FCC 2d 866 (1966). Hence, a specific factual showing is necessary to warrant an issue. See *KBMR, Inc.*, FCC 79-253, 44 FR 81250 (1979).

⁵ In fact, a portion of Glens Falls lies between South Glens Falls and the proposed transmitter site.

suspect. To permit a full consideration of this matter, we will specify both a suburban community issue and a § 73.24(j) waiver issue. We intend in this manner to allow both a full hearing into the reasons underlying Premier's selection of its proposed transmitter site and a complete evaluation of the consequences flowing from its choice.⁶

9. Premier's local notice of its application was also deficient, in that it did not include the proposed antenna height, as required by § 73.3580(f)(5) of the rules. Premier must publish a corrected local notice and file a statement of that publication.

10. *Other matters*. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive and must be set for hearing in a consolidated proceeding. Although the proposals are for different communities, they would serve substantial areas in common. Consequently, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue also will be specified.

11. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposal of Premier Broadcasting Corporation would provide the nighttime coverage of all residential areas of South Glens Falls required by § 73.24(j) of the Commission's rules, and if not whether circumstances exist which warrant waiver of the rule.

2. To determine whether the proposal of Premier Broadcasting Corporation would realistically provide a local transmission service for South Glens Falls, New York, or for Glens Falls, New York.

3. To determine, in the event it be concluded pursuant to issue 2 that the Premier Broadcasting Corporation proposal would not realistically provide a local transmission service for South Glens Falls, New York, whether the proposal meets the technical provisions

⁶ With respect to ascertainment (required when the application was filed), Premier's application provides an analysis of South Glens Falls and interviews with community leaders and members of the general public. Its programming adequately addresses ascertained needs.

of the rules for AM broadcast stations assigned to Glens Falls, New York.

4. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

5. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

6. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which application should be granted.

12. It is further ordered, that the petition to dismiss or deny filed by Pathfinder Communications Corporation, is granted to the extent indicated herein, and is denied in all other respects.

13. It is further ordered, that Pathfinder Communications Corporation and Premier Broadcasting Corporation shall give corrected local notice of the filing of their applications, and shall file the necessary statements with the presiding Administrative Law Judge within 40 days after this order is published in the *Federal Register*.

14. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

15. It is further ordered, that pursuant to Section 311(a) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicants shall give notice of the hearing as prescribed in the rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-3240 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-27, 82-28; File Nos. BP-810402AA, BP-810806AD]

Radio Voice of Yauco, Inc. and Gauthier and Rodriguez Radio Associates; Designating Applications for Consolidated Hearing on Stated Issues

In re application of Radio Voice of Yauco, Inc., Yauco, Puerto Rico, Req: 880 kHz, 500 W, DA-2, U, BC Docket No. 82-27, File No. BP-810402AA; Gauthier and Rodriguez Radio Associates, Sabana Grande, Puerto Rico, Req: 880 kHz, 1 kW, DA-1, U, BC Docket No. 82-28, File No. BP-810806AD, for construction permit.

Adopted: January 18, 1982.

Released: February 2, 1982.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new AM broadcast stations.¹

2. *Radio Voice of Yauco, Inc.* Analysis of the financial portion of Radio Voice's application reveals that \$64,497 will be required to construct and operate for three months, itemized as follows:

Equipment.....	\$28,379
Other construction costs.....	21,100
Operating costs.....	15,000
Total.....	64,479

The applicant proposes to finance the station with \$145,300 existing capital. However, the corporate balance sheet for Radio Voice is vague and shows no more than \$10,000 net liquid assets. A limited financial issue will be specified.

3. Figures 2 and 4 of Radio Voice's engineering exhibit show that because of terrain irregularities, the proposed antenna towers will be built at significantly different elevations. We would ordinarily expect an applicant proposing such a site to show what effect the vertical dispersion would have on the radiation pattern, and what special measures (if any) will be taken to minimize such effects. This applicant has not, however, and must therefore do so by amendment.

4. *Gauthier and Rodriguez Radio Associates.* Analysis of the financial data Gauthier and Rodriguez submitted reveals that \$95,348 will be required for its proposed station, itemized as follows:

Equipment.....	\$37,098
Land and buildings.....	35,900
Other construction costs.....	12,000
Operating costs.....	10,350
Total.....	95,348

¹For good cause shown, Radio Voice's November 18, 1981 petition for leave to amend is granted and the associated amendment accepted.

The applicant proposes to finance the station with \$50,000 existing capital, a \$40,500 (net) bank loan, and a \$13,000 loan from Mrs. Verena Alicia de Rodriguez. However, Mrs. Rodriguez has not furnished a personal balance sheet showing her ability to meet the commitment. A limited financial issue will be specified.

5. We have no evidence that Gauthier and Rodriguez published the local notice of its application required by Section 73.3580 of the Rules. It must therefore demonstrate that it did.

6. *Other matters.* Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Although the proposals are for different communities, they would serve substantial areas in common. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will be specified.

7. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to Radio Voice of Yauco, Inc.:

a. The source and availability of additional funds over and above the \$10,000 indicated; and

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Gauthier and Rodriguez Radio Associates:

a. The source and availability of additional funds over and above the \$90,500 indicated, and

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair,

efficient, and equitable distribution of radio service.

5. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine in light of the evidence adduced pursuant to the foregoing issues, which application, if either, should be granted.

8. It is further ordered, that Radio Voice shall file the amendment described in paragraph 3 above within 30 days after this order is published in the *Federal Register*.

9. It is further ordered, that Gauthier and Rodriguez shall published local notice of its application (if it has not already done so), and shall file a statement of publication with the presiding Administrative Law Judge within 40 days after this order is published in the *Federal Register*.²

10. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

11. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicants shall give notice of this designation for hearing as prescribed in the rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-3249 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

Senior Executive Committee; Appointment of Members

As requested by the Civil Service Reform Act of 1978 (Pub. L. 95-454), Chairman Mark S. Fowler has appointed Commissioners Anne P. Jones and James H. Quello to the Senior Executive Committee; Federal Communications

²Gauthier and Rodriguez has also been requested by pre-designation letter to file certain environmental information about its proposal. If it has not yet done so, it must file that information within 30 days after this order is published in the *Federal Register*.

Commission, which functions as the Performance Review Board for SES members reporting directly to the Chairman. Chairman Fowler had previously been approved to serve as permanent Chairman of the Committee.

As required by the Civil Service Reform Act of 1978 (Public Law 95-454), Chairman Mark S. Fowler has appointed the following members to the Performance Review Board, Federal Communications Commission, for the terms indicated:

Edward J. Minkel, Managing Director—
Chairman

Henry L. Baumann, Deputy Chief, Broadcast Bureau—Member, term expires April 22, 1982

James C. McKinney, Chief, Private Radio Bureau—Member, term expires October 28, 1983

Arlan K. vanDoorn, Deputy Chief, Field Operations Bureau—Member, term expires October 28, 1982

Sheldon M. Guttman, Associate General Counsel for Administrative Law—Member, terms expires October 28, 1982.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-3250 Filed 2-5-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 82-39-82-41; File Nos. 4372-CM-P-80, etc.]

Summitridge Communications Corp., et al.; Memorandum Opinion and Order on Designating Applications For Consolidated Hearing on Stated Issues

Adopted: January 22, 1982.

Released: February 2, 1982.

In re-applications of Summitridge Communications Corporation, CC Docket No. 82-39, File No. 4372-CM-P-80; and Microband Corporation of America, CC Docket No. 82-40, File No. 5877-CM-P-80; and Channel View, Inc., CC Docket No. 82-41, File No. 5923-CM-P-80; for construction permit in the Multipoint Distribution Service for a New Station at Provo, Utah, and Hydra Communications, Inc., CC Docket No. 82-42, File No. 4373-CM-P-80; for construction permit in the Multipoint Distribution Service for a New Station near American Fork, Utah.

1. For consideration are the above-referenced applications.^{1, 2} These applications are for construction permits in the Multipoint Distribution Service

¹An amendment to application File No. 4372-CM-P-80 was filed on June 11, 1981, to change applicant's name from Jeff R. Burton d/b/a Summit Ridge Communications to Summitridge Communications Corporation. This results in a minor adjustment in ownership. The applicant, Jeff R. Burton, owns 100% stock of the corporation.

and they propose operations on Channel 1 in the Provo/American Fork, Utah area. The applications are therefore mutually exclusive and under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.³

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:⁴

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Summitridge Communications Corporation, Microband Corporation of America, Channel View, Inc., Hydra Communications, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

²On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *Transfer of Control/MDS*, 85 FCC 2d 1023 (1981).

³By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 82-3247 Filed 2-5-82; 8:45 am]

BILLING CODE 6710-01-M

[BC Docket Nos. 82-18, 82-19; File Nos. BR-800801WH, BP-801103AG; FCC 82-18]

Tele-Broadcasters of California, Inc. and Life Broadcasting Company, Inc.; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 13, 1982.

Released: February 1, 1982.

By the Commission: Chairman Fowler not participating.

In re applications of Tele-Broadcasters of California, Inc., San Gabriel, California, Has: 1430 kHz, 5kW-U, DA-2, BC Docket No. 82-18, File No. BR-800801WH, for renewal of license of Station KALI, San Gabriel, California; Life Broadcasting Company, Inc., San Gabriel, California, Req: 1430 kHz, 5kW-U, DA-2, BC Docket No. 82-19, File No. BP-801103AG, for construction permit.

1. The Commission has under consideration the license renewal application of Tele-Broadcasters of California, Inc. ("Tele-Broadcasters") for AM Radio Station KALI in San Gabriel, California, and an application for a construction permit and a November 5, 1980 "Petition for Expedited Processing," filed by Life Broadcasting Company, Inc. ("Life Broadcasting"). Because the applications are mutually exclusive, they must be designated for a consolidated hearing.¹

2. *Tele-Broadcasters*. According to its 1980 renewal application for Station KALI, Tele-Broadcasters of California, Inc. is a wholly-owned subsidiary of Tele-Broadcasters, Inc. Tele-Broadcasters, Inc., in turn, is more than 90 percent owned by United

¹ Life Broadcasting's petition argues that the rationale of *United Broadcasting Co.*, 45 RR 2d 101 (1979), review denied in *Memorandum Opinion and Order* (FCC 79-323), released June 8, 1979, should be applied to the instant proceeding. In that decision, the Commission, in order to promote its policy of encouraging minority ownership of broadcast facilities, ordered expedited processing for a minority-owned applicant to relieve it of the substantial delay the Commission was experiencing in designating mutually exclusive applications for hearing. Life Broadcasting's application indicates that each of its principals are United States citizens of Korean ancestry. However, the Commission's action in designating the applications for a consolidated proceeding, we believe, moots Life Broadcasting's petition for expedited processing, so that its merits need not be addressed.

Broadcasting Co. (United), United, until very recently, was wholly-owned by Richard Eaton.²

3. Over the past several years, the Commission has denied or revoked four of United's licenses.³ Recently in *United Broadcasting Co. (WOOK(FM))*, 86 FCC 2d 452 (1981), the Commission held that these prior adverse determinations reflected a pattern of serious misbehavior by United and thereby raised a *prima facie* question about its qualifications to operate WOOK(FM). In designating a qualifications issue, we noted that, although we lacked sufficient evidence to determine whether Richard Eaton was personally responsible for United's misconduct, even if Eaton was removed from United's ownership, a serious question would still remain regarding the soundness and reliability of the licensee's operations. 86 FCC 2d at n. 24.

4. In designating these applications for hearing, we are again confronted with the question whether United's past misconduct should reflect adversely on its qualifications to remain the licensee of KALI. Our decision is that it is unnecessary to add a basic qualifications issue to this proceeding at this time.⁴ The question of which individuals were responsible for

² On April 16, 1981, the Circuit Court for Montgomery County, Maryland, appointed Suburban Trust Company to act as temporary guardian of the property of Richard Eaton. As a result of this appointment, applications were filed with the Commission on May 18, 1981, for consent to the involuntary transfer of control of United and its various licensee subsidiaries. On June 1, 1981, Richard Eaton died, and his property was transferred, pursuant to the terms of his will, to his Personal Representatives, Suburban Trust Company and Dennison L. Mitchell. As a result of this transfer, and prior to any Commission action on the May 18, 1981, applications, new applications for consent to the involuntary transfer of control of United and its various licensee subsidiaries to Richard Eaton's Personal Representatives were filed on July 1, 1981. On August 24, 1981, the Commission granted simultaneously both the May 18 and July 1, 1981, applications, with the result that control of United and its various licensee subsidiaries has been transferred to Suburban Trust Company and Dennison L. Mitchell, Personal Representatives.

³ *United Television Co.*, 46 FCC 2d 698 (1974) (WFAN-TV) and *United Television of New Hampshire*, 46 FCC 2d 702 (1974) (WMET), aff'd. 514 F.2d 279 (D.C. Cir. 1975); *United Broadcasting of Florida*, 55 FCC 2d 832 (1975), recon. denied 60 FCC 2d 816 (1976) (WFAB); *United Television Co.*, 55 FCC 2d 416 (1975), recon. denied 59 FCC 2d 663 (1976), aff'd. sub nom. *United Broadcasting Co. v. FCC*, 569 F.2d 699 (D.C. Cir. 1977), cert. denied 434 U.S. 1076 (1978) (*WOOK(AM)*).

In the first two decisions, we revoked two of United's television stations because they had been dark for more than two years, thereby depriving viewers of service over those frequencies. In the latter two, we denied two radio station renewals, finding that United was unfit to operate those broadcast facilities.

⁴ See our similar decision in *Intercontinental Radio, Inc.*, FCC 81-571, released December 21, 1981.

United's prior misconduct is being explored fully in the WOOK(FM) proceeding. After the Administrative Law Judge issues an initial decision in WOOK(FM), the parties to this proceeding may then argue to the Administrative Law Judge whether issues should be added to consider the significance that the findings there have on Tele-Broadcasters' qualifications. A final determination as to KALI's qualifications will therefore be conditioned on the outcome of the WOOK(FM) proceeding. Whether Richard Eaton's death has any effect on the resolution of any qualification issue, or the addition of any issues, is a matter, of course, for the Administrative Law Judge to decide initially.

5. In the interest of administrative efficiency, we believe that the Chief Administrative Law Judge should assign this matter to the same judge currently presiding in the WOOK(FM) proceeding.

6. Except as limited by our discussion above, a review of Tele-Broadcasters' license renewal application indicates that it is qualified to be a Commission licensee.

7. *Life Broadcasting*. Life Broadcasting states that it is a corporation organized under the laws of the State of California. As a corporate applicant, Life Broadcasting is required to file a duly certified copy of its by-laws with its application. (See FCC Form 301, Section II, Paragraph 3.) Although Life Broadcasting did submit a copy in its application (Exhibit No. 1), our review of the document reveals that several key provisions concerning its principal offices, its directors, and its annual meetings were left blank. Accordingly, the Commission will require the applicant to submit a completed and duly certified copy of its by-laws. Otherwise, an examination of Life Broadcasting's mutually exclusive application indicates that it also appears legally, technically and financially qualified to operate as proposed.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications of Tele-Broadcasters of California, Inc. and Life Broadcasting Company, Inc. are designated for consolidated hearing, at a time and place to be specified in a subsequent order, upon the following issues:⁵

1. To determine, in light of the findings made above, which of the proposals

⁵ Our determination that Tele-Broadcasters possesses the basic qualifications to remain a Commission licensee is conditioned upon the outcome of the WOOK(FM) proceeding. See paragraphs 2-4, *supra*.

would, on a comparative basis better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

9. It is further ordered, that Life Broadcasting Company, Inc. shall file a completed and properly certified copy of its by-laws as an amendment to its application within 40 days after this Order is published in the *Federal Register*.

10. It is further ordered, that Life Broadcasting Company, Inc.'s "Petition for Expedited Processing" is dismissed as moot.

11. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give local notice of the hearing (either individually, or if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

13. It is further ordered, that this case be assigned to the same Administrative Law Judge presently presiding in the United Broadcasting Co. (WOOK(FM)) proceeding.

14. It is further ordered, that the Broadcast Bureau shall send, by *Certified Mail—Return Receipt Requested*, a copy of this *Memorandum Opinion and Order* to each of the parties named herein.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 82-3246 Filed 2-5-82; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

El Centro Federal Savings and Loan Association, Dallas, Texas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in Section 5 (d) (6) (A) of the Home Owner's Loan

Act of 1933, as amended (12 U.S.C. 1464(d) (6) (A) (1976)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as conservator for El Centro Savings and Loan Association, Dallas, Texas, effective January 15, 1982.

Dated: February 3, 1982.

James J. McCarthy,
Acting Secretary.

[FR Doc. 82-3314 Filed 2-5-82; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

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.

Celaya—Guerin International (Betty L. Celaya and Robert L. Guerin, a partnership, d.b.a.), 215 S. Fellowship Road, Maple Shade, NJ 08052.

Sebang (Global) Enterprises, Inc., d.b.a. Global Express Lines 17 Battery Place, Suite 2043, New York, NY 10004. Officers: J. K. Koh, President; M. S. Lee, Vice President; E. S. Lee, Director; P. S. Chung, Director; J. S. Ahn, Director; C. H. Lee, Director.

Dated: February 3, 1982.

By the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 82-3183 Filed 2-5-82; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Chase Bank International; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Chase Bank International, Newark, Delaware, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish branches in Atlanta, Georgia, and San Francisco,

California. Chase Bank International operates as a subsidiary of Chase Manhattan Bank (National Association), New York, New York.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-3184 Filed 2-5-82; 8:45 am]
BILLING CODE 6210-01-M

Citizens National Corp.; Proposed Acquisition of Chandler Leasing, Inc.

Citizens National Corporation, Wisner, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Chandler Leasing, Inc., Omaha, Nebraska.

Applicant states that the proposed subsidiary would engage in the activity of personal property leasing. These activities would be performed from offices of Applicant's subsidiary in Omaha, Nebraska and the geographic areas to be served are Douglas and Sarpy Counties, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue

concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than March 2, 1982.

Board of Governors of the Federal Reserve System, February 1, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-3185 Filed 2-5-82; 8:45 am]

BILLING CODE 6210-01-M

Lawton Financial Corp.; Formation of Bank Holding Company

Lawton Financial Corp., Lawton, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citizens Bank, Lawton, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 24, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 1, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-3186 Filed 2-5-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

Agreements Between the American Institute in Taiwan and the Coordination Council for North American Affairs

AGENCY: Office of the Federal Register (NARS), GSA.

ACTION: Notice of availability of agreements.

SUMMARY: The American Institute in Taiwan has concluded a number of agreements with the Coordination Council for North American Affairs in order to maintain cultural, commercial and other unofficial relations between the American people and the people on Taiwan. The Director of the Federal Register is publishing the list of these agreements on behalf of the American Institute in Taiwan in the public interest.

SUPPLEMENTARY INFORMATION:

Cultural, commercial and other unofficial relations between the American People and the people on Taiwan are maintained on a nongovernmental basis through the American Institute in Taiwan (AIT), a private nonprofit corporation created under the Taiwan Relations Act (Pub. L. 96-8; 93 Stat. 14). The Coordination Council for North American Affairs (CCNAA) is its nongovernmental Taiwan counterpart.

Under Section 12(a) of the Act, agreements concluded between the AIT and the CCNAA are transmitted to the Congress, and according to sections 6 and 10(a) of the Act, such agreements have full force and effect under the law of the United States.

The texts of the agreements are available from the American Institute in Taiwan, 1700 North Moore Street, 17th floor, Arlington, Virginia 22209. For further information contact Joseph Kyle at this address, telephone (703) 525-8474.

Following is a list of agreements concluded by AIT with CCNAA as of December 31, 1981.

Aviation

Air transport agreement, with exchange of letters. Signed at Washington March 5, 1980; entered into force March 5, 1980.

Memorandum of agreement relating to aeronautical equipment and services, with annexes. Signed at Arlington and Washington September 24 and October 23, 1981; entered into force October 23, 1981.

Education and Cultural

Implementing agreement financing certain educational and cultural exchange programs. Exchange of letters at Taipei April 14 and June 4, 1979; entered into force June 4, 1979.

Privileges and Immunities

Agreement relating to privileges and immunities of courier system. Signed at Washington and Arlington December 31, 1979 and January 7, 1980; entered into force January 7, 1980.

Agreement on privileges, exemptions and immunities. Signed at Washington October 2, 1980; entered into force October 2, 1980.

Scientific Cooperation

Agreement relating to cooperation in science and technology. Exchange of letters at Arlington and Washington September 4, 1980; entered into force September 4, 1980.

Security of Information

Protection of information agreement. Signed at Arlington and Washington September 15, 1981; entered into force September 15, 1981.

Trade and Commerce

Agreement on trade matters, with annexes. Exchange of letters at Arlington and Washington October 24, 1979; entered into force October 24, 1979.

Implementing agreement relating to trade in cotton, wool and man-made fiber textiles and textile products. Exchange of letters at Arlington and Washington November 5 and 21, 1979; entered into force November 21, 1979.

Implementing agreement relating to trade in cotton, wool and man-made fiber textiles and textile products. Exchange of letters at Arlington and Washington December 13 and 17, 1979; entered into force December 17, 1979.

Implementing agreement relating to trade in cotton, wool and man-made fiber textiles and textile products. Exchange of letters at Arlington and Washington March 7 and April 10, 1980; entered into force April 10, 1980.

Implementing agreement concerning export limitations relating to trade in cotton, wool and man-made fiber textiles and textile products. Exchange of letters at Arlington and Washington July 25 and August 25, 1980; entered into force August 25, 1980.

Agreement relating to exports of color television receivers, with annexes. Signed at Taipei June 28, 1980; entered into force June 28, 1980.

Agreement implementing tariff reductions on a Most Favored Nation basis, with annexes. Exchange of letters

at Arlington and Washington December 31, 1981. Entered into force December 31, 1981; effective September 30, 1982, or on a mutually agreed earlier date.

Weather Observations

Agreement relating to provision to AIT of ionospheric weather observations by CCNAA. Signed at Taipei November 26, 1980; entered into force November 26, 1980.

Agreement modifying the agreement on November 26, 1980 relating to provision to AIT of ionospheric weather observations by CCNAA. Signed at Taipei February 2, 1981; entered into force February 2, 1981.

Dated: January 27, 1982.

Joseph B. Kyle,

Corporate Secretary, American Institute in Taiwan.

Dated: February 3, 1982.

John E. Byrne,

Director, Office of the Federal Register.

[FR Doc. 82-3326 Filed 2-5-82; 8:45 am]

BILLING CODE 1505-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicaid Program; Reconsideration of Disapproval of Rhode Island State Plan Amendments; Hearing

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on April 2, 1982 in Boston, Massachusetts to reconsider our decision to disapprove Rhode Island plan amendments 81-2 and 81-8. These plan amendments relate to provision of nursing home services for medically needy individuals under Medicaid based on a variable income standard.

CLOSING DATE: Request to participate in the hearing as a party must be received by February 23, 1982.

FOR FURTHER INFORMATION CONTACT: Albert Miller, Hearing Officer, Bureau of Program Policy, 1-G-5 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207; Telephone: (301) 597-2896.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decisions to deny Rhode Island State plan amendments 81-2 and 81-8.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for

reconsideration of a denial of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer on or before February 23, 1982, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter relates to provision of Medicaid coverage of nursing home services for some, but not all, medically needy individuals. The two State plan amendments submitted by Rhode Island, 81-2 and 81-8, set out medically needy income standards by family size, but provide an exception to the limit that would be applicable only to those individuals with income over 300 percent of the SSI payment standard. These proposed State plan amendments violate the Medicaid statutory requirement that services to individuals within a medically needy group must be equal in amount, duration, and scope. Moreover, they do not comport with the Medicaid regulatory requirement that a medically needy income level be uniform for all individuals in a covered group. Finally, the amendment excludes institutionalized individuals whose income is below a certain level from ever being medically needy, even though they cannot qualify as a categorically needy (e.g., their resources exceed the categorical limit). Therefore, the amendment violates the regulatory requirement that States allow applicants to choose which category they wish to apply for.

The notice to Rhode Island announcing an administrative hearing to reconsider our denial of these State plan amendments reads as follows:

February 4, 1982.

Mr. John J. Affleck,

Director, Department of Social and Rehabilitative Services, Aime J. Forand Building, 600 New London Avenue, Cranston, Rhode Island 02920

Dear Mr. Affleck: This is to advise you that your letter of December 28, 1981 requesting a

reconsideration of the decision to disapprove Rhode Island State plan amendments 81-2 and 81-8 was received on January 6, 1982. You have requested a reconsideration of whether the Rhode Island plan amendment proposal to provide Medicaid coverage of nursing home services for some medically needy individuals based on whether their income is over 300 percent of the SSI payment standard conforms to the requirements for approval under the Social Security Act and pertinent regulations.

I am scheduling a hearing on your request to be held on April 5, 1982 at 10:00 a.m. in Room 1211, John F. Kennedy Building, Boston, Massachusetts. If this date is not satisfactory, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Albert Miller to serve as the presiding official. Please let him know if these arrangements present any problems. He can be reached on (301) 597-2896.

Sincerely yours,

Carolyn K. Davis, Ph.D.

(Sec. 1116, Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: February 4, 1982.

Carolyn K. Davis,

Administration Health Care Financing.

[FR Doc. 82-3394 Filed 2-5-82; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-82-1109]

Privacy Act of 1974; System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective 30 calendar days from its publication date, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5336. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is HUD Employee Locator Files (HUD/DEPT.-76). It will contain information concerning location of HUD employees. The system is used to locate HUD employees and to produce the HUD Telephone Directory. Appendix A, which lists the addresses of HUD's offices was published at 46 FR 54914 (November 4, 1981). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on December 31, 1981.

HUD-DEPT-76**SYSTEM NAME:**

HUD Employee Locator Files

SYSTEM LOCATION:

Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former HUD employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records are comprised of a copy of all Changes in Telephone Listings, SF-146, submitted by Administrative Officers. The following data will be included in the records: Name of employee, office telephone number, room number and location, and organization symbol.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic media and file folders.

RETRIEVABILITY:

Individual name.

SAFEGUARDS:

The automatic records and manual files are kept in a secured area, with access limited to authorized personnel.

RETENTION AND DISPOSAL:

These records are disposed of in accordance with the Mandatory General Records Schedules contained in HUD Handbook 2228.2, General Records Schedules.

SYSTEM MANAGER AND ADDRESS:

Director, Publications and Information Division

Office of Administrative Services
Department of Housing and Urban
Development
451 Seventh Street, SW
Washington, D.C. 20410

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the Headquarters location. This location is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Administrative Officers.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of Hud Act (42 U.S.C. 3535(d))).

Issued at Washington, D.C., February 2, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-3287 Filed 2-5-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[INT-DEIS-82-3]

Ellis-Pahsimeroi Grazing Draft Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of and public hearing on the Draft Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Impact Statement for a proposed grazing management program for the Ellis-Pahsimeroi Planning Unit of the Salmon District in central Idaho. The proposal includes changes in stocking rates, implementing improved grazing systems, and installation of range improvements on 380,458 acres of public land. Copies of the Draft Environmental Impact Statement are available for review at the following locations:

Salmon District Office, Bureau of Land Management, Highway 93 South, Box 430, Salmon, Idaho 83467. Telephone (208) 756-2201.

Idaho State Office, Bureau of Land Management, Federal Building, 500 W. Fort Street, Boise, Idaho 83724. Telephone (208) 334-1770.

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street, NW, Washington, D.C. 20240. Telephone (202) 343-5717.

DATES: Written comments on the draft statement are invited and should be submitted by March 29, 1982. A public hearing regarding the proposal will be held on March 9, 1982 at 7:00 p.m. MST.

ADDRESSES: Written comments should be submitted to: District Manager, Bureau of Land Management, Box 430, Salmon, Idaho 83467.

The public hearing will be held at the Salmon Public Library, Main Street, Salmon, Idaho.

FOR FURTHER INFORMATION CONTACT:

Jerry Wilfong, Bureau of Land Management, Box 430, Salmon, Idaho 83467. Telephone (208) 756-2201.

SUPPLEMENTARY INFORMATION:

Individuals wishing to testify may do so by appearing at the hearing place previously specified. Persons wishing to give testimony will be limited to 10 minutes, with written submissions invited. Prior to giving testimony at the public hearing, individuals or spokespersons are requested to complete a hearing registration form. Registration forms are available in the draft statement or may be obtained by contacting the Salmon District Manager at the above address.

Dated: January 29, 1982.

Clair M. Whitlock,
State Director, Idaho.

[FR Doc. 82-3188 Filed 2-5-82; 8:45 am]

BILLING CODE 4310-84-M

[2520 (U-050)]

Management Framework Plans for Topaz and Confusion Planning Units, Utah**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice.

SUMMARY: Notice is hereby given in accordance with 43 CFR 1601.3 that the Bureau of Land Management intends to amend the Management Framework Plans (MFP) for the Topaz and Confusion Planning Units. The purpose of the amendments is to incorporate three petitions for lands to be reclassified for entry under the Desert Land Act.

The Bureau of Land Management has received one petition for reclassification of the following 320 acre tract near Eskdale in Millard County, Utah:

T. 19 S., R. 19 W.,
Sec. 22: E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 26: E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Petitions have been received for the following two 320-acre tracts near Gandy in Millard County, Utah:

T. 15 S., R. 19 W.,
Sec. 33: W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 34: SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 16 S., R. 19 W.,
Sec. 3: Lots 4 & 5, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 4: Lots 1, 2, 3, 6, 7, 8 E $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 9: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The existing MFP's state, " * * * all lands will be retained for multiple use management except isolated or irregular shaped lands which are hard for BLM to manage." The above described lands are not isolated or irregularly shaped; therefore, their disposal under the Desert Land Act would not conform to the existing MFP's. The disposal of these lands would be contingent upon the ability of the applicant to meet the requirements for desert land entry.

BLM will prepare an environmental assessment of the proposed reclassification under the Desert Land Act with a no action alternative.

The general issues related to the proposed reclassification of the described tracts under the Desert Land Act are: (1) The removal of 960 acres from multiple resource use opportunities, (2) loss of grazing privileges amounting to 19 animal unit months on the Gandy tract and 11 animal unit months on the Eskdale tract.

Notice is also hereby given that the public is invited to comment on the identified issues. Comments will be accepted until March 10, 1982 and should be directed to Bureau of Land Management, Box 778, Fillmore, Utah

84631. Other public participation activities will be conducted in accordance with 43 CFR Part 1601. Dates and locations will be announced through local media and mailings to interested publics.

FOR FURTHER INFORMATION CONTACT: Tom Terry, Lands Specialist at the Fillmore BLM Office, may be contacted at the above address or telephone (801) 743-6811.

Larry R. Oldroyd,
Associate District Manager.

[FR Doc. 82-3004 Filed 2-5-82; 8:45 am]

BILLING CODE 4310-84-M

Fortymile Resource Area; Draft Environmental Assessment for Coal Preference Right Lease Application; Hearing

The Fortymile Resource Area of the Fairbanks District Office, Bureau of Land Management, will conduct a public hearing Wednesday, February 24, 1982. The meeting will begin at 7:30 p.m. at the Delta School, Delta, Alaska.

The purpose of the hearing is to seek public comment on the draft Environmental Assessment (EA) for a Coal Preference Right Lease Application. The proposed lease area is located approximately 40 miles south of Big Delta, Alaska.

Further information may be obtained from the Fortymile Resource Area Office, P.O. Box 307, Tok, Alaska 99780, or by calling (907) 883-5121.

Donald E. Runberg,
Acting District Manager.

[FR Doc. 82-3252 Filed 2-5-82; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey**Outer Continental Shelf (OCS); Oil and Gas Information Program**

NOTICE: Availability of Arctic Summary Report.

SUMMARY: The first edition of a report for the Arctic Region, one in a series that provides affected States with current planning information on OCS oil and gas activities, has been published in accordance with section 26 of the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The report is a synthesis of recent data regarding both OCS and State-related activities including current oil and gas resource estimates, reserves, and production levels; magnitude and timing of onshore and offshore exploration, development, and production; strategies for transporting oil and gas; and the nature and location of nearshore and onshore facilities.

The next Summary Report to be published in April 1982 by the Office of OCS Information will cover the Pacific OCS Region.

EFFECTIVE DATE: Immediately.

ADDRESSES: Copies of the reports may be obtained free upon request from the Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092.

FOR FURTHER INFORMATION CONTACT: Louis G. Hecht, Jr., Acting Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092 (703) 860-7166.

Richard B. Krahl,
Acting Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

January 5, 1982.

[FR Doc. 82-3078 Filed 2-5-82; 8:45 am]

BILLING CODE 4310-31-M

Minerals Management Service**Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

AGENCY: Minerals Management Service; Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Aminoil USA, Inc., Unit Operator of the East Cameron Block 195 Federal Unit Agreement No. 14-08-0001-8855, submitted on January 25, 1982, a proposed annual plan of development/production describing the activities it proposes to conduct on the East Cameron Block 195 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested

parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 28, 1982.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS
Region.

[FR Doc. 82-3077 Filed 2-5-82; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Indiana Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10:00 a.m., CST, on Friday, February 26, 1982, at the Indiana Dunes National Lakeshore Visitor Center at U.S. Highway 12 and Kemil Road, Chesterton, Indiana.

The Commission was established by the Act of November 5, 1966, 80 Stat. 1309, 16 U.S.C. 460u-7, as amended by the Act of October 18, 1976, 90 Stat. 2530, 2533, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. John R. Schnurlein (Chairperson)
Mr. Ronald Benz
Mr. Lynton Caldwell
Ms. Anna R. Carlson
Mr. R. M. Gacki
Ms. Lynne Kaser
Mr. James H. Lahey
Mr. William L. Lieber
Ms. Celia Nealon
Ms. Gail H. Pugh
Mr. John Tucker
Mr. Norman E. Tufford

Matters to be discussed at this meeting include:

1. Status of land acquisition.
2. Status of planning and development for Indiana Dunes National Lakeshore.
3. Status of 1982 operations.
4. Discussion of small boat harbor for Burns Waterway and Lake Michigan.
5. Discussion of National Park Service impact on Beverly Shores municipality.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit

written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, telephone 219-926-7561.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at 1100 North Mineral Springs Road, Porter, Indiana.

Dated: January 26, 1982.

Randall R. Pope,
Acting Regional Director, Midwest Region.

[FR Doc. 82-3233 Filed 2-5-82; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Death Valley National Monument; Availability

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Pfizer, Inc. has filed a supplementation on its plan of operations in support of proposed mining activities on lands embracing the SUNSET, WONDER and SUPERIOR NO. 3 lode mining claims within Death Valley National Monument. The plan is available for public inspection during normal business hours at Death Valley National Monument Headquarters, Death Valley, California.

Dated: January 21, 1982.

Richard S. Rayner,
Acting Superintendent, Death Valley
National Monument.

[FR Doc. 82-3232 Filed 2-5-82; 8:45 am]

BILLING CODE 4310-70-M

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 1:30 p.m., Tuesday, February 23, 1982, at the Federal Building, 727 E. Durango, Rm. A206, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95-629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

- Park Operations Update;

- Report on Progress Since Opening of Park Office;

- Report on Nomination Process for Second Term Commission Appointments;

- Ownership of San Jose Mission Lands;

- Commissioners Visit to Nuestra Señora del Espiritu Santo de Zuniga.

The meeting will be opened to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first come, first serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent 727 E. Durango, Room A612, San Antonio, Texas 78206, telephone (512) 229-6000.

Minutes of the meeting will be available for public review four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: January 28, 1982.

Robert I. Kerr,
Regional Director, Southwest Region.

[FR Doc. 82-3234 Filed 2-5-82; 8:45]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Issuance of Certificates

Chairman Reese H. Taylor, Jr., announced today that the Interstate Commerce Commission has decided to make all Division decisions in motor carrier licensing proceedings effective 25 days from the date of service. He also noted that the filing of an appeal in such a proceeding does not automatically stay a decision, and since certificates may be issued upon the effective date of Division decisions, parties should not wait until the last moment to file an appeal.

The practical effect of this change is to provide basic due process to protestants who file discretionary appeals, while not delaying the issuance of certificates by more than 3 days.

This notice is effective on February 8, 1982.

Decided: January 28, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp, Commissioner Gresham

concurrent in part and dissented in part with a separate expression.

James H. Bayne,
Acting Secretary.

Commissioner Gresham, concurring in part and dissenting in part:

Appellate Division licensing decisions now become effective 15 days after service and are administratively final unless stayed. These policies were adopted in response to section 25 of the Motor Carrier Act of 1980, which eliminated multiple levels of automatic appeals, with the goal of expediting the licensing process.

By today's notice, the majority automatically adds an extra ten days of regulatory lag to every appellate division licensing decision. In those few licensing cases arguably involving errors of fact or law, and which are the subject of petitions for discretionary review, I believe the existing administrative stay and judicial stay remedies are adequate. If a party fails to seek a stay, or if a party seeks a stay and loses (both at the Commission and in federal appellate court), then basic due process has been served.

I would not extend the current 15-day effective period. I do, however, strongly endorse the majority's instructions to our staff that, unless the Commission or a court formally stays a decision, the issuance of a certificate should not be held up informally pending the disposition of the discretionary appeal.

[FR Doc. 82-3215 Filed 2-5-82; 8:45 am]

BILLING CODE 17035-01-M

[Ex Parte No. 388]

State Intrastate Rail Rate Authority

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission has decided to extend the provisional certification of 36 States, thereby enabling them to continue to exercise jurisdiction over intrastate railroad rates under section 214 of the Staggers Rail Act of 1980. This provisional certification will expire April 9, 1982 for any State not filing revised standards and procedures addressing in greater detail its ability and intent to exercise jurisdiction in conformance with Federal law. The provisional certifications of Maine, Mississippi, North Carolina and Rhode Island are withdrawn. Maine has specifically indicated that it no longer wishes to regulate intrastate transportation. The other three states have not pursued their prior requests for certification.

DATES: Each State must file its revised standards and procedures with the Commission by April 9, 1982. Railroads and other interested persons may then file comments by April 29, 1982.

ADDRESS: An original and 15 copies of all documents should be submitted to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

Copies of the complete decision are available by writing to Interstate Commerce Commission, Office of the Secretary, Room 2227, Washington, D.C. 20423 or by calling toll-free 800-424-5403.

CONTACT: Jane F. Mackall, (202) 275-7656, or Martin D. Zell, (202) 275-7138.

SUPPLEMENTARY INFORMATION: Section 214 of the Staggers Rail Act of 1980, Pub. L. 96-448, requires the States to obtain certification from the Interstate Commerce Commission of their standards and procedures for rate regulation in order to retain jurisdiction over intrastate railroad transportation. States exercising this jurisdiction must do so consistent with Federal law.

In the prior decision (46 FR 23335, April 24, 1981), we provisionally certified 40 States, although we required them to refile additional information regarding their standards and procedures. Of these, 36 States responded. These filings have been reviewed and (in a decision being served concurrently with this Federal Register notice) have been again found deficient in various respects. The States are being accorded another opportunity to remedy the deficiencies in their presentations, which are addressed in some detail in the Commission's decision.

The provisional certification for each of the 36 States will continue, unless the State fails to file or update its standards and procedures filing by April 9, 1982. A final determination on whether to certify each State will be made within 90 days after the close of the record.

(49 U.S.C. 10321 and 11501)

Dated: January 25, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp. Commissioner Gresham concurred with a separate expression.

James H. Bayne,
Acting Secretary.

Commissioner Gresham, concurring:

The States should be aware that the appendix to this decision is incomplete. As the decision cautions, the appendix should not be viewed as a minimum standard which can be adopted without further analysis. Total reliance on the appendix may, in fact, preclude certification.

[FR Doc. 82-3219 Filed 2-5-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29807]

Tradewater Railway Company— Temporary Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission, grants Tradewater Railway Company's (TRC) petition exempting it from the requirement that TRC receive approval of its pending application under 49 U.S.C. 10901 prior to performing operations on various Illinois Central Gulf Railroad (I.C.G.) lines in Kentucky.

DATES: The exemption is effective on February 8, 1982 and remains effective until the effective date of a Commission decision on TRC's pending application under 49 U.S.C. 10901, unless earlier revoked. Petitions to reopen for reconsideration must be filed by March 1, 1982.

ADDRESSES: Send pleadings to:

- (1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th and Constitution Ave., Washington, D.C. 20423
- (2) Petitioner's Representatives: Samuel H. Moerman, Suite 743, 1511 K Street NW., Washington, D.C. 20005.

COPIES: Copies of the full decision are available from: Office of the Secretary, Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or by calling toll-free 800-424-5403.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly, (202) 275-7245

or

Elaine Sehrt, (202) 275-7899.

SUPPLEMENTARY INFORMATION: The decision in Finance Docket No. 29807 being served by the Commission contains further information and may be obtained from the Office of the Secretary.

Decided: January 29, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

James H. Bayne,
Acting Secretary.

[FR Doc. 82-3216 Filed 2-5-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two

(2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-188

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 160263 (Sub-1-1TA), filed January 26, 1982. Applicant: APPLE BUS & COACH CO., INC., 1751 Bath Avenue, Brooklyn, NY 11214. Representative: Norman Turk, 233 Broadway, New York, NY 10279. *Passengers and baggage by motor coach in non-scheduled special round trip service between the Counties of Suffolk, Nassau, Queens, Bronx, New York, Kings and Richmond in the State of NY, on the one hand, and, on the other, Atlantic City, NJ.* Supporting shipper(s): T & M Travel Service, Inc., 4812 Avenue I, Brooklyn, NY 11234; Bay Parkway Travel Service, 2169 Bath Avenue, Brooklyn, NY; Edshel Investors, Inc., 136 William St., New York, NY 10038.

MC 140950 (Sub-1-6TA), filed January 25, 1982. Applicant: BROOKVILLE TRANSPORT, LIMITED, 1170 Old Rothersey Road, St. John, New

Brunswick, CD. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. *Contract carrier: irregular routes: Fruit juice from Auburndale, FL to points in the U.S. on the U.S./CD border in ME, under continuing contract(s) with Leonard and MacDonald, Ltd., St. John, New Brunswick, CD. Supporting shipper: Leonard and MacDonald, Ltd., 311 Rothersey Avenue, St. John, New Brunswick, CD.*

MC 142603 (Sub-1-33TA), filed January 27, 1982. Applicant: CONTRACT CARRIERS OF AMERICA, INC., 1071 Dwight Street, P.O. Box 179, Springfield, MA 01101. Representative: Barbara J. Withers (same as applicant). *Contract carrier: irregular routes: Paper and unprinted paper and newsprint between points in Miami, FL on the one hand, and, on the other, NY, Chicago, IL; TN, Atlanta, GA; and WI under continuing contract(s) with Coral Paper Corp., Perez Trading Company, Inc., Miami, FL. Supporting shipper: Coral Paper Corp./Perez Trading Co. Inc., 3490 N.W. 125th Street, Miami, FL 33167.*

MC 149830 (Sub-1-2TA), filed January 27, 1982. Applicant: COUSINS LEASING CORPORATION, Arnold Drive, Huntington, NY 11743. Representative: George Carl Pezold, Esq. Augello, Pezold & Hirschmann, P.C., 120 Main Street, Huntington, NY 11743. *Contract carrier: Irregular routes: (1) Plastic raw materials, and materials, equipment and supplies used in the manufacture and distribution thereof; and (2) Bank supplies, and material and equipment used by banks, between points in the U.S., under continuing contract(s) with (1) Nicos Polymers & Grinding, Inc. of West Babylon, NY; and (2) Control Papers Company, Inc. of Summit, NJ. Supporting shipper: Nicos Polymers & Grinding, Inc., 84 Kean Street, West Babylon NY 11704; Control Papers Co., Inc., 245 Broad Street, Summit, NJ 07901.*

MC 157430 (Sub-1-1TA), filed January 25, 1982. Applicant: G. T. & T. TRANSPORTATION, INC., 280 Henderson St., Store No. 9, Jersey City, NJ 07302. Representative: Jack L. Schiller, 123-60 83rd Avenue, Kew Garden, NY 11415. *Contract carrier: Irregular routes: Copper tubing from Wynne, AR to Bensonville, IL, South Kearney, NJ and Dallas, TX, under continuing contract(s) with Non Ferrous International Corp., New York, NY. Supporting shipper: Non Ferrous International Corp., 300 Park Avenue, New York, NY.*

MC 160215 (Sub-1-1TA), filed January 22, 1982. Applicant: KEN GIBERSON TRANSPORT, LTD., 135 Bridge Road, Chatham Head, N.B., CD E1V 3J1.

Representative: Ken Giberson, P.O. Box 362, Newcastle, N.B., CD E1V 3M5. *Contract carrier: Irregular routes: Diverse horticultural products, in particular jiffy pots manufactured from peat moss from US/CD border at Houlton, ME to points in CO, NY, PA, OH, TN, NC, SC, VA, GA, KY, AL, NJ, ME, NH, MA, and MD under continuing contract with JPA, West Chicago, IL. Supporting shipper: JPA, 1400 Harvester Road, P.O. Box 338, West Chicago, IL 60183.*

MC 148560 (Sub-1-5TA), filed January 25, 1982. Applicant: GOLD STAR, INC., 130 Davidson Avenue, Somerset, NJ 08873. Representative: A. David Millner, Bowes, Millner and Rodgers, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. *Contract carrier: Irregular routes: Such commodities as are dealt in or used by retail supermarket and drug stores, and materials, supplies and equipment used in such businesses, between Cleveland, TN, on the one hand, and on the other, points in AL, AR, FL, GA, IN, KY, MS, MO, NC, OH, SC, TN, TX, VA and WV, under continuing contract(s) with Peyton's-Southeastern, Inc., Cleveland, Tenn. Supporting shipper: Peyton's Southeastern, Inc., Refreshment Lane, Appalachian Industrial Park, Cleveland, TN 37311.*

MC 160262 (Sub-1-1TA), filed January 26, 1982. Applicant: GARY TORNABENE, d.b.a. J.T.T., 308 West Lewis Street, Canastota, NY 13032. Representative: Herbert M. Canter, Esq., Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. *Contract carrier: Irregular routes: Ice milk mix and milk shake mix, in containers, from Canastota (Madison County), NY to Edison (Middlesex County), NJ, under continuing contract(s) with Queensboro Farm Products, Inc., of Long Island City, NY. Supporting shipper: Queensboro Farm Products, Inc., 35-13 41st Street, Long Island City, NY 11101.*

MC 126427 (Sub-1-1TA), filed January 25, 1982. Applicant: L. P. TRANSPORTATION, INC., Cross & Main Street, Chester, NY 10918. Representative: John L. Alfano, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Liquefied Natural Gas in bulk (LNG) from Trussville, AL, to Westfield, MA. Supporting shipper: Western Gas & Electric Light Dept., 100 Elm Street, Westfield, MA 01085.*

MC 140252 (Sub-1-1TA), filed January 27, 1982. Applicant: M. K. M. ASSOCIATED TRUCKING CORP., 117 Dutch Road, East Brunswick, NJ 08816.

Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier: irregular routes: Metal Scraps and metal products* from Temple, PA to Baltimore, MD and Elizabeth, NJ, under continuing contract(s) with Can Corp. of America, Temple, PA. Supporting shipper: Can Corporation of America, P.O. Box 300, Blandon Road, Temple, PA 19560.

MC 30114 (Sub-1-1TA), filed January 25, 1982. Applicant: MOLA TRUCKING, INC. d.b.a. MITCHKO TRUCKING, 650 Myrtle Ave., Boonton, NJ 07005. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. (1) *Chemicals, except in bulk and hazardous waste, and (2) Materials, equipment, and supplies used in the manufacture and sale of chemicals*, between the facilities used or utilized by Drew Chemical Corporation, its subsidiaries, divisions, or vendors at points in the US, on the one hand, and, on the other, points in the US. Supporting shipper: Drew Chemical Corporation, 1 Drew Plaza, Boonton, NJ 07005.

MC 151193 (Sub-1-7TA), filed January 21, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, P.O. Drawer D, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant). *Contract carrier: irregular routes: (1) Dairy products, fresh and frozen, and (2) commodities dealt in and sold by supermarkets, and materials, equipment, and supplies used in the manufacture, sale and distribution of commodities in (1) and (2) (except bulk)*, between points in AZ, CA, CO, FL, GA, IL, IA, MA, MD, NE, NJ and VA, under continuing contract(s) with Tuscan Dairies, Inc./Tuscan Foods, Inc., Union, NJ. Supporting shipper: Tuscan Dairies, Inc./Tuscan Foods, Inc., 750 Union Avenue, Union, NJ.

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 150444 (Sub-II-8TA), filed January 25, 1982. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same as applicant). *Contract: irregular: Iron, steel, and related products, metal doors, door frames, partitions, windows, window frames, door and wall systems, and parts, accessories and hardware for such commodities*, between pts. in the U.S., for 270 days, under continuing contract(s): with Williamsburg Steel Products Co., Inc., Brooklyn, NY. Supporting shipper(s) Williamsburg Steel Products Co., Inc., 73 Paidge Ave., Brooklyn, NY 11222.

MC 138000 (Sub-II-39TA), filed January 25, 1982. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417 Hagerstown, MD 21740. *Contract: irregular: Non-woven synthetic and polyester mesh, including materials, equipment and supplies*, between Wrens, GA, including its commercial zone, on the one hand, and, on the other, Cleveland and Toledo, OH; Washington, D.C. and Coatesville, PA, including their respective commercial zones, for 270 days under continuing contract(s) with Glit, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Glit, Inc., 809 Broad St., Wrens, GA 30833

MC 81908 (Sub-II-7TA), filed January 25, 1982. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Fruit drinks, except in bulk*, from Detroit, MI to Jacksonville, FL. An underlying ETA seeks 120 days authority. Supporting shipper: NFP Corp., Box 30541, Gahanna, OH 43230.

MC 180240 (Sub-II-1TA), filed January 25, 1982. Applicant: ROBERT J. HAYES TRUCKING, INC., 24 Rose St., Forty Fort, PA 18704. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Contract Carrier, Irregular Routes, transporting plastic articles and materials, supplies and equipment used in the manufacture and distribution of plastic articles between Luzerne County, PA on the one hand, and, on the other, points in the U.S. (except AK & HI) under a continuing contract(s) with Injection Molding Company, Wilkes-Barre, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Injection Molding Company, 1600 Route 315, Wilkes-Barre, PA 18702*

MC 42266 (Sub-II-1TA), filed January 25, 1982. Applicant: LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., RD #2, Box 208, Elizabethtown, PA 17022. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, D.C. 20036. *Such commodities as are dealt in or used by manufacturers of confectionery from Philadelphia, PA to Hackettstown, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: M&M/Mars, High Street, Hackettstown, NJ 07840.*

MC 159283 (Sub-II-1TA), filed January 25, 1982. Applicant: W. L. LOGAN TRUCKING CO., 3224 Navarre Rd., S.W., Canton, OH 44706. Representative: Paul F. Beery, 275 E. State St., Columbus,

OH 43215. *Iron and steel articles* between Cleveland, OH, on the one hand, and, on the other, Cedartown, GA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chesterfield Steel Co., 1220 E. 222nd St., Cleveland, OH 44117.

MC 160237 (Sub-II-1TA), filed January 25, 1982. Applicant: MANCUSO TRANSPORTATION, INC., P.O. Box 404, Carbondale, PA 18407. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. (1) *Waste or scrap materials not identified by industry producing between Lackawanna County, PA, on the one hand, and, on the other, points in the U.S. (except AK & HI); (2) Building Materials* between Lackawanna County, PA, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, MD, DE, VA, WV, OH, MI, IN, IL, NC, and SC; (3) *Such commodities as are dealt in by retail and wholesale grocery stores*, between Lackawanna County, PA, on the one hand, and, on the other, points in the U.S. (except AK & HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Harry Letzie, Inc., 1 Railroad St., Box 511, Cabondale, PA 18407; Mancuso Lumber and Building Products, 23 River St., Box 404, Carbondale, PA 18407; Osucnam, Inc., 23 River St., P.O. Box 404, Carbondale, PA 18407.

MC 159780 (Sub-II-2TA), filed January 25, 1982. Applicant: R. W. TINNEY, INC., Box 151, Perrysburg, OH 43551. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Sheet and coil steel*, between the facilities of Miami Industries Division of MSL Industries, Incorporated, at or near Piqua, OH, on the one hand, and, on the other, State Line Steel Corporation and Bedford Steel Processing, Inc., at or near Erie, MI, and Form Tec, Inc., at or near Temperance, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Miami Industries Div of MSL Industries, Inc., P.O. Box 912, N. Dixie Hwy, Piqua, OH 45356.

MC 155529 (Sub-II-3TA), filed January 26, 1982. Applicant: G & D TRANSPORT, INC., 14763 Oyster Rd., Alliance, OH 44601. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. *Metal products*, between the facilities of Agra Steel Corp., located at or near Columbus, GA; Wathena, KS; and Spokane, VA, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Agra Steel Corp., P.O. Box 3486, Kimberling City, MO 65686.

MC 143730 (Sub-II-5TA), filed January 27, 1982. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Dr., New Castle, DE 19720. Representative: Richard M. Ochroch, 316 South 16th St., Philadelphia, PA 19102. *Contract; irregular: Meats, meat products and meat by-products, and articles distributed by meat-packing houses, between points in the U.S. for 270 days, under continuing contract(s) with Hygrade Food Products Corp., Detroit, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Hygrade Food Products Corp., P.O. Box 4471, Detroit, MI 48219.*

MC 144859 (Sub-II-5TA), filed January 28, 1982. Applicant: SCOTT PALLETES, INC., P.O. Box 341, Amelia, VA 23002. Representative: Jo Anne Scott (same address as applicant). *Contract; irregular: (1) Tires, rubber, from pts. in OH and PA to pts. in VA; and (2) Steel bars, shapes, coils and steel products, from Canton, Massillon, and Warren, OH; Sharon, PA; and Baltimore, MD, and their respective commercial zones, to Petersburg, VA and its commercial zone, for 270 days, under continuing contracts with Dick's Place, Inc., Amelia, VA and Brenco, Inc., Petersburg, VA. An underlying ETA seeks 120 days. Supporting shippers: Dick's Place, Inc., Amelia, VA 23002; Brenco, Inc., P.O. Box 389, Petersburg, VA 23803.*

MC 160305 (Sub-2-1TA), filed January 27, 1982. Applicant: SPRINT CONTAINER SERVICE CO., INC., 630 22nd St., Chesapeake, VA 23324. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014. (1) *Portable air compressors, (2) compressor parts, and (3) master drills and compactors* from Campbellsville, KY; Davidson and Mocksville, NC; Shippensburg, PA; Painted Post, NY and Piscataway, NJ to Newport News, Norfolk, Portsmouth, and Richmond, VA; Wilmington and Morehead City, NC; Charleston, SC; Savannah, GA; Miami and Jacksonville, FL; Baltimore, MD; Newark and Elizabeth, NJ; Brooklyn and New York, NY; and New Orleans, LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ingersoll-Rand Corp., Sandford Ave., Mocksville, NC 27028.

MC 160293 (Sub-II-1TA), filed January 28, 1982. Applicant: I. W. SMITH, 237 Glen Road, Pasadena, MD 21122. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Contract; irregular: such; merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment,*

materials and supplies used in the conduct of such business, between Baltimore, MD on the one hand, and, on the other, points in DE, MD, PA, VA, WV, and DC under continuing contract(s) with Acme Markets, 124 N. 15th St., Philadelphia, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Acme Markets, Inc., 124 N. 15th St., Philadelphia, PA 19101.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 154103 (Sub-3-26TA), filed January 25, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Contract Carrier; irregular routes; liquid and dry chemicals, between the plant sites and facilities of Ashland Chemical located in Atlanta, GA; Etowah, TN; Catawba, SC; Chicago, IL; Acme, NC; Lancaster, SC; Cincinnati, OH; Mobile, AL, on the one hand, and, on the other, points in the US, excluding AK and HI. Supporting shipper: Ashland Chemical Company, P.O. Box 2219, Columbus, OH 43216.*

MC 143792 (Sub-3-2TA), filed January 26, 1982. Applicant: BIG "M" TRANSPORT, INC., 3100 Hilton Street, Jacksonville, FL 32209. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) *Chemicals and related products (except in bulk), (2) Toilet preparations, between Duval County, FL on the one hand, and, on the other, points in the U.S. (except HI and AK). Supporting shipper: Roux Laboratories, 6831 Stuart Avenue, Jacksonville, FL 32205.*

MC 145738 (Sub-3-8TA), filed January 26, 1982. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 607, Selmer, TN 38375. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201. *Wine, brandy, champagne and vermouth between Sonoma, Napa, Stanislaus, San Joaquin, Sacramento, Santa Clara, Monterey and Mendocino Counties, CA, and San Francisco, CA, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Intermedial Traffic Consultants (ITCO), 2211 Wood Street, Oakland, CA 94607.*

MC 160229 (Sub-3-1TA), filed January 26, 1982. Applicant: OMNI EXPRESS, INC., 640 Terrell Mill Road, College Park, GA 30349. Representative: Wayne A. Wilkins (same address as applicant). *Common: Regular: General Commodities, except household goods,*

in interstate or foreign commerce between Atlanta, GA and Columbus, GA via U.S. Hwy. 1-75 to intersection with GA Hwy 54; GA Hwy 54 to Fayetteville; GA Hwy 85 to Senoia; GA Hwy. 16 to Digbey; unnumbered county road (Hollonville) to jct. of GA Hwy 18; GA Hwy 18 to Zebulon; GA Hwy. 18 to Woodbury; GA Hwy. 85W to Warm Springs; U.S. Hwy 27A to Manchester; GA Hwy 41 to Talbotton; GA 315 to jct. GA Hwy 208; GA Hwy 208 to Waverly Hall; U.S. Hwy 27A to Columbus, GA serving all intermediate points; also serving Geneva, GA as an off-route point from Columbus and Talbotton, GA via State Hwy. 22. There are seven (7) support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA. Applicant intends to interline with other carriers at Atlanta, GA and Columbus, GA.

MC 143956 (Sub-3-24TA), filed January 26, 1982. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 2613-J Paces Ridge, Atlanta, GA 30339. *Hoses, pipes, automotive equipment, parts and products related thereto from Van Wert, OH, to Heber Springs, AR, Cranbury, NJ, Lakeville, MN, Columbia, SC, Charlotte, NC, San Francisco, CA, Salem, OR, Dallas, TX, and Tucker, GA. Supporting shipper: Aeroquip Corporation, 1225 West Main Street, Van Wert, Ohio 45891.*

MC 160260 (Sub-3-1TA), filed January 26, 1982. Applicant: JAMES EARL WEAVER, R.F.D. #3, Box 296, West Jefferson, NC 28694. Representative: Wade E. Vannoy, Jr., 306 East Main Street, West Jefferson, NC 28694. *Contract: Irregular: Cheese and Cheese Products from West Jefferson, NC, to points in the states of AL, FL, GA, NC, SC, MO, TN, MS, MN, KY, WV, VA, NY, PA, WI, NJ, IN, IL, AR, DC. Supporting shipper: Ashe County Cheese, Inc., 308 East Main Street, West Jefferson, NC 28694.*

MC 160276 (Sub-3-1TA), filed January 27, 1982. Applicant: BIGELOW TRANSPORTATION CO., INC., P.O. Box 3089, Greenville, SC 29602. Representative: William H. Borghesani, Jr., 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036. *Contract: Irregular: general commodities except household goods, commodities in bulk, Classes A & B explosives and hazardous materials, between points in the U.S. except AK and HI, under continuing contract(s) with United Forwarding, Inc., Omaha, NE 68106. Supporting shipper:*

United Forwarding, Inc., 7000 West Center Rd., Suite 445, Omaha, NE 68106.

MC 155013 (Sub-3-3TA), filed January 27, 1982. Applicant: FREIGHTMASTER, INC., P.O. Box 488, Taylorsville, NC 28681. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Contract; Irregular; Petroleum products (except in bulk)* (1) from Dunn, NC to points in GA, VA, and SC; and (2) from Bradford, PA, Sewaren, NJ and Charleston, SC to Dunn, NC. Under continuing contract(s) with Warren Oil Company. Supporting shipper: Warren Oil Company, P.O. Box 251, Dunn, NC 28334.

MC 159655 (Sub-3-1TA), filed January 27, 1982. Applicant: SHERRIN TRUCKING, INC., Rt. 1, Box 606, Wingate, NC 28174. Representative: David W. Erdman, 300 Law Building, Charlotte, NC 28202-3088. *Foodstuffs, frozen or refrigerated foods*, from Charlotte and Monroe, NC to points in FL. Supporting shipper: Associated Grocers Mutual of Carolinas, Inc. 701 Lawton Road, Charlotte, NC 28233.

MC 149133 (Sub-3-20TA), filed January 27, 1982. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same as above). *Contract carrier; irregular routes; Such commodities as are dealt in or used by retail department stores*; between New York, NY and Chicago, IL. Restricted to service performed under a continuing contract or contracts with Wieboldt Stores, Inc., of Des Plaines, IL. Supporting shipper: Wieboldt Stores, Inc., 300 South Wieboldt Drive, Des Plaines, IL 60016.

MC 160275 (Sub-3-2TA), filed January 27, 1982. Applicant: TOM MILLER TRUCKING COMPANY, P.O. Box 99, Claremont, NC 28610. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Such commodities as are dealt in by auto supply houses* between points in NC on the one hand and on the other, points in PA, GA, NJ, TN, IL, SC, OH, VA, WV, and MI. Supporting shipper: Superior Petroleum and Fuel Co., Inc., P.O. Box 268, Newton, NC 28658.

MC 154103 (Sub-3-27TA), filed January 27, 1982. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell, (same address as applicant). *Contract carrier; irregular routes; Electrical parts NOI*, between the facilities of Sun Electric Co. at Crystal Lake, IL to points in the U.S. excluding AK and HI. Supporting shipper: Sun Electric, Route 176, Crystal Lake, IL 60014.

MC 158941 (Sub-3-2TA), filed January 27, 1982. Applicant: PIONEER TRUCKING COMPANY, INC., U.S. Hwys. 64-70 East, P.O. Box 1961, Hickory, NC 28601. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Chemicals and starch*, between the facilities of Tillett Chemical, Inc. at Pineville, NC, on the one hand, and, on the other, points in CA, GA, IA, IL, IN, LA, MA, NJ, NY, OK, RI, SC, TN, TX, VA, WA, and WV; (2)(a) *Chemicals*, and, (b) *materials, supplies, and equipment used in the manufacture, sale, and distribution of chemicals*, between the facilities of Carolina Solvents, Inc. at Hickory, NC, on the one hand, and, on the other, points in AL, GA, KY, IL, MD, MA, MI, MO, NJ, NY, OH, PA, SC, TN, and VA; (3) *General Commodities, except Class A and B explosives, household goods as defined by the Commission, and commodities in bulk*, between points in AL, FL, GA, KY, IL, IN, MA, MD, MI, NC, NJ, NY, OH, PA, SC, TN, VA, and WV, restricted to shipments moving for Carter Sales Inc. Supporting shippers: Tillett Chemical Inc., 316 College Street, Pineville, NC 28134, Caroline Solvents, Inc., P.O. Box 57, Hickory, NC 28601, Carter Sales, Inc., Route 9, Box 1014, Hickory, NC 28601.

MC 160275 (Sub-3-1TA), filed January 27, 1982. Applicant: TOM MILLER TRUCKING COMPANY; P.O. Box 99, Claremont, NC 28610. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Food and related products* between points in NC on the one hand, and, on the other, points in the U.S. on the east of the Mississippi River. Supporting shipper: Western Steer—Mon 'n' Pop's, Inc., P.O. Box 399, Claremont, NC 28610.

MC 146447 (Sub-3-14TA), filed January 27, 1982. Applicant: TANBAC, INC., 2941 S.W. 1st Terrace, Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166. *Contract carrier, irregular routes; General commodities (except classes A and B explosives and waste material)* between Anaheim, Irvine and Los Angeles, CA, Jacksonville and Miami, FL, Atlanta, and Savannah, GA, Wooster, OH, and Jeannette, PA, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with W. M. Industries, Inc., Atlanta, GA. Supporting shipper: W. M. Industries, Inc., 5616 Peachtree Road, Atlanta, GA 30341.

MC 37896 (Sub-3-10TA), filed January 27, 1982. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative:

Charles Ephraim, 406 World Center Building, 918 16th Street, N.W., Washington, DC 20006. *Contract carrier, irregular routes, Plastic Products*, between: Los Angeles, CA on the one hand, and, on the other, points in the states of IL, MD, MA, MI, MN, NJ, NY, OH, PA, RI and WI, under a continuing contract(s) with 20th Century Plastics, Inc., of Los Angeles CA. Supporting shipper: 20th Century Plastics, Inc., 3628 Crenshaw Blvd., Los Angeles, CA 90016.

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 19311 (Sub-4-8TA), filed January 22, 1982. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Elmer J. Maue (same address as applicant). *Contract; Irregular, General Commodities*, restricted to the transportation of traffic moving under contract(s) with American Motors Corporation, between points in IL; IN; MI; OH; WI; Boone, Campbell, Jefferson and Kenton Counties, KY; those points in NY on, west and north of U.S. Hwy 11; and those points in PA on and west of U.S. Hwy 219. Supporting shipper: American Motor Corporation, 14250 Plymouth Road, Detroit, MI 48232.

Note.—Applicant holds common carrier authority in Docket MC-19311 to transport general commodities in this same area.

MC 109571 (Sub-4-1TA), filed January 25, 1982. Applicant: REILE'S TRANSFER AND DELIVERY, INC., 54 South 27 1/2 Street, Fargo, ND 58103. Representative: Mike Miller, Solberg, Stewart, Boulger & Miller, P.O. Box 1897, Fargo, ND 58107. *Contract irregular; Paper and paper products and building material* between points in the U.S. Restricted to traffic moving under continuing contracts with Champion International Corporation; Pierce Roofing and Sheet Metal, Inc.; and Thompson Roofing Company. Supporting shippers: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020; Pierce Roofing and Sheet Metal, Inc., 2236 Seventh Avenue North, Box 5233, NDSU Station, Fargo, ND 58105; and Thompson Roofing Company, 2902 First Avenue North, P.O. Box 585, Fargo, ND 58107.

MC 119583 (Sub-4-2TA), filed January 25, 1982. Applicant: L. E. BOLING, INC., 718 Commercial Street, Kewanee, IL 61443. Representative: Donald S. Mullins and T. M. Schlechter, 1033 Graceland Avenue, Des Plaines, IL 60016, 312-298-1094. (1) *Malt Beverages*; (2) *Materials, Equipment, and Supplies used in the manufacture and distribution of malt beverages*, (1) From Memphis, TN, to

Kewanee, IL; (2) From Kewanee, IL, to Memphis, TN. Supporting shipper: Boswell Distributing, 217 W. 3rd St., Kewanee, IL 61443.

MC 134210 (Sub-41 TA), filed January 20, 1982. Applicant: PRINS TRUCKING, INC., 5718 Lawndale, P.O. Box 35, Hudsonville, MI 49426. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 49428. *Contract irregular: Such commodities, materials, supplies and equipment as are dealt with and used by manufacturers and distributors of food products between the facilities of Bil-Mar Foods, Inc., in Zeeland, MI on the one hand and on the other points in OH, PA, NY, WV. Restricted to traffic moving under continuing contract with Bil-Mar Foods, Inc. Supporting shipper: Bil-Mar Foods, Inc., 8300 96th Ave., Zeeland, MI 49464.*

MC 142763 (Sub-4-1TA), filed January 25, 1982. Applicant: G. W. CANNON COMPANY, P.O. Box 1209, Muskegon, MI 49443. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Industrial sand from the facilities of Nugent Sand Company and McCormick Sand, Incorporated, in Muskegon County, MI to points in Seneca County, OH. Supporting shippers: Nugent Sand Company, P.O. Box 1209, Muskegon, MI 49443; McCormick Sand, Incorporated, P.O. Box 1209, Muskegon, MI 49443.*

MC 142888 (Sub-4-7), filed January 20, 1982. Applicant: COX TRANSFER, INC., Box 168, Eureka, IL 61530. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Beer and malt beverages, and materials and supplies used in the manufacture and distribution of such commodities, between points in Milwaukee County, WI on the one hand, and on the other, points in KS, MN, ND and SD. Supporting shipper: Pabst Brewing Company, 917 West Juneau Ave., Milwaukee, WI 53201.*

MC 144927 (Sub-4-13TA), filed January 25, 1982. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (address same as applicant). *Wine and foodstuffs (except in bulk) from the plantsite of Pompeian, Inc. at Baltimore, MD to warehousing locations in Jacksonville, Tampa, and Miami, FL; Greenville, SC; Atlanta, GA; Houston and Dallas, TX; Kansas City, MO; Los Angeles, CA; New Orleans, LA; Portland, OR; Denver, CO; Cleveland, OH; Phoenix, AZ; Chicago, IL; and Memphis, TN. Supporting shipper: Pompeian, Inc., 4201 Pulaski Highway, Baltimore, Maryland 21224.*

MC 148994 (Sub-4-2), filed January 19, 1981. Applicant: MICHAEL W. AMABILE, d.b.a. TRIPLE AAA TRUCKING, 29891 Red Arrow Highway, Paw Paw, MI 49079. Representative: Nancy J. Amabile (same as applicant). *Contract irregular: Metal products, (except commodities in bulk) STCC code 33, 34—between points in the U.S., under continuing contract(s) with Hastings Aluminum Products, Inc. Supporting shipper: Hastings Aluminum Products, Inc., Division of National Aluminum, Subsidiary of National Steel, 429 S. Michigan Avenue, Hastings, MI 49058.*

MC 144298 (Sub-4-5), filed January 22, 1982. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Avenue, Dearborn, MI 48126. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ 08817. *Contract, Irregular, Office and Library Furniture and materials used in their manufacture between points and places east of the Mississippi River. Supporting shipper: Art Metal-USA Inc./Steel Sales, Inc., 300 Passaic Street, Newark, NJ 07104.*

MC 156088 (Sub-4-4TA), filed January 25, 1982. Applicant: R & S TRUCK LEASING, INC., 1651 Walker Road, Muskegon, MI 49442. Representative: D. Richard Black, Jr., 285 James Street, P.O. Box 638C, Holland, MI 49423. *Rubber bands between Alliance, OH on the one hand, and, on the other, points in AZ, NV, and CA. Supporting shipper: Keener Rubber Company, 14700 Commerce NE, Alliance, OH 44601.*

MC 156909 (Sub-4-2TA), filed January 22, 1982. Applicant: MIDWEST CONSOLIDATORS, INC., 32934 Schoolcraft, Livonia, MI 48150. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Motor vehicle parts and components between the ports of entry on the international boundary line between the U.S. and Mexico in TX, on the one hand, and, on the other, points in MI. Supporting shipper: Moto Diesel Mexicana, S.A., Aguascalientes, Mexico.*

MC 160179 (Sub-4-1TA), filed January 19, 1982. Applicant: BELL WAREHOUSE, INC., 1200 Greenwood Ave., Maywood, IL 60153. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract, irregular: Paper and paper products between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in IN under continuing contracts with Industrial Mill, Inc. and L. L. Hanson Company, Inc. Supporting shippers: Industrial Mill, Inc., 4157 West Kinzie, Chicago, IL*

60624, and L. L. Hanson Company, Inc., P.O. Box 69, 1200 Greenwood Avenue, Maywood, IL 60153.

MC 160217 (Sub-4-1TA), filed January 22, 1982. Applicant: DASH MESSENGER SERVICE, INC., 541 West Roosevelt Rd., Chicago, IL 60607. Representative: William H. Taylor (same address as applicant). *Printing Ink, printed matters, and products used in conjunction with printing ink and printed matters, from IL, to points in IN, IA, MO, OH and WI. An underlying ETA seeks 120 Days Authority. Supporting shippers: Printing Master Service, 633 S. Plymouth CTC., Chicago, IL 60605, Acme Printing Ink Co., 1419 W. Carroll St., Chicago, IL 60607.*

MC 160259 (Sub-4-1TA), filed January 25, 1982. Applicant: ARBOR FREIGHT SERVICE, INC., P.O. Box 117, Altoona, WI 54720. Representative: Michael S. Varda, 121 S. Pinckney Street, Madison, WI 53703. *Paper and paper products from Eau Claire and Ladysmith, WI, to points in IL, IN, IA, KY, MI, MN, MO, NE, OH, and TN, and, on return, equipment, materials, and supplies used in the manufacture and distribution of the named commodities from the named destination states to Eau Claire and Ladysmith, WI. Supporting shipper: Pope & Talbot, Inc., 1200 Forest St., P.O. Box 330, Eau Claire, WI 54701.*

MC 159203, filed September 26, 1981. Applicant: ARGOSY TRUCKING LTD., 149 Oak Point Road, Winnipeg, Manitoba, Canada, R2R 1T7. Representative: Mr. Harold Huppe (same address as applicant). *Contract Irregular packaged chemical additives (bulk excluded) from points in the States of PA, IL, MN, LA, WI, OK, MD, NH, DE, to Winnipeg, Manitoba, Canada under continuing contract with MacKenzie & Feimann Limited, of Winnipeg, Manitoba, Canada. Supporting shipper: MacKenzie & Feimann Limited, 875 Bradford Street, Winnipeg, Manitoba, Canada.*

MC 118838 (Sub-4-13TA), filed January 28, 1982. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Iron and steel articles between Plymouth, MN, on the one hand, and, on the other, Denver, CO; Chicago, IL; Kansas City and St. Louis MO; Dallas and Houston, TX and Spokane, WA, under a continuing contract(s) with Ex-L-Tube, Inc. of Minneapolis, MN. SS: Ex-L-Tube, Inc., 1605 N. Cty. Rd., 18, Minneapolis, MN 55441.*

MC 148485 (Sub-4-4TA), filed January 25, 1982. Applicant: SMITH CARTAGE,

INC., 104 South Vine Avenue, Marshfield, WI 54449. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract: Irregular; fireplaces, oil and gas space heaters, materials, equipment and supplies used in their manufacture and distribution, from Wood and Portage Counties, WI, to points IA, IL, IN, KS, MO, NE, OH, and PA. Restriction: Restricted to transportation performed under continuing contract(s) with Preway, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Preway, Inc., 1430 2nd Street, North, Wisconsin Rapids, WI 54494.*

MC 150187 (Sub-4-8TA), filed January 26, 1982. Applicant: D & L TRUCKING SERVICE, INC., 1419 South Clark Blvd., Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Transporting empty containers, from Cincinnati, OH, and its commercial zone to Danville, IL and French Lick, IN. Supporting Shipper: The Clorox Company, P.O. Box 1033, Louisville, KY 40201.*

MC 152744 (Sub-4-2TA), filed January 26, 1982. Applicant: CITADEL TRANSPORT, INC., 180 N. Michigan Avenue, Chicago, IL 60601. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract: irregular; Beer, from the facilities of The Stroh Brewery Company at Detroit, MI, to points in IL, under continuing contract(s) with the Stroh Brewery Company of Detroit, MI. Supporting shipper: The Stroh Brewery Company, No. 1 Stroh Drive, Detroit, MI 48226.*

MC 153191 (Sub-4-2TA), filed January 27, 1982. Applicant: SANTERRE SERVICE, INC., P.O. Box 6174, Duluth, MN 55807. Representative: Ray L. Hickey, 908 N. 57th Ave. West, Duluth, MN 55807. *Malt beverages, from Memphis, TN, and Longview, TX to Virginia and Duluth, MN. Supporting shippers: Starkovich Distributing, 331 S. 5th St., Virginia, MN, Rolfing Distributing, 1 S. 24th Ave. West, Duluth, MN.*

MC 154283 (Sub-4-2TA), filed January 25, 1982. Applicant: ELGIN MILK SERVICE, INC., Route 1, Elgin, MN 55392. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. (1) *Canned goods* and (2) *materials and supplies used in the manufacture of the commodities in (1) above* between Plainview, MN and Manitowoc, WI on the one hand, and on the other, points in IA, IL, IN, KS, MI, MN, MO, NE, ND, SD, and WI. An underlying ETA seeks 120 days

authority. Supporting shipper: Lakeside Packing Company, P.O. Box 1127, 508 Jay Street, Manitowoc, WI.

MC 154928 (Sub-4-3TA), filed January 28, 1982. Applicant: KNUTE TRUCKING, INC., P.O. Box 198 (Hillcrest), Rochelle, IL 61068. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract irregular: Malt beverages, from Chicago, IL; Memphis, TN; Longview, TX; and Milwaukee and Monroe, WI, to Sycamore, IL, under continuing contract(s) with B.B. Distributors, Inc. Supporting shipper: B.B. Distributors, Inc., 321 Park Avenue, Sycamore, IL 60178.*

MC 155775 (Sub-4-3TA), filed January 28, 1982. Applicant: NORTHWESTERN MICHIGAN TRUCKING, INC., 9196 11 Mile Rd., Bear Lake, MI 49614. Representative: William B. Elmer, 615 E. Eighth Street, Traverse City, MI 49684. *Food and related products between Sandusky, OH, Columbus, OH and Caryville, TN on the one hand, and, on the other, points in the U.S. Supporting shipper: Chef's Pantry, Inc., Sandusky, OH 44870.*

MC 155775 (Sub-4-4TA), filed January 28, 1982. Applicant: NORTHWESTERN MICHIGAN TRUCKING, INC., 9196 11 Mile Rd., Bear Lake, MI 49614. Representative: William B. Elmer, 615 E. Eighth Street, Traverse City, MI 49684. *Food and related products between points in PA, OK, Berkely County, WV and DeKalb County, GA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Pet Incorporated, Frozen Foods Division, of St. Louis, MO 63102.*

MC 157457 (Sub-4-10TA), filed January 27, 1982. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 17th Street, Elkhart, IN 46514. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 10 S. LaSalle, Suite 1600, Chicago, IL 60603. *Plastic tanks and sprayers, between Mishawaka, IN on the one hand, and, on the other, points in and east of IA, MO, AR, LA and MN. Supporting shipper: Rotec, Inc., 2401 Schumacher Drive, Mishawaka, IN 46544.*

MC 159976 (Sub-4-1TA), filed January 27, 1982. Applicant: SPECIALTY CARTAGE, INC., 880 Harrison St., Huntington, IN 46750. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204-3491. *General commodities (except Classes A and B explosives, commodities in bulk and household goods), between Fort Wayne, IN and Huntington, IN, over U.S. Hwy 24, serving all intermediate points and*

all points in Huntington County, IN as off-route points. Supporting shippers 11.

MC 160266 (Sub-4-1TA), filed January 26, 1982. Applicant: DETRA TRUCKING, INC., RR #1, Thomson, IL 61285. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Contract irregular. Crystalline fructose, in containers, from points in Carroll County, IL, to points in US, under continuing contracts with the American Xyrofin, Inc., Thomson, IL. Supporting shipper: American Xyrofin, Inc., Thomson, IL 61285.*

MC 160268 (Sub-4-1TA), filed January 26, 1982. Applicant: TOMBSTONE PIZZA CORPORATION, 940 S. Whelen Avenue, Medford, WI 54451. Representative: Linda Heller Kamm, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006. *Food and related products, in tractors and trailers, between both Ft. Atkinson, WI and Oak Creek, WI and points in IA, IL, IN, and MO. Supporting shippers: Redi-Serve Foods, Inc., 1200 Industrial Drive, Ft. Atkinson, WI 53538; Foran Spice Co., Inc., 7616 So. 6th St., Oak Creek, WI 53154.*

MC 160290 (Sub-4-1TA), filed January 28, 1982. Applicant: GERARD C. PETERS AND JOHN G. PETERS, d.b.a. PETERS BROS. TRUCKING, 4948 North Oakley Avenue, Chicago, IL 60625. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Contract irregular: Contractor's Equipment, Parts and Accessories; Electric, Electronic Apparatus, Wire and Cable; between points in IL, IN and WI, on the one hand, and, on the other, points in the U.S., under continuing contracts with Italtractor America, Inc. and Cable TV Supply Co. Supporting shippers: Italtractor America, Inc., 315 Faribanks, Addison, IL 60101 and Cable TV Supply Co., 250 Gerri Lane, Addison, IL 60101. (An underlying ETA seeks 90 days authority.)*

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 112713 (Sub-5-35TA), filed January 25, 1982. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, Overland Parks, KS 66207. Representative: William F. Martin, Jr., (Same as Applicant). *Contract, irregular; general commodities (Except Classes A and B explosives, household goods as defined by the Commission and commodities in bulk) between all points in the US, under continuing contract with the K Mart Corp. Supporting*

shipper: K Mart Corporation, Troy MI 48084.

MC 144616 (Sub-5-7TA), filed January 26, 1982. Applicant: SOUTHWESTERN CARRIERS, INC., P.O. Box 79495, Saginaw, TX 76179. Representative: Earl Lehman (same as applicant). *Food and related products* between the facilities of or used by Swift Independent Packing Company and points in the U.S. Supporting shipper: Swift Independent Packing Company, 115 W. Jackson Blvd., Chicago, IL, 60604.

MC 147196 (Sub-5-42TA), filed January 26, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10686, Jefferson, LA 70181-0686. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. *Store fixtures and materials, equipment and supplies used in the manufacture and distribution thereof* between Terrell, TX, on the one hand, and, on the other, all points in the states of AR, CA, CO, FL, GA, IL, IN, KS, LA, MO, MN, NC, OH, OK, SC, and TX. Supporting shipper: Maytex Store Fixtures P.O. Box 729, Terrell, TN.

MC 147196 (Sub-5-43TA), filed January 26, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10686, Jefferson, LA 70181-0686. Representative: Martin White, P.O. Box 5387 Richardson, TX 75080. *Paint, paint brushes, rollers, roller pans, paint cans, pigments and related materials, equipment and supplies used in the manufacture and distribution thereof* between the plant site facilities of Sherwin Williams Company located in TX, OH, IL, and CA on the one hand, and on the other, all points in the U.S. Supporting shipper: Sherwin Williams Co., 2802 W. Miller Rd. Garland, TX.

MC 148599 (Sub-5-1TA), filed January 25, 1982. Applicant: SIMONSEN TANK LINES, INC., Box 157, Quimby, IA 51049. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. Contract irregular *Pet food* between pts in CO, IA, IL, KS, MN, MO, NE, ND, OK, SD and WI, under continuing contract(s) with Simonsen Mill, Inc. Supporting shipper(s): Simonsen Mill, Inc., Box 157, Quimby, IA 51049.

MC 153163 (Sub-5-3TA), filed January 25, 1982. Applicant: CROSSROADS CHARTER COACHES, HOWARD D. and BEVERLY J. SCROGGINS, Rt. 4, Box 158-A, Joplin, MO 64801. Representative: Howard D. Scroggins (same as applicant). *Passengers and their baggage in special and charter operations in round trip pleasure tours*, beginning and ending at points in Jasper County, MO to points in the US including Alaska. Supporting shippers: Carl E. Driskill, Jr., Joplin, MO 64801;

Ozark Bible College, Joplin, MO 64801; Robert Davidson, Joplin, MO 64801; See America Club, Joplin, MO 64801.

MC 154768 (Sub-5-11TA), filed January 25, 1982. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N.W. 108th St., Des Moines, IA 50322. Representative: Harold W. Sternberg, 2165 N.W. 108th, Suite B, Des Moines, IA 50312. Contract irregular *Soap and soap products*, (1) Between pts in IA, (2) between pts in IA, on the one hand, and, on the other, Omaha, NE, and (3) between Omaha, NE, and pts in IA, on the one hand, and, on the other, pts in Rock Island County, IL, under continuing contract(s) with Desoto, Inc., of Des Plaines, IL. Supporting shipper: Desoto, Inc., 7700 S. Mount Prospect Road, Des Plaines, IL.

MC 160224 (Sub-5-1TA), filed January 25, 1982. Applicant: BYRON WATSON TRUCKING CO., INC., P.O. Drawer J, Kirbyville, TX 75956. Representative: Brian E. Brewton, P.O. Drawer 1375, Winnfield, LA 71483. *Drilling rigs, machinery, materials and supplies related to drilling and completing oil and gas wells* between LA and TX on the one hand, and, on the other, points in NM and OK. Supporting shipper: Matagorda Marine Drilling, Corpus Christi, TX.

MC 160231 (Sub-5-1TA), filed January 25, 1982. Applicant: J. T. SMITH, INC., 5910 Ranger, Oklahoma City, OK 73119. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Machinery, materials, equipment and supplies used in replacing, servicing and repairing machinery, equipment and supplies used in or in connection with the discovery, development, refining, manufacture, processing, storage, and transmission of natural gas and petroleum and their products and by-products*, between points in Oklahoma County, OK on the one hand, and, on the other, points in AR, CO, KS, LA, NM, TX and WY. Supporting shippers: Gramco Wellhead Div. of CMI Corp., Oklahoma City, OK, Tesoro Land & Marine Rental, Oklahoma City, OK.

MC 160238 (Sub-5-1), filed January 26, 1982. Applicant: THOMAS C. WILLIAMS, INC., 308 Burke St., Versailles, MO 65084. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. Contract irregular: *Foodstuffs*, between Boone County, MO on the one hand, and, on the other, all points in the U.S. Supporting shipper: Diggs Packing Company, Colombia, MO.

MC 160242 (Sub-5-1TA), filed January 26, 1982. Applicant: GEORGE E. NOAK d.b.a. NOAH ENTERPRISES, 3210 No. 97 Bristol Square, Omaha, NE 68134.

Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Contract irregular; *Food and Related Products (except in bulk, in tank vehicles)* from facilities of Dugdale of Nebraska, at or near Norfolk, NE, to Pts in the Commercial Zones of Chicago, IL, Denison, IA, Denver, CO, Milwaukee, WI, Minneapolis, MN, Rockport, MO, Sioux City, IA, Wichita, KS. Supporting shipper: Dugdale of Nebraska, 1500 So. Logan, Norfolk, NE 68701.

MC 4709 (Sub-5-1TA), filed January 29, 1982. Applicant: M & S TRANSFER, INC., 340 3rd Street, David City, NE 68632. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Commodities used in the manufacture and sale of precision electronic components*, between York, Norfolk, and Columbus, NE, on the one hand, and, on the other, Yankton, SD. Supporting shipper: Dale Electronics, Inc., P.O. Box 609, Columbus, NE 68601.

MC 115554 (Sub-5-6TA), filed January 27, 1982. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R. R. No. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Plastic door panel inserts*, from Morganfield, KY to Iowa City, IA. Supporting shipper: Sheller-Globe Corporation, Iowa City Division, 2500 Highway 6 East, Iowa City, IA 52240.

MC 119399 (Sub-5-83TA), filed January 27, 1982. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (Address same as applicant). *General commodities (except in bulk, Classes A and B explosives and household goods as defined by the Commission)* between Oklahoma City, OK and commercial zone, and Tulsa, OK and commercial zone, on the one hand, and on the other, points in the U.S. (except AK and HI); between points in the U.S. (except AK and HI) restricted to the facilities used by Sperry Vickers, Inc. Supporting shipper: Willson Safety Products, Oklahoma City, OK; Oklahoma Steel Castings Co., Tulsa OK; Sperry Vickers, Inc., Omaha, NE.

MC 123476 (Sub-5-15TA), filed January 29, 1982. Applicant: CURTIS TRANSPORT, INC., P.O. Box 427, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Plastic and rubber products, and materials, equipment and supplies used in the manufacture and distribution thereof (except in bulk in tank vehicles)* between St. Louis County MO, on the one hand, and on the other hand all point in the United States in or

east of MT, WY, CO, and NM. Supporting shipper: Cupples Company, Manufacturers, 9430 Page, St. Louis, MO 63132.

MC 123773 (Sub-5-1TA), filed January 29, 1982. Applicant: BLACK HILLS STAGE LINES, INC., 720 East Norfolk Ave., Norfolk, NE 68701. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. (1) *Passengers and their baggage, and express and newspapers, in the same vehicle with passengers*, between Grand Island, NE and Hastings, NE, and serving intermediate pts; and (2) *passengers and their baggage, in charter or special service*, between pts in NE and pts in the U.S. Supporting shippers: 12. Applicant intends to interline.

MC 142215 (Sub-5-2TA), filed January 29, 1982. Applicant: DUKE TRANSPORTATION, INC., Route 3, Box 29-A, Scott, LA 70583. Representative: Colleen McDaniel, Post Office Box 3959, Lafayette, LA 70502. (1) *Machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products*, and (2) *machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof*, from, to and between points in LA, MS, AR, TX and OK. Supporting shippers: (1) American Rental Tools, Post Office Box 51164, Lafayette, LA 70505; (2) Bailey's Equipment Rental, Post Office Box 52631, Broussard, LA 70518; (3) Dual Drilling, Inc., Post Office Box 52880, Lafayette, LA 70505; (4) Power Rig Drilling Co., Post Office Box 52808, Lafayette, LA 70505; (5) Cliff's Drilling Co., Post Office Box 888, Scott, LA 70583.

MC 159982 (Sub-5-2TA), filed January 28, 1982. Applicant: O. L. EXPRESS, LTD., P.O. Box 327, Carlisle, IA 50047. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. (1) *Non-alcoholic beverages, beverage mixes and ingredients*, from Warwick, RI to points in AR, IL, IA, KS, MN, MO, NE, OK, and TX, and (2) *Meat*, from Des Moines, Spencer and Dubuque, IA; Omaha, NE and Rockport, MO, to the facilities of City Packing Company, Inc. at Boston, MA. Supporting shippers: Jefferson Bottling Company, 101 Jefferson Boulevard, Warwick, RI 02888 and City Packing Company, Inc., 115 Newmarket Square, Boston, MA 02118.

MC 160270 (Sub-5-1TA), filed January 27, 1982. Applicant: EARL PIERCE, d.b.a. AG ENTERPRISES, P.O. Box 5362, Arlington, TX 76011. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Metal products*, between points in the U.S. under continuing contract(s) with Engineered Gratings, Inc., Houston, TX.

MC 160286 (Sub-5-1TA), filed January 28, 1982. Applicant: GARY WAYNE RUSHING, d.b.a. CHUCKWAGON TRUCKING, P.O. Box 542, Cold Springs, TX 77331. Representative: Claude W. Ferebee, 3910 F.M. 1960 W., Suite 106, Houston, TX 77068. *Construction equipment, materials and supplies*, between the facilities of UMC, Inc., on the one hand and points in the U.S. on the other. Supporting shipper: UMC, Inc., Pasadena, TX.

MC 160313 (Sub-5-1TA), filed January 29, 1982. Applicant: JIM LOONEY TRUCKING, 2805 S. Hickory, Sapulpa, OK 74066. Representative: Vernon D. Mitchael, 3540 E. 31st St., Tulsa, OK 74135. *Boneless beef, in boxes*, from facilities of Service Packing Co., Tulsa, OK to Los Angeles, CA. Supporting shipper: Service Packing Co., 3920 E. Pine, Tulsa, OK 74115.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 160230 (Sub-6-1TA), filed January 20, 1982. Applicant: ALBERT N. AND AUDREY R. TRIPLETT, d.b.a. A & A TRUCKING COMPANY, P.O. Box 9386, Casper, WY 82609. Representative: Eric A. Distad, P.O. Box 2314, Casper, WY. 82602. *Machinery, materials, equipment and supplies used in replacing, servicing and repairing machinery and equipment used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, including electrical and geothermal energy and ore*, between points in WY, MT, ND, SD, CO, NM, UT for 270 days. Supporting shippers: There are ten (10) shippers. Their statements may be examined at the Regional Office listed above.

MC 148178 (Sub-6-TA), filed January 19, 1982. Applicant: FORREST D. BELVIN, d.b.a. DALE BELVIN TRUCKING, P.O. Box 1077, Clovis, CA 93612. Representative: Dale Belvin (same as applicant). *Contract carrier*, irregular routes: (1) *Iron and steel products* and (2) *Plasterboard* from Westlake and Medina, OH to points in the U.S. (except AK & HI) for 270 days.

Supporting shipper: Donn Corp.: Westlake and Medina, OH 44118.

MC 115716 (Sub-6-TA), filed January 25, 1982. Applicant: DENVER-LIMON-BURLINGTON TRANSFER CO., 3650 Chestnut Pl., Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. *Food and related products* between Denver, Jefferson and Morgan counties CO, on the one hand, and, on the other, points in AZ, OR and WA for 270 days. Supporting Shipper(s): Sigman Meat Co., Inc., 6000 W. 54th Ave, Arvada CO; Colorado Boneless Beef, 4555 Kingston, Denver, CO; Denver Lamb Co., 4900 Clarkson St., Denver, CO.

MC 154561 (Sub-6-1TA), filed January 21, 1982. Applicant: EATON TRANSPORTATION COMPANY, INC., 2951 Coors Court, Santa Rosa, CA 95401. Representative: William D. Taylor, 100 Pine St., #2550, San Francisco, CA 94111. (1) *Beer and malt liquors*, from Golden, CO, on the one hand, and, on the other, points in Sonoma County, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eaton Distributing Co., Inc., 2951 Coors Court, Santa Rosa, CA 95401.

MC 159558 (Sub-6-1TA), filed January 28, 1982. Applicant: EIGHTEEN WHEEL TRANSPORTATION, INC., 355 So. Santa Fe St., Los Angeles, CA 90013. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786. *Vehicles and vehicle parts and accessories*, between points in the U.S. (except AK and HI) for 270 days. Supporting shipper: There are 6 shippers. Their statements may be examined at the Regional Office listed above.

MC 160211 (Sub-6-1TA), filed January 14, 1982. Applicant: F.B.N. TRUCKING CO., P.O. Box 23873, Oakland, CA 94623. Representative: Richard M. Stess (same as applicant). *Contract Carrier*, irregular routes: *General Commodities* (except Class A & B explosives, household goods as defined by the Commission, commodities in bulk and the transportation of hazardous waste materials), between points in CA, OR & WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY for the account of Rocky Mountain Express, Inc., for 270 days. Supporting shipper: Rocky Mountain Express, Inc., 730 11th Avenue, Oakland, CA 94606.

MC 41098 (Sub-6-2TA), filed January 26, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K St., N.W.,

Washington, D.C. 20006. *Contract carrier, irregular routes, general commodities (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contracts with Eastman Kodak Company of Rochester, NY, for 270 days. Supporting shipper: Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650.*

MC 145124 (Sub-6-2TA), filed January 20, 1982. Applicant: GOLD CITY TOURS & TRAVEL LTD., 8620 Jasper Ave., #102, Edmonton, Alberta, CD T5H 3S6. Representative: George La Bissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Passengers and their baggage, in the same vehicle with passengers in special or charter operations beginning and ending at the Port of Entry on the International Boundary Line between the U.S./CD located at or near Portal, ND, and extending to points in ND, SD, NE, KS, AR, LA, FL, GA, TN, MO, IA, MN, MS, AL, KY and IL, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper: Majestic Tours & Travel Ltd., 8610 Jasper Ave., #102, Edmonton, Alberta, CD T5H 3S5.*

MC 160206 (Sub-6-1TA), filed January 20, 1982. Applicant: DON P. or MARY G. KAY, d.b.a. KAY TRUCKING, Stock St. 14th Loop, Rt. 2 Box 9178, Show Low, AZ 85901. Representative: Mary G. Kay (same as applicant). (1) *Lumber & wood products, from Navajo County, AZ to Houston County, TX; (2) Clay, concrete, glass or stone products & building materials, from points in TX to points in NM, AZ, & CA; and from points in CA to points in AZ, for 270 days. Supporting shipper: Speciality Forest Products, 4433 N. 19th Ave., Suite 102, Phoenix, AZ 85015.*

MC 135430 (Sub-6-1TA), filed January 22, 1982. Applicant: LEAVITT'S FREIGHT SERVICE, INC., 3855 Marcola Rd., Springfield, OR 97447. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Treated poles, from the facilities of L.D. McFarland Co., located at or near Olympia and Tacoma, WA, Eugene, OR, Sandpoint, ID and Bozeman, MT to points in MN, ND and SD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: L.D. McFarland Co., P.O.B. 670, Sandpoint, ID 83864.*

MC 160222 (Sub-6-1TA), filed January 18, 1982. Applicant: BILL CHRISTOPHER & MARY HOXIE, a partnership, d.b.a., M & B TRUCKING, 19224 Anza Ave., Torrance, CA 90503. Representative: Bill Christopher (same as applicant). *Contract Carrier; irregular route: Forklifts, attachments and parts,*

from Los Angeles, CA to Dallas and Houston, TX, for 270 days. Supporting shippers: Kimatsu Forklift Inc., 14815 Firestone St., La Mirada, CA.

MC 127115 (Sub-6-6TA), filed January 19, 1982. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract Carriage, irregular routes, oil field machinery and equipment, between Weber County, UT on the one hand and on the other points in CA, CO, IL, IN, MI, NJ, OH, MT, OK, PA, and TX under a continuing contract(s) with Knoll Rig & Equipment Co., Ltd. of Ogden, UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Knoll Rig & Equipment Co., Ltd. 3629-93 Street, Edmonton, AB, CN T6H4N6.*

MC 146464 (Sub-6-16TA), filed January 21, 1982. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 11560 So. State, Draper, UT 84020. Representative: Carl I. Sundaus (same address as applicant). *Chemicals and Related Products (1) from Los Angeles County, CA to Sparks, NV; Glendale, AZ; Oklahoma City, OK; Knoxville and Memphis, TN; N. Augusta, NC and all points in TX; (2) between Los Angeles County, CA on one hand, and, on the other, Chicago IL; Fairfield, NJ; Providence and Woonsocket, RI; Newton, NJ; Salt Lake City, UT; Cleveland, OH; and Somerset, PA; and (3) from Cincinnati, OH; Jacksonville, MS and Deep River, CT to Los Angeles County, CA, for 270 days: Supporting shippers: DEP Corp., 12821 W. Jefferson Blvd., Los Angeles, CA 90066, The Andrew Jergens Co., 99 W. Verdugo Ave., Burbank, CA 91502.*

MC 152393 (Sub-6-3TA), filed January 21, 1982. Applicant: SCOTT B. WARN, d.b.a. OVERNITE EXPRESS, P.O. Box 24, Danville, CA 94526. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. *Contract Carrier, Irregular routes: Wallpapers and Wallpaper Supplies, from Dayton, ID to points in CA for the account of Wallpapers to Go, a Subsidiary of General Mills, for 270 days. Supporting shipper: Wallpapers to Go, a Subsidiary of General Mills, 3131 Corporate Place, Hayward, CA 94545.*

MC 72423 (Sub-6-3TA), filed January 21, 1982. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 E. Chestnut St., Sterling, CO 80751. Representative: Lee E. Lucero 445 Capitol Life Center, Denver, CO 80203. *Sugar, in bags or boxes, between Ft. Morgan, Sterling and Ovid, CO, on the one hand, and, on the other, Akron, CO, restricted to the*

transportation of shipments having a prior or subsequent movement by railroad, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: The Great Western Sugar Co., 1530-16th Street, Denver, CO 80217.

MC 117589 (Sub-6-5TA), filed January 14, 1982. Applicant: PROVISIONER BROKERAGE, INC., 3801 7th Ave. S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Meats, Meat Products and Meat By-Products and articles distributed by meat packinghouses, as described in Appendix I to the report in descriptions in Motor Carriers Certificates, 81 MCC 209 and 766, between Grand Island, NE to points in SD for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Monfort of Colorado, P.O.B. G, Greeley, CO 80632.*

MC 4810 (Sub-6-1TA), filed January 21, 1982. Applicant: ROCKY MOUNTAIN TRUCKING COMPANY, P.O. Box 2180, Casper, WY 82602. Representative: David E. Driggers, 1600 Lincoln Center, 1666 Lincoln Street, Denver, CO 80264. (1) *Machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and (2) machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, (except the stringing and picking up of pipe in connection with main or trunk pipe lines), between points in Garden County, NE, Fremont County, IA, Atchison and Nodaway Counties, MO, and Phillips County, KS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Banner Drilling Co., 222 West 27th Street, Scottsbluff, NE 69361.*

MC 160265 (Sub-6-1TA), filed January 25, 1982. Applicant: BO KYUNG PAK, d.b.a. SEOUL TRUCKING CO., 9313 S Tacoma Way, Tacoma, WA 98499. Representative: Kwang Pil Yun (same address as applicant). *Food and other edible products, between points in King, Pierce and Snohomish Counties, WA, on the one hand, and on the other, points in OR and CA, for 270 days. There are 5 shippers whose statements may be examined at the regional office listed above.*

MC 160051 (Sub-6-1TA), filed January

18, 1982. Applicant: TALENT TRUCKING CO., P.O. B 320, Talent, OR 97450. Representative: John A. Anderson, Suite 801—The 1515 Bldg., 1515 SW 5th Ave., Portland, OR 97201. *Wrapped and packaged food and food products, and commodities dealt in by retail gift shops, in vehicles equipped with mechanical refrigeration, from the facilities of Harry and David at or near Medford, OR to points in the U.S. (except AK and HI), for 270 days.* Supporting shipper: Harry and David, P.O. B 712, Medford, OR 97501.

MC 148445 (Sub-6-7TA), filed January 19, 1982. Applicant: WLD TRUCKING COMPANY, P.O. Box 32458, Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. *Contract Carrier: Irregular routes: dry dog food from Tupelo, MS, to points in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, MI, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VT, VA, and WV, for the account of Sunshine Mills, Inc. for 270 days. An underlying ETA seeks 120 days authority.* Supporting shipper: Sunshine Mills, Inc., P.O. Box 1483, Tupelo, MS 38801.

MC 160258 (Sub-6-1TA), filed January 21, 1982. Applicant: TECOPA HOT SPRINGS TRANSPORTATION, P.O.B. 393, Tecopa, CA 92389. Representative: Carroll Wallace (same as applicant). *Common carrier; regular route: Passengers, baggage and light express, (1) Between Tecopa Hot Springs, CA and Las Vegas, NV, via Old Spanish Trail, NV. 160 and Interstate Hwy 15; (2) Between Tecopa Hot Springs, Ca and Pahrump, NV, via CA. Hwy. 127, CA. Hwy. 178 and NV. Hwy 372, for 180 days.* Supporting shippers: There are six shippers. Their statements may be examined at the Regional Office listed.

MC 154636 (Sub-6-2TA), filed January 4, 1982. Applicant: WAYNE S. STEWART TRUCKING, 5456 Edgewood Drive, Salt Lake City, UT 84117. Representative: Wayne S. Stewart (same as applicant). *Medical supplies, drugs, medicines, hospital products, disposables, health care products, bakerygoods, chewing gum, candies and materials and supplies used in manufacture, sale and distribution of these products (except in bulk) between points in the U.S. restricted to the transportation of shipments originating at or destined to the facilities of Warner-Lambert Company, its divisions, affiliates and subsidiaries, for 270 days.* An underlying ETA seeks 120 days

authority. Supporting shipper: Warner-Lambert Company, 201 Tabor Road, Morris Plains, NJ 07950. Agatha L. Mergenovich, Secretary.

[FR Doc. 82-3222 Filed 2-5-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-19

Decided: January 29, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating in part.)

MC 160241, filed January 25, 1982. Applicant: HOYLE ENTERPRISES, INC., Rt. 8, Box 447, Hickory, NC 28601. Representative: Jim Hoyle (same address as applicant), (704) 324-6208. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP3-020

Decided: February 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 145695 (Sub-10), filed January 21, 1982. Applicant: MAZCO SYSTEMS, INC., 140 Grand St., Carlstadt, NJ 07072. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835-4411. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157515, filed January 27, 1982. Applicant: AMI TRANSPORTATION, INC., 2700 Lively Boulevard, Elk Grove Village, IL 60007. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting (1) for or on

behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, (3) as a *broker of general commodities* (except used household goods), and (4) *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.

MC 160175, filed January 19, 1982. Applicant: JOHN R. BUCHANAN, 4045 - 7th Ave., S., Seattle, WA 98108. Representative: John R. Buchanan (same address as applicant), (206) 621-1068. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 160204, filed January 21, 1982. Applicant: RICHARD GREB, 8783 Shaw Sq. Rd. S.E., Aumsville, OR 97325. Representative: Richard Greb (same address as applicant), (503) 233-5766. 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.

MC 160205, filed January 21, 1982. Applicant: HOWARD S. REEDER INC., 1001 N. America Way, Miami, FL 33132. Representative: Howard S. Reeder, Jr. (same address as applicant), (305) 371-8431. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 160235, filed January 22, 1982. Applicant: JOHN GARLAND, 184 Hayden Bridge Way, Springfield, OR 97477. Representative: John Garland (same address as applicant), (503) 726-8697. 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.

MC 160244, filed January 25, 1982. Applicant: RICHARD L. STOUT, d.b.a. S&H TRANSPORT, 4195 S 500W #33, Murray, UT 84107. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531-1300. 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.

MC 160264, filed January 26, 1982. Applicant: J & B TRUCKING, INCORPORATED, 6627 N. 32nd Street, Arlington, VA 22213. Representative: Mel P. Booker, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. Transporting (a) *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, and (b) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159614, filed December 8, 1981. previously noticed in the *Federal Register* on December 22, 1981. Applicant: AMERICAN PARCEL SERVICE, 65 Reservoir Ave., Randolph, NJ 07869. Representative: Kris E. Hoffman (same address as applicant), (201) 366-4738. 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.

Note.—This republication corrects the commodity description..

Volume No. OP4-31

Decided: February 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158286 (Sub-2), filed January 25, 1982. Applicant: M. T. TRUCK LINE, INC., 4947 W. 173rd St., Country Club Hills, IL 60477. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *general commodities*, between Parrott and Weston, GA Malesus and Bolivar, TN, University Park, TX, and Lexington, McClary, College Hill, Oxford, Water Valley, Taylor, Reform, Cumberland and Mantee, MS, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423.

MC 159796, filed January 27, 1982. Applicant: CARLEN DISTRIBUTION SYSTEM, INC., 955 West Side Ave., Jersey City, NJ 07306. Representative: C. Jack Pearce, Suite 1200, 1000

Connecticut Ave., NW., Washington, DC 20036, (202) 785-0048. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 160256, filed January 25, 1982. Applicant: S & S ENTERPRISES OF WILMINGTON, INC., 2802 Market St., Wilmington, NC 28401. Representative: Frank B. Gibson, Jr., 16 N Fifth Ave., Wilmington, NC 28401, (919) 763-2426. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 160246, filed January 25, 1982. Applicant: NIMROD CORPORATION, 244 E. Ogden Ave-Suite 114, Hinsdale, IL 60521. Representative: T. M. Schlechter, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298-1094. 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.

Volume No. OP5-22

Decided: January 27, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 160088, filed January 15, 1982. Applicant: TRAILER TRANSIT, INC., 719 Wabash St., Michigan City, IN 46360. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54958, (414) 725-2177. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions) between points in the U.S.

MC 160108, filed January 15, 1982. Applicant: LUTHER E. MARTIN AND MINNIE MARTIN d.b.a. MARTIN'S LEASING COMPANY, 3502 Evergreen Pkwy., Flint, MI 48503. Representative: Robert E. McFarland, 2355 Coolidge Rd., Ste. 201A, Troy, MI 48084, 313-649-6650. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds; (3) *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; (4) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate

service on behalf of the Department of Defense, between points in the U.S.

MC 160109, filed January 15, 1982.
Applicant: JENSON BROKERAGE, INC., 3209 Produce Row, Houston, TX 77023.
Representative: David H. Baker, 888 17th St., N.W., Washington, DC 20006, 202-298-8600. As a broker of general commodities (except household goods), between points in the U.S.

MC 160168, filed January 19, 1982.
Applicant: CLARENCE D. McMASTER, 1432 Regent Dr., San Leandro, CA 94577.
Representative: Clarence D. McMaster (same address as applicant), 415-483-9072. 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.

MC 160189, filed January 19, 1982.
Applicant: CHRIS & MARNY FARRAR, 9000 NE Union Sp. #148, Portland, OR 97211. Representative: Chris Farrar (same address as applicant), (503) 283-0639. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizer, and other soil conditioners, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP5-24

Decided: January 24, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 160228, filed January 25, 1982.
Applicant: BRADY MOVING & STORAGE COMPANY, INC., 2 North 17th St., Fort Dodge, IA 50501.
Representative: John K. Duvall (same address as applicant), (515) 576-2159. Transporting used household goods for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 160239, filed January 25, 1982.
Applicant: STEVE KLINGES, d.b.a. S & D TRUCKING, 1801 N. Division St., Morris, IL 60450. Representative: Steve Klinges or Diane Klinges (same address as applicant), (815) 942-4991. 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.

James H. Bayne,
Acting Secretary.

[FR Doc. 82-3220 Filed 2-5-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new

entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-18

Decided: January 29, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Parker not participating in part.)

MC 109540 (Sub-36), filed January 25, 1982. Applicant: YEARY TRANSFER COMPANY, INC., P.O. Box 398, Lexington, KY 40505. Representative: George M. Catlett, 700-702 McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting building materials, between points in Clark County, KY, on the one hand, and, on the other, points in IN, OH, TN, and WV.

MC 128410 (Sub-2), filed January 22, 1982. Applicant: BALISTRERI TRUCKING, INC., P.O. Box 451, Morgan, PA 15064. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting (1) such commodities as are dealt in or used by manufacturers and distributors of iron and steel articles and construction materials, (2) such commodities as are dealt in or used by retail grocery stores, (3) plastic articles, (4) chemicals, and (5) lumber, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 145040 (Sub-4), filed January 22, 1982. Applicant: RAMSEY'S TRAILWAYS, INC., 825 Hudson Ave., Jonesboro, LA 71251. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751-2441. (1) Over regular routes, transporting passengers and their baggage, and express and newspapers, in the same vehicle with passengers, (a) between El Dorad, AR, and Shreveport, LA, from El Dorado over U.S. Hwy 82 to Magnolia, AR, then over AR Hwy 132 to

Springhill, LA, then over LA Hwy 7 to U.S. Hwy 80, then over U.S. Hwy 80 to Shreveport, and return over the same route, (b) between Shreveport and Monroe, LA, from Shreveport over U.S. Hwy 71 to Elm Grove, LA, then over LA Hwy 154 to Ringgold, LA, then over LA Hwy 4 to Chatham, LA, then over LA Hwy 34 to Monroe, and return over the same route, and (c) between Jonesboro and Winnfield, LA, over U.S. Hwy 167, serving all intermediate points in routes (a), (b) and (c) above; and (2) transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in AR and LA, and extending to points in the U.S.

MC 148791 (Sub-18), filed January 22, 1982. Applicant: TRANSPORT-WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *such commodities* as are dealt in or used by manufacturers of glassware, between points in the U.S., under continuing contract(s) with Libby Glass, Division of Owens Illinois, Inc., of Toledo, OH.

MC 148791 (Sub-19), filed January 22, 1982. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with Albertson's, Inc., of Boise, ID.

MC 148791 (Sub-21), filed January 22, 1982. Applicant: TRANSPORT-WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with General Products Manufacturing, Inc., of Wilsonville, OR.

MC 152450, filed January 21, 1982. Applicant: WEGMAN'S FOOD MARKETS, INC., 1500 Brooks Ave., Rochester, NY 14603. Representative: Guy D. Richardson, 3596 Ransomville Road, Ransomville, NY 14131, (716) 791-4259. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, and Wayne Counties, NY, on the one hand, and, on the other, points in the U.S.

MC 153951, filed January 22, 1982. Applicant: NESEL FAST FREIGHT INC., 2480 Lawrence Avenue East, Unit 7,

Scarborough, Ontario, Canada M1P 2R7. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *furniture and fixtures*, between ports of entry on the international boundary line between the U.S. and Canada in ME, MI, NH, NY, and VT, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MS, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WV, and WI.

MC 154971 (Sub-1), filed January 22, 1982. Applicant: JERRY HAMMANN TRANSPORTATION, INC., P.O. Box 86, Cohasset, MN 55721. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Blandin Paper Company, of Grand Rapids, MI.

MC 158391, filed January 22, 1982. Applicant: ROCKY MOUNTAIN HOT SHOT SERVICE, INC., P.O. Box 1616, Mills, WY 82644. Representative: Charles M. Williams, 1600 Sherman Street, Denver, CO 80203, (303) 839-5856. Transporting (1) *petroleum, natural gas and their products*, and (2) *Mercer commodities*, between points in CO, UT, NM, SD, ND, NE, WY, MT, TX, KS, OK, ID, and NV.

MC 158400, filed January 25, 1982. Applicant: SCREAMING EAGLE, INC., 5011 Alcova Route, Box 17, Casper, WY 82601. Representative: Dale Urban (same address as applicant), (307) 265-0006. Transporting *oilfield tools and equipment*, between Casper, WY, on the one hand, and, on the other, points in CO, ID, MT, ND, SD, OK, UT, NM, WY, TX, AZ, NV, CA, KS, and NE.

MC 159741, filed January 25, 1982. Applicant: COMDISCO TRANSPORT, INC., 6400 Shafer Court, Rosemont, IL 60018. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068 (312) 698-2235. 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 Comdisco, Inc., of Rosemont, IL.

MC 160100 (Sub-1), filed January 25, 1982. Applicant: DALE TAYLOR d.b.a. TAYLOR TRUCKING, P.O. Box 1057, Green River, WY 82935. Representative: Irene Warr, 311 S. State St. Ste., 280, Salt Lake City, UT 84111 (801) 531-1300. Transporting *Mercer commodities*, between points in WY, CO, UT, and NV.

MC 160180, filed January 19, 1982. Applicant: HARVARD LEASING

COMPANY, 4217 E. 49th St., Cleveland, OH 44125. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215 (614) 224-3161. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between points in OH, and (2) *metal products, machinery, and building materials*, between points in DE, IL, IN, KY, MD, MI, NJ, NY, OH, PA, VA, and WV.

Volume No. OP2-20

Decided: January 27, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 16903 (Sub-91), filed January 15, 1982. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846-6655. Transporting *building materials and prefabricated buildings*, between points in Monroe County, IN, on the one hand, and, on the other, points in GA, PA, AL, SC, FL, MS, IL, TN, WI, WV, OH, MO, MI and KY.

MC 93682 (Sub-24), filed January 11, 1982. Applicant: COLES EXPRESS, 444 Perry Road, Bangor, ME 04401. Representative: Lee M. Greiner (same as applicant) (207) 942-7311. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, ME, MD, NH, NJ, NY, OY, PA, RI, VA, VT, WV and DC.

MC 118842 (Sub-1), filed January 12, 1982. Applicant: H & L TRUCKING, INC., Route 6, Weston, OH 43569. Representative: Herman D. Crawford, P.O. Box 6 Belle Glade, FL 33430, 305-996-4232. Transporting *farm equipment*, between points in MI and FL.

MC 129923 (Sub-25), filed January 4, 1982. Applicant: SHIPPERS TRANSPORT, INC., 5010 Commerce St, West Memphis, AR, 72301. Representative: Edward G. Grogan, Twentieth Fl., First Tennessee Bldg., Memphis, TN 38103, 901-526-2000. Transporting *metal products and machinery*, between points in the U.S. (except AK and HI.)

MC 136293 (Sub-3), filed January 11, 1982. Applicant: LOUIS SENSKE AND JIM SENSKE d.b.a. Senske & Son Transfer, 117 4th Ave. N., Crookston, MN 56716. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402 (612) 340-0808. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Norman, Chippewa, Clay, Polk, Ramsey, and Hennepin Counties, MN, and Cass,

Grand Forks and Pembina Counties, ND, on the one hand, and, on the other, points in the U.S.

MC 143522 (Sub-8), filed January 15, 1982. Applicant: CONSOLIDATED CARRIERS, INC., P.O. Box D, Irwin, PA 15642. Representative: John T. Wirth, 717-17th St., Ste. 2600, Denver, Co 80202 (800) 245-1162. *Such Commodities* as are dealt in or used by manufacturers and distributors of accessories for recreational vehicles and transportation equipment, between the facilities of Scott & Fetzer Company (Carefree of Colorado Division), at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 143732 (Sub-2), filed January 11, 1982. Applicant: PICK-A-TREAT, INC., 3820 West Wisconsin Ave., Milwaukee, WI 53208. Representative: Lawrence Kahn, 633 West Wisconsin Ave., Milwaukee, WI 53203, 414-276-2260. Transporting *dated publications and printed matter*, between points in IL, IN, IA, MI, MN, ND, SD, and WI, on the one hand, and, on the other, points in the U.S.

MC 144963 (Sub-4), filed January 13, 1982. Applicant: JOBBERS FREIGHT SERVICE, INC., 111 N. College St., Grangeville, ID 83530. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208-343-3071. Transporting *general commodities* (except used household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with Foremost-McKesson, Inc., division McKesson Drug Co., and Genuine Parts Co., both of Spokane, WA.

MC 148183 (Sub-48), filed January 11, 1982. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348, Pennsylvania Bldg., 425-13th St., N.W., Washington, DC 20004-1879, 202-737-2188. Transporting *food and related products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 152082 (Sub-11), filed January 11, 1982. Applicant: R. C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603 (312) 263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with H. B. Fuller Co., of Palatine, IL.

MC 152082 (Sub-12), filed January 15, 1982. Applicant: R. C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, 312-263-1600. Transporting *such*

commodities as are dealt in or used by printers or distributors of printed matter, between points in the U.S., under continuing contract(s) with Alden Press, Inc., of Elk Grove Village, IL.

MC 153873 (Sub-1), filed January 7, 1982. Applicant: JIM JACOBS TRUCKING, INC., 21850 Lemoyne Rd., Luckey, OH 43443. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603 (419) 255-8220. Transporting *containers, container closures, glassware, packaging products, container components and scrap materials*, between the facilities of Owens-Illinois, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160023, filed January 11, 1982. Applicant: PORTER EXPRESS COMPANY, 400 S. 13th St., Louisville, KY 40203. Representative: Steven L. Weiman, Suite 145 4 Professional Dr., Gaithersburg, MD 20879, 301-840-8565. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contracts with (a) Porter Paint Co., of Louisville, KY, (b) Woodbury Business Forms, Inc., of La Grange, GA, (c) Armstrong Containers, Inc., of Westchester, IL, (d) Deeks & Company, of Louisville, KY, and (e) Colgate-Palmolive Company, of Evansville, IN.

MC 160032, filed January 11, 1982. Applicant: TRANS-MOTOR LEASING, INC., Carpenter Rd., P.O. Box 462, Defiance, OH 43512. Representative: A. Charles Tell, 100 E. Broad St., Columbus OH 43215, 614-228-1541. Transporting *such commodities* as are dealt in or used by breweries, between points in the U.S., under continuing contract(s) with River Valley Distributing, Inc., and ABC Distributing Co., both of Defiance, OH.

MC 160033, filed January 11, 1982. Applicant: PENN TRUCKING & WAREHOUSING CO., 2147 South Delaware Ave., Philadelphia, PA 19148. Representative: Barbara S. Chesarek, 2600 The Fidelity Building, Philadelphia, PA 19109 (215) 875-7000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA and NJ, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

Volume No. OP4-33

Decided: February 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 121826 (Sub-3), filed January 26, 1982. Applicant: OUACHITA MOUNTAIN EXPRESS, INC., 1911 S.W. 1st St., Oklahoma City, OK 73106. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73174 (405) 424-3301. Transporting *general commodities* (except classes A and B explosives), between points in Pulaski, Benton, Conway, Crawford, Faulkner, Franklin, Logan, Johnson, Perry, Polk, Pope, Washington, and Yell Counties, AR, and points in OK. 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 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 of proof of filing the application(s) for common control to team 4, Room 2410.

MC 128546 (Sub-2), filed January 26, 1982. Applicant: ABLE EXPRESS, INC., 57 Appletree Lane, Valparaiso, IN 46383. Representative: William R. Sawyer (same address as applicant) (219) 464-4122. Transporting *metal articles, rubber, plastic, clay, concrete, glass, or stone products, machinery, electrical machinery, chemicals, and building materials*, between points in Mahaska County, IA, Coshocton County, OH, and points in IL, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, NE, NY, OH, PA, and SD.

MC 146666 (Sub-4), filed September 10, 1981, previously noticed in the **Federal Register** of September 28, 1981. Applicant: EDWARD R. CORCORAN, P.O. Box 1472, Billings, MT 59103. Representative: Edward R. Corcoran (same address as applicant) (406) 245-6065. Transporting (1) *coal and coal products*, and (2) *Mercer commodities*, between points in ND and WY, on the one hand, and, on the other, points in AZ and CA.

Note.—The purpose of this republication is to include the state of CA, which was inadvertently omitted from the previous notice.

MC 157946 (Sub-1), filed January 22, 1982. Applicant: G & G TRUCKING, INC., 26661 W. Ten Mile Rd. Southfield, MI 48034. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48064 (313) 649-6650. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Haden-

Schweitzer Corporation, of Madison Heights, MI.

James H. Bayne,
Acting Secretary.

[FR Doc. 82-3221 Filed 2-5-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

[Volume No. OP1-20]

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall address specifically the issue(s) indicated as the purpose for republication.

MC 85970 (Sub-40F) (republication), filed June 30, 1980, previously noticed in the **Federal Register** issue of October 15, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Larry Kilzer, 1625 Hornbrook St., Dyersburg, TN 38024. A Decision by the Commission, Division 2, acting as an Appellate Division decided October 16, 1981, and served November 17, 1981, finds on appeal that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between Hickman, KY, on the one hand, and, on the other, points in AR, IL, IN, KY, MO, and TN. The purpose of this republication is to note that applicant intends to tack this authority with its existing regular-route authority.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.

James H. Bayne,
Acting Secretary.

[FR Doc. 82-3217 Filed 2-5-82; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 228]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 2, 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 the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 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 Sporn, Ewing, and Shaffer.
James H. Bayne,
Acting Secretary.

MC 9644 (Sub-14)X, filed January 6, 1982. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, P.O. Box 4060, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Sub 13 certificate: (A) Broaden to (1) "machinery, lumber and wood products and metal products" from cross arms, cross arm braces, and metal fittings (irregular route-part 1); and (2) "machinery, lumber and wood products, metal products, rubber and plastic products, and clay, glass, concrete, or stone products" from pole line transmission materials (irregular route-part 3); (B) Remove the (1) "excet commodities of unusual value and commodities requiring special equipment" restrictions from the general commodities description (regular and irregular routes); (2) "intermediate point" restriction (regular route-part 1); and, (3) restriction prohibiting service between specific points (regular route-parts 1 and 2, and irregular route-part 4); (C) Broaden (1) (regular route portion) off-route points to county-wide authority: (a)(Bee and Phillips) Seward and Hamilton Counties, NE (part 1); (b) (Bruno, Brainard, Ulysses, Bee, Dwight,

Loma, Surprise, Prague, Abie, Octavia, Weston and Linwood) Seward, Butler, and Saunders Counties, NE; and (Thayer) York County, NE (parts 2 and 3); and (2)(irregular route portion) county-wide authority: (Facilities, Seward) Seward County, NE (parts 1 and 3); and (3) radial authority (irregular route-parts 1 and 3).

MC 65781 (Sub-12)X, filed January 18, 1982. Applicant: BARRETT MOVING & STORAGE COMPANY, 7100 Washington Ave. So., Eden Prairie, MN 55344. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Lead and Subs 4 and 5 (acquired in MC-FC-76154) and E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, E17, E18, E19, E20, and E22 letter notices: (A) broaden to "household goods and furniture and fixtures" from household goods and/or electronic computers, components and parts, all certificates; (B) remove "originating at or destined to" restriction, Sub 5; and (C) broaden to (1) county-wide authority: Lake, Cook, Will, and DuPage Counties, IL, and Lake and Porter Counties, IN (Chicago), lead and Sub 4; and (2) radial authority, lead.

MC 93840 (Sub-68)X, filed 1-25-82. Applicant: GLESS BROS. INC., P.O. Box 219, Blue Grass, IA 52627. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Lead and Sub-Nos. 23, 25, 26, 28, 29, 30, 31, 33, 34, 35F, 36F, 40F, 41F, 43F, 46F, 47F, 48F, 50F, 54F, 55F, 56F, and 57F certificates: (1) remove restrictions against serving intermediate points in Lead to authorize service at all intermediate points (2) replace off-route points with counties, La Salle County, IL, for Marseilles; Will County, IL, for Wilmington, IL; 35 miles of Lost Nation, IA to Linn, Jones, Clinton, Delaware, Dubuque, Jackson, Scott, Muscatine, Cedar, and Johnson Counties; Whiteside and Lee Counties, IL, for Sterling, IL; DeKalb County, IL, for DeKalb, IL; and Lake County, IL and Kenosha County, WI, for Waukegon, IL, in Lead (3) delete the "facilities of" restrictions in lead and Sub-Nos. 25, 26, 28, 29, 30, 33, 34, 35F, 36F, 40F, 41F, 43F, 50F, 54F, and 55F; (4) delete the "in bulk" restrictions in Lead and Sub-Nos. 23, 34, 35F, and 40F; (5) to radial authority in all certificates; (6) remove the "in bulk, in dump or tank vehicles" restrictions in Sub-Nos. 25, 28, 29, 30, 31, and 56F; (7) delete "in dump vehicles" restriction in Sub-No. 50; (8) broaden from tanks, wire, fencing materials and agricultural implements to "metals, lumber and wood products, machinery, and equipment and supplies" in Lead; agricultural

implements and parts to "metals, and machinery," in Lead; coal to "petroleum and coal products" in Lead; roofing, and iron, steel and wire products to "metals, clay, concrete, glass and stone products, petroleum and coal products, and pulp, paper and related products" in Lead; livestock, poultry, and eggs to "farm products and food and related products" in Lead; feed, egg case materials, and fertilizer to "food and related products, containers and chemicals and related products" in Lead; brick, tile and clay products, in Lead and cement (Sub 41F) to "clay, concrete, glass, and stone products"; feed (Lead) meat scraps and tankage, liquid feed, liquid feed supplements, and molasses, Liquid animal feed and liquid animal feed supplements (Lead; liquid feed (Subs 33 and 48F), vegetable oils (Sub 46F), and feed phosphate (Sub 50F) to "food and related products"; livestock to "farm products" in Lead; salt and salt products in Lead and Subs 43F, 54F, and 55F to "chemicals and related products and food and related products;" iron steel articles and materials and supplies in Lead and Sub 47F to "metals and metal products"; caustic soda to "chemicals and related products and waste and scrap materials" in Sub 23; gypsum and limestone in Subs 25, 28 and 35F to "ores and minerals and clay, concrete, glass and stone products"; fertilizer and fertilizer solutions (Sub 26), liquid fertilizer (Subs 29, 30 and 56F), dry fertilizer and dry fertilizer materials (Sub 31), fertilizer and fertilizer materials (Sub 34), fertilizers (Sub 36F), fertilizer and fertilizer ingredients (Sub 40F), and chemicals (Sub 57F) to "chemicals and related products;" and (9) replace points with countywide authority, Cook County, IL, for Riverdale and Forest Park, IL, Scott and Muscatine Counties, IA, for Blue Grass, IA, Muscatine County, IA, for Pleasant Prairie, IA, Henry and Rock Island Counties, IL and Scott County, IA, for Moline, IL, Rock Island County, IL, for East Moline, IL, Dane County, WI, for Madison, WI, and Cedar County, IA, for Clarence, IA, in Lead; Rock Island and Henry Counties, IL, and Scott County, IA, for Rock Island, IL in Lead and Sub 43F; Muscatine, Scott and Cedar Counties, IA, for Durant, IA, in Lead and Subs 29 and 30; Cedar and Muscatine Counties, IA, for Wilton, IA, in Lead and Sub 47F; Scott and Muscatine Counties, IA and Rock Island County, IL, for Buffalo, IA, in Subs 23, 41F, and 57F; Des Moines County, IA, for Sperry, IA, in Sub 25; Whiteside County, IL, and Clinton County, IA, for Fulton, IL, in Sub 26; LaSalle County, IL, for Oglesby, IL, in Sub 28; Peoria and Tazwell Counties, IL,

for Pekin, IL, in Subs 31 and 55F; Knox and Warren Counties, IL, for Galesburg, IL, in Sub 33; Whiteside County, IL, and Clinton County, IA, for Albany, IL, in Sub 34; Jo Daviess County, IL, Dubuque County, IA, and Grant County, WI, for East Dubuque, IL, in Sub 36F; Cerro Gordo County, IA, for Mason City, IA, in Sub 40F; Clinton and Scott Counties, IA and Whiteside and Carroll Counties, IL, for Clinton, IA, in Sub 43F; Dubuque County, IA, Grant County, WI, and Jo Daviess County, IL, for Dubuque, IA, in Sub 43F; Lee County, IA, Hancock County, IL and Clark County, MO, for Keokuk, IA, in Sub 43F; Jones County, IA, for Olin, IA, in Sub 48F; Muscatine and Scott Counties, IA for Montpelier IA, in Sub 50; and Roquois County, IL, for Ashkum, IL, in Sub 50F; (10) remove originating at and/or destined to restrictions in Lead and Subs 26, 31.

MC 107605 (Sub-31)X, filed December 7, 1981. Applicant: ADVANCE-UNITED EXPRESSWAY, INC., 2601 Broadway Road N.E., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Lead and Subs. 10, 12, 13, 16, 17, 18, 19, 20, 22 (MC-F-13844), 23, 25 and 27 certificates to: (1) Broaden: (a) Lead and Subs 12, 16, 17, 18, 19, 20, 22, 23, 25, and 27 to remove all exceptions from general commodities, except classes A and B explosives; (b) Lead canned goods, and malt beverages to "food and related products"; and empty malt beverage containers to "containers"; (c) Sub 10 meat and related products to "food and related products"; (d) Sub 13 potatoes and potato products to "food and related products"; (e) Sub 18 feed to "farm products and animal food and related products"; from livestock to "farm products"; and ensilage cutters, hammer mills, portable feed grinders and coal stokers to "machinery"; (f) Sub 27 hardware, roofing, linseed oil, and iron and steel fence posts to "building materials, food and related products, and metal products"; (2) broaden lead and Subs 18, 20, 23, 25, 27 to authorize service at all intermediate points on regular routes; (3) remove the following restrictions: (a) in lead Part A (regular routes) against radial service between a plantsite at Oak Brook, IL, and IL and IN; lead Part B (regular routes) limiting the provision of two-way service, limiting service to or from designated points, and limiting service to truckload lots; (b) Sub 10, originating at or destined to a plantsite at Rochelle, IL; (c) in Subs 12 and 16 (regular routes) limiting service to shipments moving between designated points; and (d) Sub 17, (regular routes) against transportation of traffic originating at or

destined to Chicago; (e) Sub 22 limiting service at commercial zone points; (f) Sub 27, para. 2 (regular routes) against transportation of traffic moving between designated points; (4) replace: (a) lead Part A, plantsite at Oak Brook, IL with Cook County, IL, Portage, IN with Porter County, IN; (b) in lead Part B, Fox Point, Greendale, West Milwaukee, Shorewood, Wauwatosa, and Whitefish Bay, WI with Milwaukee County, WI; Racine, Kenosha, Franksville, Cudahy, Granville, Carrollville, South Milwaukee and West Allis, WI with Milwaukee, Kenosha and Racine Counties, WI; plantsite in Ramsey County, MN with Ramsey County, MN; plantsite at Fridley, MN with Anoka County, MN; (c) lead Part C, Minneapolis, St. Paul, South St. Paul and Newport, MN with Hennepin, Ramsey, Dakota and Washington Counties, MN; Moorhead and Thief River Falls, MN and Fargo and Grand Forks, ND with Clay, Pennington and Polk Counties, MN and Cass and Grand Forks Counties, ND; Moorhead, MN and Fargo, ND with Clay County, MN and Cass County, ND; and plantsite in Ramsey County, MN with Ramsey County, MN; (d) Sub 10, plantsite at Rochelle, IL with Ogle County, IL; (e) Sub 13, Barnsville, MN with Clay County, MN; (f) Sub 17, facility in DuPage County, IL with DuPage County, IL; (g) Sub 18, facility in Dakota County, MN with Dakota County, MN; Bayport, South St. Paul, North St. Paul, Newport and Minneapolis, MN with Washington, Dakota, Ramsey and Hennepin Counties, MN; St. Paul, MN with Ramsey County, MN; St. Paul, South St. Paul and Newport, MN and Eau Galle, WI with Dakota, Washington and Ramsey Counties, MN and Dunn County, WI; Olivet and El Paso, WI with Pierce County, WI; East Ellsworth, WI with Pierce County, WI; Inver Grove Heights, Lakeland and St. Croix Beach, MN with Dakota and Washington Counties, MN; St. Joseph, Hudson, Troy, Warren and Kinnikinnic, WI and South St. Paul and Newport, MN with St. Croix County, WI and Dakota and Washington Counties, MN; South St. Paul, MN and Burkhardt, WI with Dakota County, MN and St. Croix County, WI; Hudson, WI with St. Croix County, WI; and Chippewa Falls, WI with Chippewa County, WI; (h) Sub 19, facility at Maple Grove, MN with Hennepin County, MN; (i) Sub 20, Fox Point, Greendale, Kenosha, Racine, Shorewood, Wauwatosa, West Milwaukee and Whitefish Bay, WI and Chemolite, MN with Kenosha, Milwaukee and Racine Counties, WI and Washington County, MN; (j) Sub 23, Isanti, MN with Isanti

County, MN; (k) Sub 25, Sheboygan, Kohler, Sheboygan Falls and Manitowoc, WI with Sheboygan County, WI; East Troy, Elkhorn, Delavan, Burlington and Union Grove, WI with Racine and Walworth Counties, WI and (l) Sub 27, Chicago Heights, IL with Cook County, IL; (5) replace regular route radial authority with regular route between authority in lead; and (6) replace one-way with radial authority in lead Part C, and Subs 13 and 18.

MC 119741 (Sub-312)X, filed January 27, 1982. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson, (same as applicant) Sub-285F broaden wooden flush garage door sections to "lumber and wood products", and to radial authority.

MG 123269 (Sub-4)X, filed January 15, 1982. Applicant: NORMAN LINES, INC., 765 East California, Dolton, IL 60419. Representative: Patrick H. Smyth, 105 West Madison St., Suite 1008, Chicago, IL 60603. Subs 1, 2, and 3 certificates: (A) Broaden to (1) "food and related products" from (a) meats, meat products, meat by-products, articles distributed by meat packinghouses and/or dairy products, Sub 2(13), (14), (15), (18), (19), (21), (23), (24), (25), (26), (27), and (28), and Sub 3 (1) and (2); (b) dressed poultry and dairy products, Sub 2(5); (c) dairy products, Sub 2(6); (d) cheese, Sub 2 (9 & 12); (e) fresh meats, Sub 2(8 & 20); (f) edible animal fats, animal oils, vegetable oils and products thereof and oleomargarine to and return shipments, Sub 2(16 & 17); (g) frozen bakery dough products, Sub 2(22); (2) "food and related products and such commodities as are dealt in or used by meat packers," from packinghouse products, packing-house supplies, dress poultry, and dairy products, Sub 2(4) and Sub 3(3); (3) "such commodities as are dealt in or used by meat packers," from (a) equipment and supplies useful in meat packinghouses, Sub 2(7); (b) such commodities as are used by meat packers in the conduct of their business, Sub 2(19 & 24); (4) "petroleum and natural gas and their products"; from lubricating oils and greases, Sub 2(10); (b) petroleum products, Sub 2(1); (5) "metals and metal products" from (a) iron and steel products, Sub 2(2); and (D) tinplate, Sub 2 (3); and (6) "containers" from empty containers, Sub 2(11); (B) remove the (1) facilities restriction, Sub 2(13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28) and Sub 3 (1 and 2); (2) in tank, in containers and/or hides, restriction, Sub 2((1, 10, 13, 14, 15, 18, 19, 20, 21, 24, 25, 26 and 28) and Subs 3 (1 & 2); (2) commodities or liquid

commodities in bulk restriction, Sub 2 (13, 14, 15, 18, 19, 21, 23, 24, 25, 26, 27 and 28) and Sub 3 (1 and 2); (3) originating at and/or destined to restriction, Sub 2 (13, 14, 15, 16, 18, 19, 20, 21, 22, 23a, 25, 26, 27, and 28) and Sub 3 (1 & 2); and (4) subsequent movement by rail or moving in foreign commerce restriction, Sub 2 (23b); (C) broaden to county-wide authority: (1) Sub 2(1), Bradford and Rouseville, PA and Chicago, IL (McKean, Venango, Crawford, Forest, Clairon, and Mercer Counties, PA; Cattaraugus County, NY; Lake and Porter Counties, IN, and Lake, Cook, McHenry, Kane, DuPage and Will Counties, IL); (2) Sub 2(2), Martins Ferry, OH, Wheeling, Benwood, Warwood and Beech Bottom, WV; Chicago, IL, and St. Louis, MO (Belmont, Jefferson, Monroe and Harrison Counties, OH and Brooke, Ohio and Marshall Counties, WV, and Washington and Greene Counties, PA; Porter and Lake Counties, IN, and Cook, Lake, McHenry, Kane, DuPage, Will, Monroe, St. Clair and Madison Counties, IL; and Jefferson, St. Louis, and St. Charles Counties, MO, and St. Louis, MO); (3) Sub 2(3), Canton and Toronto, OH, Follansbee, WV, and Chicago, IL (Wayne, Tuscarawas, Holmes, Stark, Summit, Portage, Columbia, Carroll, and Jefferson Counties, OH; Hancock, Brooke and Ohio Counties, WV, and Allegheny and Beaver Counties, PA; Porter and Lake Counties, IN, and Lake, Cook, McHenry, Kane, DuPage and Will Counties, IL); (3) Sub 2(4), Chicago, IL; Jamestown and Buffalo, NY; Newark, NJ; Wheeling, WV, and points within 25 miles thereof (Porter and Lake Counties, IN, and Lake, Cook, McHenry, Kane, DuPage and Will Counties, IL; Chautauqua and Cattaraugus Counties, NY; Erie, Niagara, Wyoming, and Genesee Counties, NY; Essex, Union, Somerset, Middlesex, Morris, Passaic and Bergen Counties, NJ, and Nassau County, NY; and Ohio, Hancock, Brooke, Marshall, and Wetzel Counties, WV; (4) Sub 2(13), plantsite, Rochelle, IL, Buffalo and Jamestown, NY, Newark, NJ, Wheeling, WV, and point within 25 miles, thereof in WV (Ogle County, IL; Erie, Niagara, Wyoming and Genesee Counties, NY; Chautauqua and Cattaraugus Counties, NY; Essex, Union, Somerset, Middlesex, Morris, Passaic and Bergen Counties, NJ and Nassau County, NY; and Ohio, Hancock, Brooke, Marshall, and Wetzel Counties, WV; (5) Sub 2(5), Buffalo and Norfolk, NY, Newark, NJ (Niagara, Genesee, Wyoming, Erie, and St. Lawrence Counties, NY, and Bergen, Middlesex, Union, Somerset, Essex, Morris, and Passaic Counties, NJ); (6) Sub 2(6 and 7), Rochester (Fulton County, IN); (7) Sub

2(9), Rochester, IN, and Wilmington, DE (Fulton County, IN and New Castle County, DE); (8) Sub 2(8), Milwaukee and Pittsburg (Ozaukee, Washington, Racine, Milwaukee, and Waukesha Counties, WI and Washington, Beaver, Butler, Allegheny, and Westmoreland Counties, PA); (9) Sub 2(10) and (11), Bradford, PA, and Benton Harbor, MI, McKean County, PA and Cattaraugus County, NY; and Cass, Barrien and Van Buren Counties, MI; (10) Sub 2(12), Marshfield, Monroe and Portage, WI (LaFayette, Green, Rock, Columbia, Marquette, Adams, Sauk, Wood, Jackson, Clark, Marathon, and Portage Counties, WI, and Jo Daviess, Stephenson and Winnebago Counties, IL); (11) Sub 2(14a), plantsite, Worthington, MN, Wheeling, WV and points within 25 miles thereof, (Nobles County, MN, Hancock, Brooke, Ohio, Marshall, and Wetzel Counties, WV); (12) Sub 2(14b), plantsite, Sterling (Whiteside County, IL); (13) Sub 2 (16 and 17), Bradley, IL, Wheeling, WV, and points within 25 miles thereof, (Ford, Iroquois, Kankakee, and Grundy Counties, IL, and Hancock, Brooke, Ohio, Marshall, and Wetzel Counties, WV); (14) Sub 2(18), Huron (Sanborn, Jerauld, Beadle, Kingsbury, and Spink Counties, SD); (15) Sub 2 (19a and b), plantsite, Joslin Rock Island County, IL; (16) Sub 2(20), plantsite, Fort Madison (Lee County, IA); (17) Sub 2(21), plantsite, Hospers, (Sioux County, IA); (18) Sub 2(22), plantsite, Madelin (Watonwan County, MN); (19) Sub 2 (23 and 24), plantsite, Wagner (Charles Mix County, SD); (20) Sub 2(25), plantsite, Madison, NE (Madison County, NE); (21) Sub 2(26), plantsite, Huron (Beadle County, SD); (22) Sub 2(27), plantsite, Worthington, MN (Nobles County, MN); (23) Sub 2(28), plantsites, Britt and Mason City (Hancock and Cerro Gordo Counties, IA); (24) Sub 3(1), plantsite, Rochelle, IL, St. Louis and Kansas, MO and Omaha, NE (Ogle County, IL; Monroe, St. Clair, and Madison Counties, IL, Jefferson, St. Louis, St. Charles, Cass, Jackson, Clay, and Platte Counties, MO, St. Louis, MO, Washington, Douglas, Sarpy, Cass, Saunders, and Dodge Counties, NE, Mills, Pottawattomie and Harrison Counties, IA, and Johnson and Leavenworth Counties, KS); and (25) Sub 3(3) and Sub 1, Chicago, IL, Kansas City, KS, St. Louis and Kansas City, MO, and East St. Louis, IL, and points in MO within 50 miles of St. Louis (Lake, Cook, McHenry, Kane, DuPage, and Will Counties, IL, and Lake and Porter Counties, IN, Johnson and Leavenworth Counties, KS, Jefferson, St. Louis, St. Charles, Cass, Jackson, Clay, Platte,

Clinton, Buchanan, Pike, Lincoln, Warren, Franklin, Washington, St. Francois, and Ste. Genevieve Counties, MO, and Monroe, St. Clair and Madison Counties, IL; and, (D) broaden to radial authority, Sub 2 and Sub 3(2).

MC 138741 (Sub-133)X, filed January 18, 1982. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 914 East Hwy. H, Liberty, MO 64068. Representative: Tom B. Kretsinger, P.O. Box 258, Liberty, MO 64068. Subs 38, 67F, 68F, and 108F: (A) Broaden to "metal products" from (1) iron and steel articles, Sub 38; (2) steel tubing, Subs 67F, 68F, and 108F, (B) Remove the "except Valley, NE", "except Porter County, IN" from Chicago commercial zone "originating at", "except in bulk and cement" from building and construction materials and facilities restrictions, Sub 38; and, (C) Broaden to (1) county-wide authority: (a) Franklin County, MO (Gerald), Sub 67F; and (facilities-Union), Subs 68F and 108F; and (b) Cook, Will, McHenry, DuPage, Kane, and Lake Counties, IL, and Porter and Lake Counties, IN (facilities-Chicago and commercial zone), Sub 38, and (2) radial authority, Subs 38, 67F, 68F and 108F.

MC 141737 (Sub-2)X, filed October 23, 1981, previously noticed in *Federal Register* on November 10, 1981, republished to notice the following omission: Applicant: WALKER FREIGHT LINE, INC., P.O. Box 241, Black Hawk, SD 57718. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Lead: remove restriction against tacking or joinder to correspond with applicant's Sub-No. 1 certificate.

[FR Doc. 82-3218 Filed 2-5-82; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Forty-seventh meeting of the Board for International Food and Agricultural Development (BIFAD) on February 25, 1982.

The purpose of the meeting is to consider a study of BIFAD functions, structure, relationships and staffing; to receive and discuss a report on study of university consortia and alternative contractual forms of technical

assistance; to discuss status report on study of incentives for university involvement in international programs; to review the application of Arizona State University for Title XII roster status; and to meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:30 p.m., and will be held in Room 1105, New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 2:00 p.m. and adjourn at 3:30 p.m. This meeting will be held in Room 2248, New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting.

Dr. Erven J. Long, Coordinator, Title XII Strengthening Grants and University Relations, Bureau for Science and Technology, Agency for International Development, is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: February 2, 1982.

Erven J. Long,

*A.I.D. Advisory Committee Representative,
Board for International Food and Agricultural
Development.*

[FR Doc. 82-3187 Filed 2-5-82; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Program Plan: Fiscal Year 1982

AGENCY: National Institute of Justice, Justice.

ACTION: Information.

SUMMARY: The National Institute of Justice (NIJ) presents this program plan as a general guide to its proposed programs and priorities for FY 1982. It outlines topics of interest for research emphasis under the sponsorship of NIJ's Office of Research Programs, Office of Research and Evaluation Methods,

Office of Program Evaluation, and Office of Development, Testing and Dissemination.

This program plan is not a commitment to funding any project described in the following pages. All programs and projects are subject to change, pending final action by the Congress on the NIJ FY 1982 appropriation and contingent upon a Department-wide review of all research programs of the Department of Justice.

FOR FURTHER INFORMATION CONTACT: Mr. James L. Underwood, Acting Director, National Institute of Justice, Department of Justice.

Foreword

Criminal justice research has too often been episodic and fragmentary, a many-colored coat composed of strings and patches that often did not fit together with sufficient cohesion to achieve recognizable goals. In announcing its research program for fiscal year 1982, the National Institute of Justice seeks a better integrated approach by organizing its research agenda around the major focal points of the criminal justice process.

All NIJ research, evaluation, testing, and dissemination efforts can be subsumed under one or more of the following topics, which represent a rough flow chart of the criminal justice process. Each of these subjects will receive significant attention in both long-range and short-term projects.

- The causes of crime;
- The prevention of crime;
- The detection and apprehension of those who have committed crimes;
- The efficient and equitable processing of criminal cases in the courts in a manner that gives due regard to the rights of society, the victim, and the defendant;
- The imposition of the appropriate sanction on the convicted criminal; and
- The implementation of that sanction in the most effective and just correctional setting.

These pivotal points of criminal justice provide a quality of constancy to NIJ's research efforts. Blending intimately with these key stable themes of criminal justice research are studies and experiments designed to support the Administration's effort to combat violent crime as expressed in the mandates of the Attorney General's Task Force on Violent Crime. The major themes of the Task Force report are interwoven throughout our research agenda for 1982, as outlined in this Plan. Summarized below are some key Task Force recommendations and proposed research responsive to them.

Exclusionary rule Reform

Research and develop alternatives to the exclusionary rule.

Bail Reform

Explore the concept of dangerousness and its use in pretrial decisionmaking.

Assistance to Victims

Prepare and disseminate a model program on victim services for State and local governments.

Conduct a comparative evaluation of victim assistance projects.

Study how the degree of victim harm is utilized in criminal justice decisionmaking.

Study the impact of evidentiary rules on victim participation in criminal proceedings.

Complete evaluation of a test involving victim participation in plea bargaining.

Prepare and disseminate a guide on victim compensation programs for State legislatures.

Career Criminals

Evaluate programs for selective prosecution of violent habitual offenders.

Expand the Institute's research program on career criminals.

Firearms

Support research to detect and apprehend persons unlawfully carrying guns:

- Illicit firearms market;
- Development of gun detection devices.

Violent Crime

Conduct with the Bureau of Justice Statistics an analysis of violent crime trends and patterns.

Support research on the control of robbery and homicide.

Develop better methods for postrelease control of violent offenders.

Support research on methods to improve prediction of violent behavior.

Develop programs to:

- Improve directed police patrol strategies

- Enhance commercial security against robbery and burglary.

Conduce a training workshop on the criminal courts' response to nonstranger violence.

The six key elements of the research agenda described above, mixed with the revitalizing ingredient of the serious crime initiative, compose a relatively well-organized, clearly articulated research policy. More precise definition of the fundamental research needs of the criminal justice process is needed, however. Accordingly, I have organized

a long-range planning group, which will assess NIJ's traditional priorities to determine what progress has been made in each area and which subjects remain unexplored or incompletely explored. The long-range planning group will not limit itself to an examination of the degree of success achieved under each topic of emphasis; it will also address the more fundamental question of whether NIJ is giving priority to the right questions in setting its research agenda.

In constructing our program for fiscal year 1982, we have consulted with many members of the research and practitioner communities. A continuing dialog with knowledgeable professionals outside NIJ will be even more important as we proceed with long-range planning. To that end, I invite your opinions and comments on the appropriateness of NIJ's priorities and methods.

James L. Underwood,
Acting Director.

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Introduction

The National Institute of Justice (NIJ) is a research center within the U.S. Department of Justice. Established in 1979 by the Justice System Improvement Act, NIJ builds upon the foundation laid by the former National Institute of Law Enforcement and Criminal Justice, the first major Federal Research program on crime and justice.

Mandate

Carrying out the mandate assigned by the Congress, the National Institute of Justice supports:

- Basic and applied research and development to build knowledge about crime and improve and strengthen the criminal justice system.
- Evaluations of the effectiveness of crime prevention and control policies and programs, identifying those that promise to be successful if continued or repeated.
- Tests and demonstrations of new and improved approaches to stem criminal activity and strengthen the justice system.
- Training of criminal justice practitioners in research and evaluation findings, and assistance to the research community through fellowships and special seminars.
- Dissemination of information from research, demonstrations, evaluations, and special programs to Federal, State, and local governments, including operation of an international clearinghouse of justice information.

Organization

NIJ is organized into four offices, reflecting its mandated functions:

Research Programs

The Office of Research Programs administers NIJ's basic, applied, and developmental research activities primarily through external grants and contracts. The Office includes five divisions: Police, Adjudication, Corrections, Community Crime Prevention, and the Center for the Study of the Correlates of Crime and Determinants of Criminal Behavior.

Research and Evaluation Methods

The Office of Research and Evaluation Methods supports methodological research and development activities, including programs in crime control theory and performance measurement. Activities focus on research and evaluation measurement problems and systemwide research and evaluation in criminal justice.

Program Evaluation

The Office of Program Evaluation sponsors evaluations of criminal justice improvement programs. Among the studies sponsored by the Office are assessments of federally funded national programs, State and local justice system initiatives, and experimental field tests sponsored by NIJ's Office of Development, Testing, and Dissemination.

Development, Testing, and Dissemination

The Office of Development, Testing, and Dissemination assures that NIJ research and evaluation findings are disseminated and applied. The Office identifies and develops program models; seeks out and documents programs of proven effectiveness; designs and sponsors field tests; supports training workshops and information sharing; provides reference, dissemination; and information services; and tests and develops standards for major items of equipment used by criminal justice agencies.

Overall Direction

The National Institute of Justice operates under the general authority of the Attorney General. The NIJ Director oversees the entire Institute program and approves the awarding of all grants, contracts, and cooperative agreements. Institute-wide planning, analysis, and management functions are handled by a special unit which fosters a coordinated approach that builds on the results of past research.

Advisory Board

The Justice System Improvement Act of 1979 authorized creation of a 21-member NIJ Advisory Board to be appointed by the President. The Board is to recommend policies and priorities to NIJ and advise on peer review procedures. The act specifies that the Board should represent the constituencies NIJ serves: State and local governments, criminal justice practitioners, researchers, community groups, and the general public.

Long-Range Research Priorities

NIJ is authorized to support research and experimentation dealing with the full range of crime prevention and criminal justice issues and related civil justice matters.

In setting research agendas, NIJ is guided by its congressional mandate, priorities established by the Attorney General, and the recommendations of researchers and practitioners in the field.

Foremost among its priorities is research on violent crime and the violent offender. In FY 1982, NIJ will pursue a systematic research agenda on serious, violent crime, a major national concern and a priority for the Department of Justice.

The Institute will expand and intensify its efforts to accumulate knowledge about criminal violence problems and about the most promising methods for stemming serious crime.

NIJ's long-range agenda also includes these priorities:

- Career criminals and habitual offenders
- Sentencing
- Deterrence
- Utilization and deployment of police resources
- Pretrial process: consistency, fairness, and delay reduction
- Rehabilitation
- Community crime prevention
- Correlates of crime and determinants of criminal behavior
- Performance standards and measures for criminal justice

Funding Mechanisms

NIJ is authorized to enter into grants, cooperative agreements, and contracts with public agencies, institutions of higher education, private organizations, and individuals. The particular funding mechanism used for each project depends upon the nature of the work to be performed. Projects typically are supported for 12 to 24 months; for certain projects, longer term funding may be provided in annual increments, depending upon satisfactory progress in the research.

NIJ also enters into interagency agreements with other Federal agencies for research of mutual interest. As one of several Federal research programs dealing with aspects of the crime problem, NIJ seeks opportunities to work with other Federal agencies to minimize potential overlap and pool resources, expertise, and data to study particular problems.

Information on Funding Opportunities

This booklet outlines new research and program activities proposed for FY 1982. It is published as a general guide only, and does not indicate a commitment to funding any of the projects described in this report. Detailed specifications, funding, deadlines, and application and review procedures are set forth in program solicitations issued throughout the year. Solicitations may be quite specific or may indicate broad areas of interest, allowing applicants to articulate precise topics for study as well as to propose the research design.

Solicitations proposed for each NIJ office for FY 1982 are briefly described in this Plan. Readers interested in receiving a program solicitation when it is published should write to the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. Please specify the title of the announcement.

To ensure wide dissemination, NIJ program solicitations are announced in the **Federal Register**. Each **Federal**

Register notice contains either the full text or a brief description of the official program announcement and instructions for obtaining additional information. Researchers interested in applying for Institute funds are urged to watch for these notices. (The **Federal Register** is available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.)

Requests for proposals for competitive contracts are published in the *Commerce Business Daily*.

NIJ also disseminates information on research plans through its *Research Bulletin*, published from time to time throughout the year. (To receive copies of the *Bulletin*, please write: Research Bulletin, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.)

How to Apply

Solicited Research Program

The bulk of NIJ funds are awarded each year for projects outlined in the Program Plan. Interested applicants must obtain a copy of the program solicitation, which spells out application and review procedures to be followed and specifies the deadline. Generally, solicitations call for submission of concept papers or preliminary proposals. The length may vary depending upon the topic, but concept papers usually should not exceed 20 pages. The paper should summarize the proposed study, including objectives, methodology, milestones, anticipated products, and preliminary budget, and indicate the applicant's competence to perform the work proposed.

Based on a careful review of the concept papers, selected applicants are invited to submit full or final proposals. For programs in which the research objectives and issues are particularly well defined, NIJ may waive the concept paper stage and solicit full proposals.

Requests for full proposals do not represent a commitment by the National Institute of Justice to support a project. Final decisions on awards are made by the NIJ Director.

Peer Review Process

NIJ uses the peer review process to ensure fair and knowledgeable evaluation of papers and proposals. For each solicitation, the Institute obtains written reviews of proposals from in-house reviewers and outside experts drawn from the criminal justice and academic communities, research organizations, and private industry. Usually, reviews are obtained at the

concept paper stage and again at the proposal stage.

Selection Criteria

Proposals are evaluated according to the criteria specified in the program solicitation. The specific method may vary from formal numerical rankings based on weighted criteria to narrative responses only for a combination of both. In making decisions on grant awards, NIJ is guided by the recommendations of the review panel and by the following considerations:

- Compatibility with the NIJ legislative mandate;
- Relationship to the NIJ plan and priorities set by the Attorney General;
- Probability of acquiring important new knowledge that advances the understanding of and the ability to solve critical problems relating to crime and the administration of justice;
- Originality, adequacy, and economy of the research design and methods;
- Experience, competence, and past performance record of the organization and staff.

Special Programs

Unsolicited Research Program

To ensure that creative approach to justice research issues are not overlooked, NIJ also sponsors an Unsolicited Research Program. In FY 1982, there are two funding cycles for unsolicited research. As set forth in the program solicitation, the first deadline was December 1, 1981, and the second will be in June 1, 1982. Grants normally range from \$10,000 to \$120,000 for research projects of up to 2 year's duration.

The goal of the program is to fund a limited number of research proposals that address significant crime and criminal justice issues, that are of sound methodological design, and that have important implications for criminal justice policy, practice, research, and/or theory. NIJ is interested in projects submitted by experienced researchers dealing with important problems, using appropriate methodologies, and involving the analysis of data with broader research objectives.

The following types of projects are encouraged: relatively small research projects for which there are few alternative funding mechanisms; projects conducted by qualified researchers who are relatively new to the criminal justice field; replication of completed research whose findings are important to criminal justice; basic or applied research on interdisciplinary subject areas relevant to crime and criminal justice; exploratory studies in

criminal justice areas in which there has been little previous work; and research aimed at developing practical responses to criminal justice problems.

Visiting Fellowship Program

This program is open to highly qualified criminal justice professionals and scholars. Fellowship recipients come to Washington, D.C., to work on research of their own design. Project periods range from 3 months to 2 years. An annual program announcement is published by NIJ; applicants are required to submit concept papers by November 15 of each year.

Graduate Research Fellowships

Each year a limited number of Institute-funded fellowships are awarded to doctoral candidates through sponsoring universities. The fellowships support students engaged in the research and writing of doctoral dissertations in criminal justice.

For Information

For additional information on these Special Programs, please request the program announcement by sending a self-addressed mailing label to Announcement (name of program), NCJRS, Box 6000, Rockville, Maryland 20850.

The FY 1982 Program Plan

NIJ's FY 1982 research and program activities are briefly summarized in the following pages, listed under the responsible Office and Division. All programs and projects are subject to change, pending final action by the Congress on the NIJ FY 1982 appropriation and contingent upon the results of a Department-wide review of research programs of the Department of Justice. In addition, other topics for research may be selected in response to priorities identified throughout the fiscal year. The final nature and scope of research projects will be set forth in NIJ program solicitations.

Office of Research Programs

W. Robert Burkhardt, Director

The Office of Research Programs (ORP) plans and sponsors basic and applied research to increase knowledge about crime and criminal behavior and develop more effective approaches to crime prevention and control. The research agenda addresses issues related to the criminal law, formal and informal crime control processes, crime causes and correlates, the nature and impact of specific types of crime, offender characteristics and behavior, victimization, and the operations of the criminal justice system.

The Office has five divisions: Police, Adjudication, Corrections, Community Crime Prevention, and the Center for the Study of Crime Correlates and Determinants.

The projects planned for FY 1982 are designed to attack critical criminal justice problems, including the pressing issue of serious, violent crime. At the same time, the projects build on significant results from past research, adding increments of information that help form a body of knowledge that can ultimately lead to more informed and effective crime control policies.

Police Division

Joseph Kochanski, Acting Director

NIJ's police research program is designed to enhance State and local law enforcement capabilities by expanding knowledge about police practices. Research has concentrated on exploring the effectiveness and efficiency of police management and operations. NIJ research on patrol, criminal investigations, response time, and alternative responses to calls for service has yielded findings that challenged traditional approaches and suggested promising new ways of delivering police services. The Division also sponsors technological studies relating to enforcement and forensics. Research planned for FY 1982 continues the development of information and strategies that can improve police operations. The following solicitations are proposed:

FY 1982 Plans

Improved Police Policies for Maintaining Public Order: There is little empirical knowledge about which police actions are appropriate and effective in the range of situations that fall under the heading of "maintaining public order." The purpose of this project is to develop sanction and control mechanisms for maintaining public order which are more appropriate than the formal arrest sanction in such situations. Some examples may be wider use of police summons, fines, peace bonds, and new point systems similar to those used in traffic enforcement. The objective of this exploratory phase would be to determine the feasibility of developing improved guidelines for judicious use of force appropriate to the variety of situations requiring police intervention.

Detecting and Apprehending Persons Unlawfully Carrying Guns: In response to a recommendation of the Attorney General's Task Force on Violent Crime, this project will investigate the state of the art and the feasibility of methods to

detect weapons carried in violation of the law. The study also will analyze the legal aspects of using a particular technology to detect guns. Based on the outcome of the study, subsequent prototype development may be undertaken.

Alternatives to and the Impact of the Exclusionary Rule: Despite continuing debate about the exclusionary rule—which prohibits admission of evidence that may have been obtained illegally or improperly—little empirical data on its effects exist. This project will gather information on the nature and extent of the impact of the exclusionary rule on police operations, criminal case processing, and case outcomes. The debate on the exclusionary rule has increasingly focused on whether or not means other than the exclusionary rule can be used effectively to enforce fourth amendment standards against unreasonable search and seizure. Among the suggested alternatives are internal police department discipline proceedings and civil suits against the officer or the government entity conducting the police operation. Proponents of these alternatives suggest that they protect the citizen against police misconduct but do not punish society by making it possible for a criminal to go free because of a technical error by a policeman. The feasibility of these alternatives to the exclusionary rule will be studied.

Adjudication Division

Cheryl Martorana, Director

Adjudication Division research seeks to develop knowledge about methods to improve the fairness and efficiency of the adjudication process. The Division gives priority to studies focusing on reducing unnecessary case attrition and improving consistency in the pretrial process and on enhancing the consistency and effectiveness of sentencing. In addition, research addresses the issues of selecting appropriate forums for disputes and identifying improved practices for courts, prosecutors, and defense agencies.

FY 1982 Plans

Projects proposed for fiscal year 1982 include:

Dangerous Defendants and Pretrial Release: Recently completed research sponsored by NIJ found that approximately one out of six defendants in an eight-city sample was rearrested during the pretrial period. Almost one-third were rearrested more than once, some as many as four times, before their original cases were settled. In the past

few years, a growing number of jurisdictions have enacted legislation to permit judges to consider not only the traditional concern of flight before trial but also the community's safety in determining conditions for release of a defendant. Building upon a pilot study now in progress, this research will examine how "danger" and "community safety" are being defined, the extent to which the new laws have affected release and detention rates, release alternatives, and jail crowding.

Use of Sentence Enhancement Laws: A major goal of sentencing reform has been to reduce disparity in sentences for similarly situated offenders. At the same time, there has been increased recognition that certain offenders should receive more severe punishment, and sentencing enhancement laws have been passed providing special penalties for certain types of offenders. If such laws are applied only rarely and unevenly, disparity is reintroduced. This study will assess the use of such provisions as consecutive sentencing, habitual offender laws, and "aggravated circumstances" penalties.

Forensic Evidence in the Court: Expenditures for forensic labs nationwide are estimated to exceed \$1 billion a year. An evaluation currently underway is assessing the contribution of forensics to the investigative process. The project will conduct a similar analysis of the use of forensic evidence by prosecutors and courts, with an eye toward suggesting ways to enhance the value of forensics to the courts.

Impact of Evidentiary Rules on Victim Participation in the Criminal Justice Process: A number of questions could be addressed by research in this area: Do the rules of evidence inhibit crime reporting and the willingness of victims to cooperate with the prosecution of a case? Do State substantive and evidentiary laws on rape affect reporting of this crime and subsequent cooperation by the victim with police and prosecutors? Have recent changes in State rape laws had an effect on reporting, victim cooperation, and rape conviction rates? Are there legal alternatives that can reduce the burden on victims without infringing upon the constitutional and legal protections accorded defendants? The precise scope of this project will be defined following a review of ongoing and recently completed research in this area by NIJ and other agencies.

Corrections Division

John Spevacek, Director

Corrections Division research is divided into three categories: (1) Use of

criminal sanctions, particularly studies of sentencing and use of incarceration; (2) correctional programs, particularly those in the area of rehabilitation; (3) correctional management and administration.

FY 1982 Plans

In FY 1982, the Division will emphasize studies relating to serious, violent offenders. Among the projects planned:

Improved Handling of Long-Term Offenders: The nation's medium and maximum security prisons are heavily populated by young offenders with serious criminal histories who are serving lengthy terms for violent crimes. These offenders create serious management problems for prison officials, particularly when institutions are overcrowded. The proposed study would attempt to identify methods for dealing with such offenders that can reduce prison tensions and improve management's ability to control prisons with predominantly long-term populations.

Controlling Offenders in the Community: One way of alleviating the current strain on prisons is through alternative corrections programs in the community for selected offenders. Knowledge is lacking about which specific forms of nonprison correctional programs can be used effectively to control specific types of offenders while allowing them to remain in the community. The proposed research would examine specific types of community alternatives—including analysis of the costs of such programs compared to the cost of incarceration—through case studies in one or more States or possibly one of more quasi-experiments.

Post-Release Control of Violent Offenders: Even though the number of prison commitments and the length of prison terms are increasing, most incarcerated violent offenders eventually will be released. The aim of this research would be to identify those offenders most in need of close control after release and to determine the forms of supervision or community restraints most effective in deterring future violent behavior.

Community Crime Prevention Division

Research by the Community Crime Prevention Division focuses on several priority topics: violent crime, community crime prevention, and the needs of victims. Studies supported by the Division seek to clarify issues involved in individual and collective efforts to prevent crime and factors that influence

the effectiveness of crime prevention approaches. Questions about victimization and the needs of crime victims are also being addressed. In addition, research is directed at major types of crime—particularly violent crime, but also property, white-collar, and organized criminal activity.

FY 1982 Plans

Research proposed for FY 1982 includes:

Controlling Robbery and Homicide: The randomness and viciousness of much criminal violence is one of the most serious—and frightening—issues inherent in the current crime problem. This research would focus on those crimes in which violence occurs, typically robberies and homicides. The study will assess the extent to which violence is increasing, the circumstances under which it occurs, and interventions that may be effective in preventing or controlling violent attacks.

Analysis of Violent Crime Trends and Patterns: The objective of this project would be to survey all major available reported crime and victimization data to provide an overview of crime trends and patterns. The work would entail secondary analysis of existing data, with special attention given to identifying emerging research questions and operational needs. The project would be carried out in cooperation with the Bureau of Justice Statistics.

Impact of Victim Harm on Criminal Justice Decisions: Concern about the rights of crime victims and their role in criminal prosecution has been increasing. The Attorney General's Task Force on Violent Crime underscored such concerns and made several recommendations dealing with victim needs and rights. Among the issues raised is the need to consider the full impact of the crime on the victim as part of the criminal justice decisionmaking process. While judges do consider the degree of harm to the victim in sentencing, some jurisdictions have formalized the process by including "victim impact" statements as part of the presentence report. Other decisions besides sentencing, however, could take victim harm into account, beginning with the police response to the filing of charges and the processing of cases. This project would study the extent to which criminal justice decisions weigh victim harm, the specific approaches used, and the effects of such consideration on the victim and the criminal justice system.

Violence and the Media: The National Institute of Mental Health is completing a critical review of the empirical data

relating to the media and violence. A report on the topic, which updates an earlier Surgeon General's report, is to be available soon. The report concludes that the pattern of empirical evidence now supports the conclusion that there is a link between exposure to violence in the media and various forms of violent and aggressive behavior. This project would permit a distinguished group of legal scholars and social scientists to examine the findings and implications of the NIMH report and to suggest various approaches to deal effectively with the issues it raises.

Center for the Study of Crime Correlates and Determinants of Criminal Behavior

Richard Linster, Acting Director

Development of more effective crime prevention and control policies can be advanced by a clearer understanding of the variety of factors that may contribute to criminal behavior and how these influences can be controlled. To this end, the Center supports research that analyzes the correlates of crime and delinquency and seeks more accurate information on the causes of crime, particularly serious crime. Because of the complexity of such research, the Center generally emphasizes multidisciplinary and interdisciplinary inquiries and longitudinal designs. Research conducted to date includes programs devoted to studies of criminal violence, career criminals, employment and crime, and econometric studies of the criminal justice system.

FY 1982 Plans

In FY 1982, the Center plans to issue an open solicitation for continued research on the career criminal. Plans also call for re-funding three long-term research projects now in progress. The open solicitation is:

Research on Career Criminals: Research to date points to the conclusion that a small number of offenders are responsible for a disproportionately large volume of crime. The research has lent support to the view that public policy aimed at more effective control of this handful of offenders will result in significant inroads against the crime problem. The career criminal research program will support several projects aimed at continued development of knowledge that can help in formulation of sound theories and effective crime control policies relating to career criminals.

Race, Crime and Social Policy: For the most part, theories and data that purport to explain the high rate of crime among minorities fail to demonstrate the existence of policy variables that are

realistically within the control of decisionmakers. The current research in progress is examining crime rates and crime production theories among the five major U.S. racial groups. The research is focusing on racially identifiable communities, studying crime production and control as functions of variables that relate to community structure, as well as variables describing decision processes within the criminal justice system.

Drugs, Alcohol and Crime: Drug and alcohol abuse and crime are major social problems that are considered to be interrelated and mutually reinforcing. Little systematic research on the subject has been done, however, and knowledge about the effectiveness of control strategies is uncertain and often disputed. This research focuses on the initiation of these forms of behavior and how they develop. The emphasis is on situational factors leading to particular types of drug/alcohol abuse and their outcome in specific incidents, as well as long-term patterns. The research complements and is coordinated with efforts in other Federal agencies directed at the supply of drugs and treatment programs for abusers.

Research on the Causes of Theft: This program is studying the nature of various kinds of theft against American business—commercial burglary, commercial larceny, and employee theft. Such crimes threaten the viability of many businesses and result in a "theft" tax upon consumers as businesses charge higher prices to offset the costs of crime.

Office of Research and Evaluation Methods

Richard Linster, Director

The Office of Research and Evaluation Methods supports projects that explore methodological and measurement problems facing criminal justice researchers and evaluators. The research usually entails the development or adaptation of advanced analytical techniques to problems in crime analysis and the evaluation of criminal justice programs and processes. The Office gives priority to research programs on crime control theory and performance measurement.

Crime Control Theory

The Crime Control Theory Program is concerned with one of the most fundamental criminal justice research questions: How effective are the system's sanctioning powers in actually controlling crime? The goal of the research is to develop a scientific

understanding of how crime rates are affected by formal sanctioning practices and treatments.

Research in this area explores the direct impact of incarceration on crime rates as well as the deterrent effect achieved by the threat of formal punishment. Projects funded under the program have focused on serious and violent crimes as well as other types of crime and included examinations of variations in crime rates among different jurisdictions and for different time periods. Much of the research in this area has explored the effects of recent legislation passed by States to change some aspect of formal criminal sanctions—mandating specific sentence lengths for certain crimes, for example. Other projects have examined the deterrent effects associated with sanctions imposed for particular types of crimes, such as bank robbery.

Measuring the effectiveness of crime control policies presents special difficulties. It requires credible methods of counting events that never take place—for example, how many additional crimes will *not* be committed if convicted offenders are incarcerated for longer periods. Obviously, the validity of such estimates rests on the credibility of the models from which they are derived. For that reason, the crime control research program is concerned with devising or refining theories and model structure, testing their underlying assumptions, and validating their predictive power.

FY 1982 Plans

A single solicitation has been issued inviting research proposals relating to crime control theory. The broad program offers funds for projects that range over the spectrum of theoretical and applied research and encourages the diversity of insights afforded by a variety of disciplinary approaches. Among the general types of research eligible for support are:

Theoretical and conceptual studies aimed at explaining how the efficacy of crime control agencies might relate to more fundamental theories of social and behavioral control.

Modeling studies aimed at continued development of general frameworks of analysis that embody in their structure some plausible theory of crime control and facilitate empirical testing of theory.

Criminal classification research directed toward development of improved taxonomies of career patterns or toward achieving a better understanding of how criminal justice system interventions affect the evolution of offender lifestyles.

Perceptions research investigating questions such as determinants of variability in some populations' assessment of sanction risk or sanction cost.

Experiments or quasi-experiments intended to collect empirical evidence on variation in crime control effects with variation in sanction threat.

Design studies concerned with such things as refinement of the conceptual bases of a larger piece of contemplated research, development and pretesting of measuring instruments, etc. Generally, the program can support only modest projects of this type, and the award of such design grants does not reflect an NIJ commitment for continued support of the research.

Two review and funding cycles are anticipated for the program.

Performance Measurement

The aim of research in this area is to develop and validate performance measures to be used as management and accountability tools by criminal justice practitioners and municipal officials. As part of this aim, efforts necessarily have been directed toward developing a conceptual framework that relates performance to the actual operations of an agency and to particular issues relating to the nature of public sector agencies. In FY 1978, the Office began a multiphase program to develop a conceptual framework for evaluating performance and performance measures. That year the Office awarded five grants—one each for studies of police, prosecution and public defense, courts, adult corrections, and the system as a whole. Operating as a consortium, the grantees reviewed and synthesized their findings on performance measures within the sectors of the criminal justice system and reported on their findings. Continuing into the second phase of their research, consortium members are now conducting empirical studies based on their earlier research.

FY 1982 Plans

For FY 1982 funding, a series of awards are anticipated, exploring topics along these general lines:

Defining Performance: Issues pertaining to oversight of an agency could be addressed by questions such as: Who evaluates an agency's performance? What are the evaluation criteria? Do agencies use formal or informal definitions of performance? What sources of information (statistics, media, peers) exert the greatest influence on the performance assessment?

Understanding Agency Technologies: Identifying agency products and services and describing how they are produced would be the focus of this research area. Building on the few studies on this topic, the research would identify the services delivered by agencies and the possible tradeoffs among these services under various combinations of resources.

Developing Causal Links: The relationships of agency activities, products, and outcomes would be addressed under this topic. Studies would examine the process of translating agency resources into services in order to identify the critical points in this process where the measurement of performance is essential. The studies also would furnish evidence detailing to what degree agency objectives are achievable.

Methodology Research

This program supports research of high technical merit that advances the capability of studying crime and evaluating criminal justice programs and processes. The program is aimed at improving the precision and accuracy of measures used in crime and criminal justice studies, promoting economy and efficiency in study designs, and enhancing the significance and cogency of study conclusions. Among the studies funded under this program are: (1) a microeconomic model of the prison system as an industry; (2) the testing of a special randomized response technique for improving the accuracy of responses in studies relying on self-reports of criminal activity; (3) an examination of possible models for estimating the incidence and prevalence of criminal activity for use in assessing the effectiveness of crime control policies; (4) a study of the various definitions of "arrest" as it is reported by police departments for the Uniform Crime Reports.

Another emphasis of the program is the development of valid techniques for classifying offenders. Classification of the dangerous defendant or the serious offender—these and similar decisions for handling and treating offenders are made at critical stages throughout the criminal justice process. In turn, the grouping of offenders bears on predictions about their future behavior. Despite the crucial need to develop reliable classification techniques that also may serve to predict future behavior with confidence, there have been few systematic and rigorous examinations of the validity of either existing classification systems or prediction techniques.

FY 1982 Plans

Research support for studies on offender taxonomy and prediction techniques will be strongly emphasized in FY 1982. It is anticipated that about half of the funds for methodology research would be available for projects that explore classification and prediction approaches.

Office of Program Evaluation

Lawrence A. Bennett, Director

The Office of Program Evaluation assesses criminal justice programs and procedures, evaluating their efficiency and effectiveness as well as the feasibility of their implementation in other jurisdictions. A key aim of the Office is to furnish evidence to the criminal justice community about what programs work best, under what conditions, and at what costs.

In carrying out its function, the Office's evaluation efforts fall into several broad categories. Criminal justice programs that have been widely funded and implemented in a number of sites are examined to learn what aspects of the programs seem to work best, and why, and what difficulties might be encountered by other jurisdictions that are considering a similar program. In addition, the Office supports the independent evaluation of NIJ-sponsored field tests and assists in constructing the Institute designs for field tests.

Finally, the Office evaluates special experimental or innovative programs at the State or local level to determine their impact and usefulness for other localities. Assessment of the impact of shifts in criminal justice policy, especially as a result of legislative initiatives, also fall within the Office's area of responsibility.

In coordination with other NIJ offices, the Office of Program Evaluation assesses whether research results offer a testable hypothesis that is also operationally feasible, and whether the programs can achieve the desired goals as well as the anticipated outcome. For the most part, these functions are carried out in conjunction with NIJ-sponsored field tests of experimental programs, under the direction of the Office of Development, Testing, and Dissemination. Related responsibilities may involve evaluating concepts or recommendations originating from NIJ research, sponsored by the Office of Research programs, as well as techniques developed or assessed under the sponsorship of the Office of Research and Evaluation Methods.

The following evaluations are proposed:

FY 1982 Plans

Evaluation of Early Appointment of Defense Counsel Field Test: Building on an NIJ study of the appointment of defense counsel, this field test will examine whether the assignment of a defense attorney earlier in the criminal justice process leads to a more cost effective disposition as well as a fairer representation of the defendant. The evaluation will examine factors related to defendant representation and efficient case disposition as well as such measures as the level and rate of negotiated pleas and their outcome, the attitudes of victims and defendants, the rate of changes in appealed verdicts, the speed of case disposition, the caseload of the public defender's office, and prosecutorial practices.

Reintegrating the Serious Offender: This proposed field test would replicate an experiment in the mid-sixties at the Vacaville corrections facility in California. The "New Careers" program provided short-term, intensive training to a small group of inmates—most with lengthy criminal histories—just prior to their release. Evaluation showed that the participants did better on parole than a control group and were more successful than their base expectancy scores predicted. An individual followup showed significant professional and academic advancement by the "New Careerists." Because of the small sample size and the time that has elapsed since the experiment, it is impossible to generalize from the results. The proposed field test will examine whether the model can be implemented by new trainers under current conditions with similar results. It will also seek to learn whether the results hold up if the number of participants is increased, to document the costs and benefits of the approach, and to clarify the theoretical implications of the model.

Comparative Assessment of Victim Assistance Projects: An NIJ-sponsored assessment of victim/witness programs throughout the country gathered available information and concluded that the programs are meeting the needs of their clients. In addition to determining what could be learned about the programs, the evaluation also identified gaps in knowledge that need to be addressed. Among these are the relative benefits of alternative approaches to crisis intervention. Immediate assistance to the victims, at the scene, is generally considered preferable to the alternative approach of screening police reports or relying on other sources for delivering services to victims. Nevertheless, the on-scene

crisis intervention approach is implemented less often because of the greater costs in time and resources. This evaluation will compare the two approaches, assessing their costs and relative benefits to clients and to police.

Selective Prosecution of Violent Offenders: Through LEAA's Career Criminal Program, the special prosecutors' units throughout the country employ a variety of techniques for building stronger cases leading to conviction and stiffer sentences for the habitual offender. Building on an earlier NIJ-evaluation of selected career criminal sites, this assessment would focus on the prosecution of the violent offender in two or three career criminal programs, gauging the impact of their strategies on such measures as the rates of conviction and the length of sentences.

Evaluation of Model Prison Classification Systems: A burgeoning prison population, the rise in prison violence, and the ever-increasing costs of constructing maximum custody facilities underscore the need for a reliable inmate classification system. Research funded by the National Institute of Corrections has produced two classification models which presently are being implemented in a number of States. This evaluation would assess the adequacy of each system. Also explored would be the extent to which the systems provide a useful method for incarcerating inmates in appropriate housing quarters and in a manner that increases safety as well as reduces costs.

General Evaluation Program: To ensure that ample opportunity is provided for assessing particularly innovative programs in the criminal justice community, a general solicitation is proposed which will offer support for evaluations of concepts or programs that might be adopted on a larger scale. It is anticipated that three or four projects would be funded under this program.

Office of Development, Testing, and Dissemination

Paul Cascarano, Director

The Office of Development, Testing, and dissemination supports a range of applied research and dissemination programs that respond to NIJ's legislative mandate. The Office is responsible for assessing research results for program implications, testing promising new crime control methods, and recommending actions States and localities can take to enhance the capabilities of the criminal justice system. Its functions also include

identifying and disseminating information on programs that have demonstrated success, training criminal justice administrators and practitioners in the practical application of research and evaluation findings, disseminating new knowledge to the field, and operating an international clearinghouse for information relating to crime and justice.

The programs supported by the Office are designed to enable State and local governments to understand and apply knowledge produced by NIJ research and experimentation. The Office identifies findings with practical value for practitioners and policymakers, validates their effectiveness and usefulness through applied research, and, through a variety of dissemination vehicles, transfers research and test results to State and local authorities who can take action. This work is carried out by three divisions: the Model Program Development Division, the Testing and Training Division, and the Reference and Dissemination Division.

Model Program Development Division

Virginia Baldau, Acting Director

The process begins in the Model Program Development Division, which identifies research findings with implications for action, assesses related practical experience, and designs field tests of promising new approaches. Results are presented in publication series targeted to practitioners and policymakers. The Division also conducts the Exemplary Projects Program—a systematic method of identifying and transferring knowledge about successful programs at the State and local level. A description of the Division's products and FY 1982 plans follows:

Research Assessment and Program Development

Most products are developed under a contract. Work on a particular product may be subcontracted to individuals or research organizations with expertise in specific topic areas.

Program Models

Program Models are state-of-the-art syntheses of research and evaluation findings, operational experience, and expert opinion in a topic area. Each study includes a literature review, extensive interviews with practitioners, and on-site assessments of operational projects. An advisory group of researchers and practitioners knowledgeable in the topic area critique the methodology, advise on site selection and review the final report.

Based on their data analysis, the researchers present a range of program options that local jurisdictions can consider and review the advantages and disadvantages of each. In addition, the study may reveal hypotheses suitable for field testing or gaps in knowledge requiring further research.

A total of 24 Program Models have been developed. Among those recently published are *Arson Prevention and Control*, *Rape: Guidelines for a Community Response*, and *Employment Services for Ex-Offenders*.

FY 1982 Plans

In FY 1982, work will begin on Program Models drawn from among the following topics:

Police Fiscal Decisionmaking: This study will provide decisionmaking models for maximizing police performance and minimizing employee dissatisfaction during periods of fiscal austerity. The report will focus upon the experiences of a number of jurisdictions which have recently undergone major police budget cuts. The researchers will review methods for planning and analyzing alternative budget decisions and provide examples of cost-cutting measures.

Investigative Information Systems for Police: NIJ research has shown that case screening and involvement of patrol officers in preliminary investigations can improve the investigative process. Field testing indicates, however, that reaping the full benefit of these concepts requires a monitoring system that provides information on investigative performance and data on types of cases that are or should be screened. This study will synthesize research and practical experience, formulating guidelines on collecting, storing, and retrieving the information needed to manage the investigative function.

Restitution Program: This project will draw on an NIJ evaluation of approximately 10 restitution programs throughout the country. In addition to a synthesis of this and related research, the study will incorporate results from a current examination of several other restitution programs. The report will outline options for policymakers and practitioners interested in installing restitution programs in their jurisdictions.

Organizing Neighborhoods Against Crime: NIJ-funded research has demonstrated the effectiveness of citizen efforts in impeding crime, enhancing security, and contributing to effective police response as well as the investigation and prosecution of offenders. This study will focus on neighborhood crime prevention

activities, emphasizing the link between the criminal justice system and citizen and community activities. Among the topics to be addressed are formal and informal social controls in the neighborhood; crime prevention activities including the targeting of specific crimes, block patrols, property marking, and residential security inspections; and reclaiming deteriorated areas. The document is designed for community organizations and police departments, emphasizing the crime prevention strategies and organizational arrangements found effective for different types of neighborhoods.

Victim Services: Meeting the Needs of the Individual and the Criminal Justice System: The experiences of victim/witness program throughout the country and recently completed research findings will serve as the foundation for this state-of-the-art analysis. The report will identify programs that have achieved both careful treatment of victims as well as strong relationships with criminal justice personnel, particularly the police. In addition, the document will address the problem of providing effective services for victims and witnesses in the face of shrinking resources.

Victim Compensation: In response to a recommendation of the Attorney General's Violent Crime Task Force, this study will build on earlier NIJ work and other research on the topic, updating information on the experience with different forms of victim compensation programs and focusing on issues of current concern. In addition to assessing the relative advantages and disadvantages of different program structures, it will gather more recent information on costs and revenue sources of various programs. Also included will be a detailed analysis of the experience of States which fund programs from fines and those which have made recent changes in their benefit structure and/or eligibility requirements. The experience of States where victim compensation programs have incurred significant problems and/or been abandoned will be examined for the instruction they may provide for future efforts.

Cost Analysis in the Courts: This study will assist State and local court systems in applying cost analysis techniques in court administration. The report will draw upon research on performance measures for court systems as well as cost analyses techniques developed by State and local court systems. The report will isolate individual functions of prosecutors, defense counsel, and the courts and

examine the costs of specific tasks—such as bail hearings, continuances, and trials—involved in each function.

Policy and Design Considerations in Constructing Correctional Facilities: This 2-volume Program Model will draw on the wealth of information relating to prison construction, including the extensive NIJ-sponsored study of the costs and capacity of the Nation's prisons and jails, recently developed accreditation standards, and architectural and planning policy. The first volume will focus on the decision to build, examining the nature and magnitude of prison crowding problems, the issues and costs to be considered in deciding whether or not to construct new facilities, and the advantages and disadvantages or available nonconstruction options for managing crowding pressures. The second volume will focus on the policy, design, and operating issues that become critical once the decision to build, expand, or renovate has been made. Particular attention will be given to the implications of these decisions for prison management and long-term operating costs.

Correctional Management of Violent, Long-Term, and Other Special Inmates. Inmates who threaten the security of institutions or who pose special treatment problems because of alcohol or drug dependency or mental or physical handicaps are the focus of this analysis. The report will draw on previous research including studies of inmate violence and prison discipline as well as programs for the mentally retarded offender and the drug abuser. Issues to be addressed include classification techniques, grievance procedures, protective custody, and inmate rights and discipline. Designed as a tool for correctional administrators, the report will describe effective strategies for handling and treating these particular groups of inmates.

Throughout the fiscal year, research findings are reviewed for possible Program Model topics. Depending upon the outcome of research and evaluation now in progress, the following topics may become candidates for study:

Vertical vs. Horizontal Case Processing in Prosecution: Research and experience have highlighted the importance of how cases are handled by the prosecutor. One issue that has emerged is vertical vs. horizontal processing: whether a case is assigned to one assistant prosecutor through disposition or sentencing or to different assistants at various stages in the process. The proposed study would review research and practice and report on the number and type of prosecutors'

offices now using vertical processing, the extent of use within different types of offices, and the background, rationale, and evaluation of those choices. The report will identify which offices have successfully integrated vertical prosecution in their operations.

Correctional Accreditation as a Management Tool: This study will review the results of the LEAA Accreditation Program, a series of 11 statewide demonstration projects to determine whether a wide range of improvements in correctional services and facilities could be achieved through systematic implementation of standards and subsequent accreditation. The report will synthesize the findings of the program and highlight the most promising management strategies and techniques for upgrading correctional facilities and services through accreditation.

Work is in progress on the following Program Models, which are expected to be completed in FY 1982:

- Citation in Lieu of Arrest.
- Measuring the Costs of Police Services.
- Police Work Scheduling.
- Police Resource Sharing.
- Coping With Stress in Policing.
- Vehicle Theft Prevention Strategies.
- Economic Analysis Techniques in Corrections.
- Managing the Institutional Environment.
- Probation Under Fiscal Constraints.
- Mediation and Arbitration in Small Claims Courts.
- Non-Financial Pretrial Release Practices.
- Social Service Programming in Defender's Offices.
- Interpreting Services in the Criminal Courts.

Monographs

The Division also publishes monographs on significant topics. These reports critically review available research and selected program experience and pinpoint areas that require further study.

The following monograph is proposed for FY 1982:

Crime in Schools: In response to a recommendation of the Attorney General's Task Force on Violent Crime, a sourcebook for school administrators, law enforcement personnel, and the courts will be developed. It will provide an overview and analysis of the problem of crime, victimization, and fear in schools as well as a review of programs to prevent, deter, and prosecute crime in school settings. Key policy issues will be discussed, which will provide guidance to school administrators in addressing

school crime. Practical recommendations for the reduction of school crime will be made, including methods for data collection and analysis, policy formulation, and improved coordination through memoranda of understanding between school districts, law enforcement personnel, and the courts.

Completion of the following monographs is anticipated in FY 1982:

- Fraud and Abuse in government Benefit Programs: The Case for a Prevention Focus.
- Grand Jury Reform.
- Crime Prevention: Midwood-Kings Highway Development Corporation Project.
- Decriminalization of Public Drunkenness.

Test Designs

Test Designs are detailed experimental or quasi-experimental designs for testing the effectiveness of particular concepts or programs under actual operating conditions in selected jurisdictions. Each design is developed by an inter-Office team chaired by Division staff and reviewed by an external advisory board. The test design spells out the experimental conditions for implementation and evaluation, defines the methodology and the hypotheses to be tested, and specifies criteria for selecting the experimental sites. Implementation of the tests is monitored by ODTD's Training and Testing Division; evaluations of the experiments are conducted under the auspices of the Office of Program Evaluation.

FY 1982 Plans

Field Test programs to be designed in FY 1982 include:

Police Citation in Lieu of Arrest: Increasingly, police departments must cope with budgets that shrink or remain stable in the face of higher costs. The ability to expend enforcement efforts in such priority areas as serious crime means that existing resources must be reallocated. Police citations rather than formal arrest for some crimes offers promise as a tool for achieving greater efficiency. Although a large number of States and jurisdictions have laws authorizing extensive use of citation in lieu of arrest, few use the approach for any but the most minor offenses. Building on previous research and demonstration results, the proposed Test Design will apply police citation to a wider range of offenses, including some felonies. The test will determine the impact of the approach on police workload, failure to appear rates, jail

populations, court workload, and criminal justice costs.

Reintegrating the Serious Offender: The proposed test would replicate an experiment in the mid-sixties at the Vacaville corrections facility in California. The "New Careers" program provided short term, intensive training to a small group of inmates—most with lengthy criminal histories—just prior to their release. Evaluation showed that the participants did better on parole than a control group and were more successful than their base expectancy scores predicted. An individual followup showed significant professional and academic advancement by the "New Careerists." Because of the small sample size and the time that has elapsed since the experiment, it is impossible to generalize from the results. The proposed field test will examine whether the model can be implemented by new trainers under current conditions with similar results. It will also seek to learn whether the results hold up if the number of participants is increased, to document the costs and benefits of the approach, and to clarify the theoretical implications of the model.

Program Designs

Program Designs are detailed implementation guides for model programs that have been refined on the basis of evaluations of either NIJ field tests or LEAA demonstration programs. Program Designs explain the practical constraints on the test or demonstration model and the lessons the experience provides for communities interested in replicating the model program. The Program Design serves as a guidebook for communities on promising approaches, outlining what to do, how to do it, and what to avoid.

FY 1982 Plans

In FY 1982, program designs are tentatively planned on:

Directed Patrol Strategies: This report will synthesize findings of the Managing Patrol Operations Field Test and results from several research, evaluation, and field experiments. Primary emphasis will be on reviewing tactics that are effective in controlling specific types of criminal activity—for example, blend and decoy operations targeted against street crimes—or those which enable police to provide cost-effective services—for example, telephone reporting of certain types of crime. The report will aid local departments in planning and implementing these strategies and will describe conditions necessary for their success.

Commercial Security Against Robbery and Burglary: This Program Design will review the findings from the NIJ Commercial Security Field Test Program. It will assess the effectiveness of implementing a cooperative strategy between police and business in conducting crime prevention surveys; stimulating business participation in crime prevention; and improving the rate of compliance with survey recommendations. The report also will analyze the extent to which the cooperative approach improves long-term police/business community relations.

Policy Briefs

Policy Briefs are concise reviews of the implications of significant research for legislators and government executives. The publications usually include sample legislation. Begun in 1979, the series has covered *Administrative Adjudication of Traffic Offenses*, *Career Criminals*, *Neighborhood Justice Centers*, and *Crime Victim Compensation*. Briefs on *Mandatory Sentencing* (based on evaluations of the New York Drug Law and Massachusetts Gun Law), and *Consumer Fraud Legislation* are nearing completion.

FY 1982 Plans

Topics planned for the series in FY 1982 include the following:

Dealing with School Crime: This Brief will examine the many complex organizational and legal issues which influence efforts to reduce crime in the schools. Organizational issues to be addressed include interactions among the schools, law enforcement personnel, and the court. Legal issues will address search and seizure, chain of custody, legal liability, double jeopardy resulting from school and court actions and procedural due process. The Brief also will include an analysis of legislative developments in this field.

Support for Child Victims of Sexual Abuse: This Brief will synthesize available information on approaches that can improve the criminal justice system's handling of child victims of sexual abuse. It will focus on legislative reforms, such as changes in sexual assault statutes or elimination of corroborating evidence requirements in cases involving child victims. Procedural changes also will be reviewed, such as joint interviewing of the child victim by both police and prosecutor to minimize trauma to the child.

Statewide Court Administration: This Brief will summarize research findings on statewide consolidation of courts, identifying the problems and benefits of

the approach. Examples of legislation authorizing the change to statewide administration will be included. Plans call for additional reports to be developed in the future on other aspects of statewide delivery of criminal justice services.

Pending review of anticipated research results, Policy Briefs also may be developed on:

The Mental Health Evaluation: Competency To Stand Trial: This Brief would review the policy implications of research on a defendant's ability to assist in his/her own defense and understand the proceedings in which he/she is involved. The report will look at a variety of models for dealing with the competency evaluation, including experience with pretrial screening units, and provide information on standardized instruments and criteria for assessing competency to stand trial.

State Experience with Parole Guidelines: This Brief will summarize existing knowledge about development and implementation of Federal parole guidelines and report on evaluation findings regarding implementation of parole guidelines in Oregon. Advantages and disadvantages of the Oregon approach will be delineated, including characteristics and benefits common to other sentencing reforms such as determinate sentencing and sentencing guidelines, changes in existing law or practice required, effect on judicial and parole discretion, and effect on prison populations.

Exemplary Projects

The Exemplary Projects Program identifies and validates criminal justice initiatives at the local or State level whose success has been verified by evaluation. All applications for Exemplary Project status are carefully screened by Division staff and validated by an independent contractor. Final selection is made by a board of NIJ representatives and outside experts.

FY 1982 Plans

Beginning in 1982, the emphasis in the Exemplary Projects Program will shift from identifying projects addressing needs or problems in any aspect of the criminal justice system, to a specific focus identified each year. In addition, NIJ will actively seek out qualified projects as well as continue to accept nominations from State and local agencies.

In FY 1982, the focus is on police, prosecution, and corrections programs to combat violent crime. Through literature reviews, interviews, and expert opinion, NIJ is launching an

intensive effort to uncover innovative, successful anticrime projects that can be adopted by other jurisdictions. Projects identified through this process will be invited to submit applications. NIJ also plans additional dissemination vehicles for the information developed through this search. A survey report, for example, will be published to give State and local agencies prompt information about useful approaches to controlling serious crime.

Training and Testing Division

Louis Mayo, Director

The Training and Testing Division oversees implementation of NIJ Field Tests and sponsors the Criminal Justice Research Utilization Program to accelerate awareness and understanding of research findings and to encourage application of new concepts and approaches in criminal justice.

Field Tests

The Field Test Program rigorously examines the implementation of experimental policies and practices in selected jurisdictions. Typically, the experimental program is tested in up to three different locations for periods of 18 months to 2 years. Working in conjunction with NIJ research, development, and evaluation staff, the Training and Testing Division participates in developing the test designs described earlier and then supervises site assessment, funding, and implementation of the model to be tested. Specialized training and technical assistance is provided in each site through the Criminal Justice Research Utilization Program described below.

FY 1982 Plans

The following field tests are planned for implementation in FY 1982:

Early Representation by Defense Counsel: This test will determine the effects of prompt appointment of defense counsel on the operations of participating public defender agencies, the quality of attorney-client relations, and felony case processing. Each site will develop procedures that permit indigent clients to be represented at or soon after arrest and sufficiently in advance of the initial court appearance. The test will determine whether early representation speeds case disposition and improves the overall quality of counsel.

Reintegrating the Serious Offender: (This field test is described on page 45.)

Criminal Justice Research Utilization Program

The program supports training and technical assistance to field test sites and a nationwide series of workshops that transfer research findings with policy and program implications to senior State and local officials. The program also includes special national workshops on particularly significant research findings or issues of critical concern to the criminal justice systems. A limited amount of funds are also made available to permit selected State and local officials to observe firsthand the operations of projects of proven effectiveness.

FY 1982 Plans

In FY 1982, two workshop series are planned. Topics will be selected from among the following:

Cost-Effectiveness in Police Programs: This workshop would build upon considerable NIJ research and materials from a previous workshop on "Managing the Pressures of Inflation in Criminal Justice." The workshop would give police administrators and planners a state-of-the-art review of performance measurement and cost accounting and a look at how selected cities are using such tools to manage police budgets more effectively.

Non-Stranger Violence: The Criminal Courts' Response: Research suggests that in a significant number of felony cases in the criminal courts, the victim and defendant know each other. The influx of "prior relationship" cases raises questions about their impact on the courts: Are they a drain on resources that hinders the courts' ability to handle other cases of serious crime? Results of NIJ research now in progress would form the basis of the workshop.

Cost Analysis Techniques in Corrections: This workshop would cover economic analysis techniques for corrections decisionmakers. Course content will be based upon a forthcoming Program Model, "Economic Analysis Techniques in Corrections," scheduled for completion in FY 1982.

The Research Utilization Program also includes the Technology Transfer Program, which supports visits by State and local officials to selected Exemplary Project sites for periods of up to 2 weeks. The opportunity to observe and participate in project operations enhances the prospects for replication of these successful projects.

Reference and Dissemination Division

The Reference and Dissemination Division helps fulfill NIJ's wide-ranging mandate to disseminate results from its

research and to serve as a clearinghouse for information on crime and justice. The Division handles publication of all Institute reports, produces a variety of publications and informational materials for the research and practitioner community, sponsors an annual review of justice research, and prepared a biennial report to the Congress on the state of justice research. In addition, the Division supports an applied research program that assesses technological needs of justice system agencies, and maintains a standard-setting and testing process to meet those needs.

International Clearinghouse

The Division operates The National Criminal Justice Reference Service, an international clearinghouse of information on crime and justice. Its computerized data base contains more than 60,000 items and serves an audience of 40,000 users. Reference specialists respond to individual requests with data base searches or bibliographic packages on justice topics. NCJRS publishes a range of materials including bibliographies and a bimonthly bulletin—the Selective Notification of Information—announcing important new acquisitions to the data base. NCJRS also provides copies of NIJ research solicitations on request. Write: NCJRS, Box 6000, Rockville, Maryland 20850.

FY 1982 Plans

NCJRS will continue operations under an existing contract. Plans call for an emphasis on cost recovery, with some services offered at a modest fee.

Publications

The Division supervises publication and distribution of Institute research and program documents. Its in-house publications program produces specialized information products including newsletters, the annual program plan, and the biennial report to Congress. It also supports an annual review of research. *Crime and Justice*, Volumes I, II, and III of *Crime and Justice* have been published, and Volume IV will appear in the fall of 1982. Contributors include noted scholars from the United States and abroad.

Technology Assessment Program

The Division also is responsible for an applied research program that assesses the technological needs of justice system agencies, sets performance standards for specific items, tests commercially available equipment against those

standards, and disseminates the test results. The Program operates through:

- The Advisory Panel of practitioners and researchers, which identifies priorities;
- The Standards Laboratory (within the National Bureau of Standards), which develops scientifically sound standards for needed equipment and certifies independent laboratories to conduct tests of equipment available on the market; and
- The Information Center (operated by the International Association of Chiefs of Police), which supervises the test process, disseminates the results to criminal justice agencies, and also maintains a toll-free telephone number that State and local agencies can use to obtain information and advice on specific problems.

FY 1982 Plans

- Continuation of the Program is planned for FY 1982 under existing grants and interagency agreements. Plans call for developing performance standards for police dispatch systems, weapons, alarms, and investigative aids; certifying independent laboratories for testing; and developing standard reference materials for forensic laboratories.

James L. Underwood,
Acting Director, National Institute of Justice.

[FR Doc. 82-3173 Filed 2-5-82; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL SCIENCE FOUNDATION

National Science Foundation Advisory Council; Task Group #20; Meeting

In accordance with the Federal Advisory Council Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #20 of the NSF Advisory Council
Place: National Science Foundation, Rm. 523, 1800 G Street, NW., Washington, D.C. 20550.
Date: Friday, February 26, 1982.
Time: 9:00 a.m. to 5:00 p.m.
Type of meeting: Open.
Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Rm. 518, 1800 G Street, NW., Washington, D.C. 20550. Telephone: 202/357-9419.

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to provide a clear and concise statement of the relationship of Foundation programs to DOD R&D activities, together with recommendations about how NSF can better coordinate its programs with those of the defense research agencies.

M. Rebecca Winkler,
Committee Management Coordinator.

February 3, 1982.

[FR Doc. 82-3309 Filed 2-5-82; 8:45 am]

BILLING CODE 7555-01-M

Social and Economic Science Advisory Committee, History and Philosophy of Science Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for History and Philosophy of Science Advisory Committee for Social and Economic Science.

Date and Time: February 25th, 26th and 27th, 1982: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 642, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Ronald J. Overmann, Program Director, History and Philosophy of Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9677.

Purpose of Subcommittee: To provide advice and recommendation concerning support for research in History and Philosophy of Science.

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. 552(b)(c), Government in the Sunshine Act.

Authority to Close: 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, NSF, on July 6, 1979.

February 3, 1982.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 82-3310 Filed 2-5-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-334]

Duquesne Light Co.; Ohio Edison Co.; Pennsylvania Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Appendix A Technical Specifications to maintain the redundancy necessary to assure adequate AFW flow for normal transient and accident conditions.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 20, 1981, (2) Amendment No. 47 to License No. DPR-66, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of February, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Chief, Operating Reactors Branch No. 1,
Division of Licensing.*

[FR Doc. 82-3288 Filed 2-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Operating License No. DPR-59 issued to the Power Authority of the State of New York which revises the Technical Specifications for operation of the James A. FitzPatrick Nuclear Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment modifies the Technical Specifications to reflect scram discharge volume (SDV) long-term modifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated January 6, 1981, (2) Amendment No. 62 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of January 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

*Chief, Operating Reactors Branch No. 2,
Division of Licensing.*

[FR Doc. 82-3289 Filed 2-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Operating License No. DPR-59 issued to the Power Authority of the State of New York which revises the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment modifies the Technical Specifications to reflect the following changes: (1) Revised maximum average planar linear heat generation rate (MAPLHGR) data, (2) power spiking penalty, and (3) use of the ODYN computer program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 18, 1981 (2) Amendment No. 64 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of January 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

*Chief Operating Reactors Branch No. 2
Division of Licensing.*

[FR Doc. 82-3290 Filed 2-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric & Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-32 and Amendment No. 75 to Facility Operating License No. DPR-37 issued to Virginia Electric & Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as the date of issuance.

The amendments revise the Technical Specifications to reduce the minimum number of thimbles required for incore flux mapping from 40 to 38 which is the same as that used in the Standard Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 5, 1981, (2) Amendments Nos. 74 and 75 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are

available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 2nd day of February, 1982.

For The Nuclear Regulatory Commission.
Steven A. Varga, Chief,
Operating Reactors Branch No. 1, Division of Licensing

[FR Doc. 82-3291 Filed 2-5-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

February 1, 1982.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the office of management and budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether section 3504(h) of Pub. L. 96-511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

Comments and Questions

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. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

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 of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson

Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Extension Service
Joint Committee on the Future of Cooperative Extension
Q10S
Nonrecurring
Individuals or households/State or local governments/Farms/Businesses or other Institutions
Actual & potential extension clientele & interested others
SIC: 881, 911
Small businesses or organizations
Agricultural research and services: 5,000 responses; 1,667 hours; \$5,000 Federal cost; 1 form; \$16,670 public cost; not applicable under 3504(h)
Nell Minow, 202-395-7340

"Extension in the '80's" will inform the public and cooperative extension employees about the project and let them know what the issues are also, the need for this data is essential to the functioning of the joint committee (on the future of cooperative extension) which will set the criteria for the next 10 years for CES.

• Food and Nutrition Service
Application for Participation (Sponsor and Site Information Sheet (SFSP)
FNS-81 81-1
Annually
Businesses or other institutions
Sponsors, sites, hhlds. of children participating in SFSP
SIC: 943
Small businesses or organizations
Food and nutrition assistance: 56,894 responses; 70,666 hours; \$122,410 Federal cost; 2 forms; \$706,660 public cost; not applicable under 3504(h)
Nell Minow, 202-395-7340

Form FNS-81 application for participation, must be submitted by sponsors wishing to participate in the SFSP. Form FNS 81-1 site information sheet, is necessary for administering agencies to evaluate the suitability for participation at each site the sponsor wished to operate.

Extensions (Burden Change)

• Agricultural Marketing Service
Plan for Estimating Daily Livestock Slaughter Under Federal Inspection
Other—See SF83
Businesses or other institutions
Livestock slaughter plants
SIC: 201

Agricultural research and services:
17,680 responses; 583 hours; \$20,000
Federal cost; 1 form; not applicable
under 3504(h)

Charles A. Ellett, 202-395-7340

The estimated daily livestock slaughter is provided at the request of industry and is used by industry to make production and marketing decisions. Slaughter information which is obtained from individual packers is confidential. Divulging individual information would provide competitors with an economic advantage.

• Rural Electrification Administration
Manual for Preservation of Borrowers'
Records (Electric)

REA Bull. 180-2

On occasion

Businesses or other institutions

REA electric borrowers

SIC: 491

Small businesses or organizations

Energy supply: 51,220 responses;

1,024,400 hours; \$229,156 Federal cost;
1 form; \$5,122,000 public cost; not
applicable under 3504(h)

Nell Minow, 202-395-7340

This bulletin is used by REA borrowers to determine the period that records are to be retained to meet REA's audit objectives and for other financial purposes.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward
Michals—202-377-3627.

New

• Bureau of the Census

June 1982 Fertility, Birth Expectations,
and Child Care Survey

CPS-1

Annually

Individuals or households

Interviewed households in the June 1982
CPS

Other advancement and regulation of
commerce: 45,490 responses; 1,706
hours; \$200,000 Federal cost; 1 form;
not applicable under 3504(h)

Statistical Policy Branch, 202-395-7313

The data obtained on childbearing, future birth expectations, and child care arrangements working mothers make for their young children will be used to update estimates of current and future birth rates, examine trends in family development, and provide a current data base for an analysis of the relationship between fertility, child care, and employment.

Revisions

• International Trade Administration
Petition by a Firm Certification of
Eligibility To Apply for Trade
Adjustment Assistance

ITA-840 (formerly ED-435)

On occasion

Businesses or other institutions

Import-impacted producing firms

SIC: Multiple

Small businesses or organizations

Area and regional development: 600

responses; 4,800 hours; \$280,000

Federal cost; 1 form; not applicable
under 3504(h)

William T. Adams, 202-395-4814

Authority: 19 U.S.C. 2341, CFR Sec. Subpart B to determine the eligibility of petitioners, the impact of foreign imports on their markets and to certify their acceptability for Federal financial assistance under the Trade Adjustment Assistance Act.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V.
Wenderoth—703-697-1195

New

• Departmental and Others

CHAMPUS/CHAMPVA Claim Form

CHAMPUS 500

On occasion

Individuals or households/businesses or
other institutions

Physicians and other prof. providers of
medical care

SIC: 801, 802, 803, 804, 805, 806, 807, 808,
809, 832

Small businesses or organizations

Department of Defense-Military:

2,200,000 responses; 1,240,000 hours;
\$1,417,400 Federal cost; 1 form; not
applicable under 3504(h)

Kenneth B. Allen, 202-395-3785

Collection is necessary to evaluate eligibility for civilian health benefits authorized by 10 U.S.C., Chapter 55, and to issue payment upon establishment of eligibility and determination that medical care received is authorized by law. Used to control and process med. claims.

Reinstatements

• Department of the Air Force

Report of Government Vehicles,

Equipment, and Material in the Hands
of Contractors

AFTO Form 439, AFIO Form 11, 392, 814,
and G009

Monthly

Businesses or other institutions

Maintenance repair contractors and

interservicing rep. facs.

SIC: Multiple

Small businesses or organizations

Multiple functions: 923,628 responses;

178,294 hours; \$6,211 Federal cost; 3

forms; not applicable under 3504(h)

Edward C. Springer, 202-395-4814

AF Forms 414, 413 and 412 and AFTO
Form 439 are manual systems used to

report Air Force inventory and production data. 2. The AF Forms 412 are manual systems used to report spare parts inventories. 3. The GFM transaction reporting system replaces the AF Form 412, 413 and 414 when applied to high value contracts. All of these collections are required for input to Air Force financial management and production or requirements computations systems.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John
Gross—202-633-9770

Revisions

• Economic Regulatory Administration
Public Utility Regulatory Policies Act
(PURPA) and Annual

Report on Electric and Gas Utilities

ERA-166

Annually

Businesses or other institutions

Gas and elec. utilities state regulatory
agencies

SIC: Multiple

Energy information, policy, and

regulations: 138 responses; 2,001

hours; \$259,160 Federal cost; 1 form;
not applicable under 3504(h)

Jefferson B. Hill, 202-395-7340

The ERA-166, will be filed annually to collect data to be used by the Economic Regulatory Administration in annual reporting to the President and to Congress on the progress of State regulatory authorities and certain non-regulated electric and gas utilities in considering and making determinations with respect to the standards established by PURPA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph
Strnad—202-245-7488

New

• National Institutes of Health

Telephone Survey of Physicians to
Determine Awareness of NIH

Consensus Development Program—
Phase I

Nonrecurring

Businesses or other institutions

Physicians in continental U.S.

SIC: 801

Small businesses or organizations

Health: 700 responses; 35 hours \$29,600

Federal cost; 1 form \$350 public cost;
not applicable under 3504(h)

Gwendolyn Pla, 202-395-6880

The telephone survey of 700 medical specialists will be conducted to determine the effectiveness of agency efforts to disseminate information about

the NIH Consensus Development program and the meeting on total hip joint replacement to be held March 1-3, 1982. The results of the survey will enable the agency to better inform the relevant community, resulting in greater professional and public input into the consensus program.

- Human Development Services Assessment of the Adequacy of In-Home Services Nonrecurring Businesses or other institutions Clients/providers of in-home services in 4 areas

SIC: 835

Multiple functions: 292 responses; 145 hours; \$30,456 Federal cost; 2 forms; \$1,450 public cost; not applicable under 3504(h)

Gwendolyn Pla, 202-395-6880

This project will assist in the development of voluntary performance indicators for in home services (E.G. chore, home management, etc). The project will develop criteria to Assess the adequacy of the system in terms of—comprehensive, coordination, targeting (to those most in need), tailoring (to individual's needs), and client satisfaction. Cost effectiveness of services will also be determined. No other HHS project is developing criteria in this area.

- Health Care Financing Administration Medicated Quality Control Review Schedule (HCFA)301

HCFA-301

On occasion

Individuals or households

Title XIX beneficiaries

Health: 155,438 responses; 969,600 hours; \$10,947,628 Federal cost 1 form; not applicable under 3504(h)

- Richard Eisinger, 202-395-6880

The HCFA 301 and worksheets are used by the States to summarize MQC review findings. These data are used by MQC to determine the Accuracy of the eligibility determinations, claims processing systems, and utilization of third parties. States and HCFA design corrective action initiatives based on these MQC data.

Revisions

- Social Security Administration Report of New Information in Disability Cases

SSA-612-EV (2-82)

On occasion

Individuals or households

Disabled social security beneficiaries

General retirement and disability insurance: 200,000 responses; 16,666 hours; \$94,460 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

Section 224 of the Social Security Act provides for information regarding reduction of disability benefits due to workmen's compensation. This form is also used to report other information that may affect continuing entitlement to disability benefits.

- Social Security Administration Reporting Changes That Affect Your Social Security Payment

SSA-1425-EV (1-82)

On occasion

Individuals or households

Social security beneficiaries

General retirement and disability

insurance: 70,000 responses; 5,833 hours; \$18,378 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

Sections 202 and 203 of the Social Security Act Provide for Information collected in event, of a change in the beneficiary's circumstances. This form is used to determine which changes may affect entitlement, benefit amounts, or check delivery.

Extensions (burden change)

- Health Care Financing Administration Request for Medicare Payment—Ambulance Service

HCFA-1491

On occasion

Business or other institutions

Ambulance suppliers

SIC: 809

Small business or organizations

Health: 477,000 responses; 79,500 hours; \$1,144,800 Federal cost; 1 form; not applicable under 3504(h)

Richard Eisinger, 202-395-6880

This form is used by suppliers of ambulance services to obtain payment under part-B of the medicare program.

Reinstatements

- Health Care Financing Administration Medicaid Quality Control Third Party Resource Worksheet (HCFA 301C)

HCFA-301-C

On occasion

Individuals or households

Title XIX beneficiaries

Health: 155,438 responses; 50,715 hours; \$233,800 Federal cost; 1 form; \$507,150 public cost; not applicable under 3504(h)

Richard Eisinger, 202-395-6880.

The HCFA 301C is used by MQC in the identification of third party liability (TPL) resources. This information is used in the TPL review to determine the accuracy of the utilization of third parties and to estimate the amount of misspent medicare funds. These data are used by States and HCFA for

corrective action planning to improve the management of the medicare program.

- Health Care Financing Administration Integrated Quality Control Review Worksheet

HCFA-316

On occasion

State or local governments

Medicaid beneficiaries

SIC: 919

Health: 3,719 responses; 55,781 hours, \$86,984 Federal cost; 1 form; \$86,984 public cost; not applicable under 3504(h)

Richard Eisinger, 202-395-6880.

The HCFA-316 form's use is optional over the HCFA-301A. It is used by MQC, food stamps quality control (FS-QC), and AFDC-QC to record data from the case record evaluation, personal interview, and collateral contacts performed during the QC review. MQC review findings are made based on data from the HCFA 316 and are summarized on the HCFA-301.

- Health Care Financing Administration State Medicaid Quality Control Sample Selection Lists

HCFA-319

Monthly

On occasion

State or local governments

State governments

SIC: 919

Health care services: 636 responses; 20,352 hours; \$76,800 Federal cost; 1 form; not applicable under 3504(h)

Richard Eisinger, 202-395-6880.

State MQC sample selection lists are submitted on a monthly basis, and are a necessity for selection of the Federal subsample. The lists are generally computer-generated, although some States perform this task manually. The lists are later used as a check of completed case reviews.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184.

New

- Housing Programs PHUIP Reporting and Monitoring System HUD-53441, HUD-53442, HUD-53661, HUD 53662, HUD-53441, 53442, 53661, 53662

On occasion

State or local governments

Public housing agencies

SIC: 953

Public assistance and others income supplements: 670 responses; 335

hours; \$15,310 Federal cost; 4 forms; not applicable under 3504(h)
Richard Sheppard, 202-395-6880.

Authorization title HDC 1974, Pub. L. 93-383, 88 Stat. 633, submitted by PHAS and will be used to monitor the progress and status of work by all PHA participants in the PHUIP.

Extensions (no change)

- Housing Programs
Application by Indian Housing Authority for Indian Low-Income Housing Program
HUD-52730
On occasion
State or local governments
Indian housing authorities
SIC: 953
Public Assistance and other income supplements: 160 responses; 1,280 hours; \$34,700 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202-395-6880.

Application required in order for an eligible entity to obtain HUD financial and technical assistance, as well as a preliminary loan to cover the cost of preliminary surveys and planning for the proposed project, pursuant to the United States Housing Act of 1937, as amended. Also, see supporting statement and justification.

- Housing Programs
Requisition for Disbursement of section 202 Loan funds
HUD-92403-EH
On occasion, monthly
Businesses or other institutions
Non-profit borrower corporations
SIC: 836
Small businesses or organizations
Mortgage credit and thrift insurance: 4,800 responses; 2,400 hours; \$460,000 Federal Cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

Subject form is used by the borrower entity to obtain disbursements on its HUD funded building loan under the section 202 Elderly Housing program. Its use during the construction period enables the borrower to obtain funds so that he may settle his obligations or be reimbursed in a timely manner.

- Housing Programs
Claim for Payment of HUD Security Deposit Guarantee and Compensation for Vacancy Loss
HUD-52676
On Occasion
State or local Governments
Public housing agencies
SIC: 953
Public assistance and other income supplements: 70,000 responses; 350,000 hours; \$20,000 Federal cost; 1 form;

\$20,000 public cost; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

Provides limited coverage to section 8 owners who sustain losses when tenants vacate prior to expiration of the lease and the security deposit is not large enough to cover unpaid rents, damages, or loss because of vacancy in violation of the lease. Form is submitted to cover a claim for any of these situations.

Reinstatements

- Policy Development and Research
PD&R Contracting Planning and Status Reporting Forms
HUD-441, 442, 443, 661, 662, 663
On occasion, monthly, quarterly
State or local governments/businesses or other institutions, organizations providing contract research support to PD&R
SIC: 953
Small businesses or organizations
Community development: 3,600 responses; 18,000 hours; \$50,000 Federal cost; 6 forms; \$200,000 public cost; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

The forms are used by HUD's research contractors to provide baseline plans for their projects and then to provide progress reports comparing progress against planned progress. The information permits HUD administrative oversight, guidance, and control of the projects.

- Community Planning and Development
Indian Community Development Block Grant Program (PRE and Full Application, Grantee Performance Reports, Close Out Form HUD 4011)
HUD-4011, 4322, 4323, 4324, 4324.1, 4325, 4325.1, 4326, 4326.1, 4327, 4328
Annually
Individuals or households
Indian tribes and Alaskan natives
Community Development: 660 responses; 28,675 hours; \$250,000 Federal cost; 11 forms; \$372,775 public cost; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

Housing and Community Development Act of 1974 (Pub. L. 98-383) 88 Stat 633), Title I, Section 104—application and review requirements—requires an application for community development block grant funds. In addition, grantee performance reports are required annually from recipients of block grant funds. Indian CDBG application requirements are outlined in 24 CFR part 571 subparts D&E. Grantee performance report requirements outline in § 571.702 Federal regulations.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

New

- Geological Survey
Plan of Exploration, Development and Production and Environmental Reports
Nonrecurring
Businesses or other institutions
Oil and Gas Lessees on OCS
SIC: 131, 132, 138
Other natural resources: 1,233 responses; 546,219 hours; \$31,500 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202-395-7340

This information will be used by the director, Geological Survey, to determine if activities proposed in plans of exploration, development and production and environmental reports, are carried out in a safe and environmentally acceptable manner.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

Extensions (burden change)

- Federal Bureau of Investigation
Age, Sex, Race, and Ethnic Origin of Persons Arrested
DO-62 and DO-62A
Monthly
State or local governments city, county, and State law enforcement agencies nationwide
SIC: 922
Federal law enforcement activities: 16,452 responses; 8,226 hours; \$1,164,000 Federal cost; 2 forms; not applicable under 3504(h)
Andy Uscher, 202-395-4814

To tabulate/estimate data regarding persons arrested by city, county, and State law enforcement agencies throughout the United States. Summary statistics published annually in "Crime in the United States."

Extensions (no change)

- Federal Bureau of Investigation
Law Enforcement Officers Killed
DO-76, DO-76A, DO-76B
On Occasion
State or local governments
Loc., State, and Fed. law enforcement agencies with off. kil.
SIC: 922
Federal Law Enforcement Activities: 180 responses; 83 hours; \$24,000 Federal cost; 1 form; \$830 public cost; not applicable under 3504(h)
Andy Uscher, 202-395-4814

To collect victim and offender data re law enforcement officers killed. Summary and detailed information published annually in "Law Enforcement Officers Killed."

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

- Office of the Secretary
The Impact of Deregulation on Intercity Bus Operations in Florida
Nonrecurring
Businesses or other institutions
Bus operators and agents, former agents, and bus service users
SIC: 413
Small businesses or organizations
Other transportation: 300 responses; 150 hours; \$10,000 Federal cost; 3 forms; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

This survey is part of DOT's research on the impacts of deregulation of the motor carrier industry in Florida. The results of this study will be used in formulating DOT policy on bus regulatory reform and will be used in DOT testimony and work with Congress on this issue.

Revisions

- Coast Guard
Plan Approval and Records for Marine Engineering Systems
46 CFR subchapter F
CG-2936 CG-2832
On occasion
Businesses or other institutions
Pressure vessel manufacturers, shipbuilders and shipowners
SIC: 441 442 373
Small businesses or organizations
Water transportation: 10,332 responses; 2,583 hours; \$461,247 Federal cost; 2 forms; \$485,100 public cost; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

These new regulations will replace current Coast Guard requirements for plan approval and shop inspection of pressure vessels that do not contain hazardous materials with requirements that they be inspected and stamped in accordance with the ASME boiler and pressure vessel code. These regulations will reduce the time required for pressure vessel approvals.

Department of the Treasury

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394.

Extension (Burden Change)

- United States Customs Service
Protest

CF 19

On occasion
Individuals or households/businesses or other institutions
Importers, customhouse brokers, law firms
SIC: all
Small businesses or organizations
Federal law enforcement activities: 29,468 responses; 88,404 hours; \$3,388,297 Federal cost; 1 form; \$11,757,732 public cost; not applicable under 3504(h)
Fay S. Iudicello, 202-395-3090

A document that sets forth the facts surrounding a protest and application for further review against decisions by a district director of customs involving a customs entry. It is a recordkeeping requirement pursuant to 19 CFR 174.12 with a retention period of 3 years after final court action. Alternatively, a form containing the same data listed on CF may be use.

COMMISSION ON CIVIL RIGHTS

Agency Clearance Officer—Dr. Eugene Mornell—202-254-6644.

New

- Readership Survey of the Report—Affirmative Action in the 1980s—Dismantling the Process of Discrimination
Semiannually
Individuals or households/businesses or other institutions
Individuals/organizations interested in civil rights issues
SIC: 881 913 823 938
Federal law enforcement activities: 700 responses; 210 hours; \$1,341 Federal cost; 1 form; \$1,341 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

This information collection request will assist the Commission in reviewing its program and projects in preparation for budget submissions.

- Update Readership Survey
Semiannually
Individuals or households/businesses or other institutions
Individuals by Federal agencies
SIC: 881 913 823 938
Federal law enforcement activities: 1,700 responses; 510 hours; \$1,341 Federal cost; 1 form; \$1,341 public cost; not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

The evaluation of the Commission's monthly newsletter, Civil Rights Update, is intended to provide information concerning the impact and use of publications. The results of the evaluation are to be used for in-house review and will not be published.

- Readership Survey of the Report—Indian Tribes—A Continuing Quest for Survival
Semiannually
Individuals or households/businesses or other institutions
Individuals/organizations interested in civil rights
SIC: 881 913 823 938
Federal law enforcement activities: 700 responses; 210 hours; \$1,341 Federal cost; 1 form; \$1,341 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

This information collection request will assist the Commission in reviewing its programs and projects in preparation for budget submissions.

- Readership Survey of the Report—The Voting Rights Act
Unfulfilled goals
Semiannually
Individuals or households/businesses or other institutions
Individuals/organizations interested in civil rights issues
SIC: 881 913 823 938
Federal law enforcement activities: 700 responses; 210 hours; \$1,341 Federal cost; 1 form; \$1,341 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The information collection will be used to assess the impact of the problems addressed in the publication.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konostas—202-389-4481.

Revisions

- Uniform Form for Registration as a Transfer Agent and for Amendment to Registration as a Transfer Agent
TA-1
On occasion
Businesses or other institutions
Insured banks or subsidiaries not members of FRS
SIC: 602 603
Small businesses or organizations
Mortgage credit and thrift insurance: 134 responses; 134 hours; \$1,594 Federal cost; 1 form; \$1,206 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202-395-6880

This form is used to register as a transfer agent, and to provide updating amendments to the Registration form. These are required under section 17A(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78Q4 1(C)). Part 341 of FDIC's rules and regulations (12 CFR 341)

governs the applicability of the law to banks under FDIC's jurisdiction.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202-377-6025.

Extensions (No Change)

- Application for Permission to Change Office Location

850

Nonrecurring

Businesses or other institutions

Savings and loan industry

SIC: 999

Mortgage credit and thrift insurance: 146 responses; 2,336 hours; \$4,285 Federal cost; 1 form; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

12 CFR 545.15 requires Federal associations to submit to the bank board applications to change the location of an existing branch office. The purpose of this application is to determine if the branch can be established at the new location without supervisory concern and undue injury to other local thrift institutions.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202-452-2983

Reinstatements

- Report of Bank Holding Company Intercompany Transactions and Balances

FRY-8

Semiannually

Businesses or other institutions

Domestic bank holding companies

SIC: 671

General Government: 672 responses; 10,282 hours; \$70,000 Federal cost; 1 form; \$308,448 public cost; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

The F.R. Y-8 is a report required of domestic bank holding companies with consolidated assets of \$300 million or more. The data are screened to identify fund flows, internal transactions, and balances that may have an adverse impact on the financial condition of the subsidiary bank(s).

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson—202-426-7304

New

- Technology and Basic Skills Videodisc—Microcomputer

Evaluation

ED-842

Other—see SF83

State or local governments

Elementary and secondary school staff
SIC: 941

Elementary, secondary, and vocational education: 1,980 responses; 90 hours; \$94,842 Federal cost; 2 forms; \$900 public cost; not applicable under 3504(h)

Richard Sheppard, 202-395-6880

Information is needed to support policy choices among technologies proposed for improving basic skills instruction. During 1982-83, data will be gathered on usage of videodisc-microcomputer systems for basic skills instruction, and specific courseware will be evaluated to assess the potential for this technology in the schools.

- Financial/Performance Report for the Incentive Grant

Program for FY-81

ED 716-1, 716-2

Annually

State or local governments

State education agencies

SIC: 941

Elementary, secondary, and vocational education: 116 responses; 116 hours; \$1,102 Federal cost; 2 forms; \$1,160 public cost; not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030

This form will be used to collect data on the incentive grant program, authorized by Pub. L. 94-142, section 619, for compliance monitoring of program activities and to prepare the annual report to the Congress.

- Request for collections assistance under federally insured

Student loan program

ED 1249-1

On occasion

Businesses or other institutions

Educational institutions acting as lenders

SIC: 822, 602, 603, 604, 605

Small businesses or organizations

Higher education: 43,000 responses; 21,500 hours; \$50,494 Federal cost; 1 form; \$172,000 public cost; not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030

The ed form 1249-1 is used by lenders to request skip trace assistance on delinquent student loans where the lender is unable to locate the student borrower.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202-566-1164.

New

- Request, Proposal and Acceptance Covering Construction

Contract Modification
GSA-1137

On occasion

Businesses or other institutions

Indiv., firms, and organ. who are

perform. on GSA const contr

SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179

Small Businesses or organizations

General property and records

management: 6,000 responses; 1,500 hours; \$5,490 Federal cost; 1 form; \$10,230 public cost; not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

GSA form 1137 provides a proposal covering contract modifications. The information is used to determine the acceptance or rejection of the proposal.

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc. 82-2957 Filed 2-5-82; 8:45 am]

BILLING CODE 3110-01-M

Agency Forms Under Review

February 3, 1982.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out; Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public; The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

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. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

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 of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have

comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Revisions

- Soil Conservation Service
Flood Damage Survey-Cropland
Drainage
SCS-WS-6
On occasion
Individuals or households/farms/
businesses or other institutions
Farms
SIC: 999
Small businesses or organizations
Water resources: 4,040 responses; 2,020
hours; \$103,020 Federal cost; 1 form;
not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The Watershed Protection and Flood Prevention Act (Pub. L. 83-566) authorized the Secretary of Agriculture to provide technical and financial help to local organizations in planning and carrying out watershed projects. Section 3 of the law directs the Secretary to determine whether benefits anticipated from project development exceeds costs. To this end, SCS carries out studies analyses in watershed areas.

Exentions (Burden Change)

- Economics and Statistics Service
Kentucky Burley Tobacco Objective
Yield Survey
Other—See SF83
Farms
Tobacco growers
SIC: 013
Small businesses or organizations
Agricultural research and services: 360
responses; 31 hours; \$12,000 Federal
cost; 8 forms; \$496 public cost; not
applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

Provides data from randomly selected burley tobacco fields on plant counts, leaf counts, measurements and weights. Indications from this survey are used in conjunction with monthly farm report (535-0002) to estimate burley tobacco yields in Kentucky. Estimates used by farmers, Government and tobacco related businesses in their marketing decisions.

Extensions (No Change)

- Agricultural Stabilization and
Conservation Service

Request for Long-Term Agreement—
Agriculture and Consumer Protection
Act

ACP-310

On occasion

Farms

Farmers and ranchers

SIC: 019, 191

Farm income stabilization: 10,000
responses; 5,000 hours; \$11,000 Federal
cost; 1 form; \$16,750 public cost; not
applicable under 3504(h)

Charles A. Ellett, 202-395-7340

This form is used by farmers when requesting approval of a long term agreement to perform practices (under ACP program) over a period of 3-10 years. According to an approved farm plan developed by SCS (Pub. L. 93-86).

Reinstatements

- Rural Electrification Administration
Request for Approval To Sell Capital
Assets
REA form 369
On occasion
Businesses or other institutions
REA electric borrowers
SIC: 491
Small businesses or organizations
Energy supply: 260 responses; 780 hours;
\$3,640 Federal cost; 1 form; \$9,360
public cost; not applicable under
3504(h)
Nell Minow, 202-395-7340

Since all capital assets of REA borrowers are ordinarily mortgaged or pledged to the Federal Government as loan security, this form provides a means whereby REA can approve the sale of those capital assets.

- Rural Electrification Administration
Uniform System of Accounts Prescribed
for Electric Borrowers of REA
REA 181-1
On occasion
Businesses or other institutions
REA Electric Borrowers
SIC: 491
Small businesses or organizations
Energy supply: 51,220 responses;
4,097,600 hours; \$926,190 Federal cost;
1 form; \$20,488,000 public cost; not
applicable under 3504(h)
Nell Minow, 202-395-7340

This bulletin prescribes the system of accounts to be used by REA electric borrowers to conform to Federal Energy Regulatory Commission requirements.

DEPARTMENT OF ENERGY

**Agency Clearance Office—John Gross—
202-633-9770.**

New

- Energy Information Administration

Annual Uranium Exploration Survey
EIA-717

Annually

Businesses or other institutions
Larger firms engaged in exploring for uranium

Sic: 999

Multiple functions: 130 responses; 325 hours; \$15,350 Federal costs; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

This annual survey is the only established system for collecting and reporting total U.S. uranium exploration costs. The data will permit uranium reserve additions to be related to exploration costs and drilling footages and will provide a useful measure for determining future levels of exploration expenditures necessary to insure an adequate domestic uranium supply. Collection will begin upon approval by OMB.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

- Research and Special Programs Administration
- Ram Shipper Registration With USNRC
- Nonrecurring
- Businesses or other institutions
- Shippers of radioactive materials
- Sic: 369, 281, 344, 361
- Other transportation: 2,600 responses; 1,300 hours; \$32,500 Federal costs; 1 form; not applicable under 3504(h)
- Donald Arbuckle, 202-395-7340

Used by the department to ascertain that shippers using packages approved by the USNRC for another person know the amount and type of material allowed in a package and will package the material in a safe and correct manner.

ACTION

Agency Clearance Officer—Richard D. English—202-254-8523

Revisions

- Project Profile and Volunteer Activity Survey Older American Volunteer Programs

A-1021

Annually

Businesses or other institutions
1090 project directors of OAVP

Sic: 833

Small businesses or organizations

Social services: 1,090 responses 13,080 hours; \$5,400 Federal costs; 1 form; not applicable under 3504(h)

Diane Wimberly, 202-395-6880

Annual survey is conducted to collect and update information from project

sponsors on number of volunteers, volunteers hours delivered, activities, volunteer stations, etc.

CONSUMER PRODUCT SAFETY COMMISSION

Agency Clearance Officer—Charles Casper—301-634-7770.

Extensions (no change)

- Certification and Labeling Requirements—Architectural Glazing Standard, 16 CFR S.1201.5(A)

Nonrecurring

Businesses or other institutions
Architectural glazing manufacturers

Sic: 321

Small businesses or organizations
Consumer and occupational health and safety: 4,500 responses 7,200 hours; \$0 Federal costs; 1 form; not applicable under 3504(h)

Mahesh Podar, 202-395-7340.

Regulations require that architectural manufacturers certify that their product meets the standard. The manufacturers therefore perform tests according to their quality control program and maintain these records as required to verify their certification.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202-632-7513

Revisions

- Application for Equipment Authorization—Radio Frequency Devices

FCC 731

On occasion

State or local governments

Domestic marketers and mfgs., and fgn. mfgs. of radio, etc.

Sic: 365, 366, 506

Small businesses or organizations.

Other Advancement and Regulation of Commerce: 8,500 responses; 212,500 hours; \$700,000 Federal cost; 1 form; not applicable under 3504(h)

William T. Adams, 202-395-4814

The form, when submitted with descriptive information, test data and sometimes test sample, comprise an application for approval of radio frequency equipment by the FCC. Such equipment may be a transmitter, receiver, low power communication device, or industrial, scientific and medical (ISM) device using radio frequency energy. Such application is required by FCC rules, principally for reduction of radio frequency interference caused by such devices.

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson—202-426-7304

Revisions

- FY 1984-86 State Plan Under Part B of the Education of the Handicapped Act, as Amended by Pub. L. 94-142 9055

Other—see SF83

State or local governments

State education agencies

Sic: 941

Elementary, Secondary, and Vocational Education: 58 responses; 1,450 hours; \$30,000 Federal cost; 1 form; \$14,500 public cost; not applicable under 3504(h)

- Federal Education Data Acquisition Council, 202-426-5030

Any State meeting the eligibility requirements of section 612, Pub. L. 94-142 may apply for participation in the part B, EHA State grant program by submitting an application as prescribed in ED 9055. The State plan also is used for compliance review and enforcement and a determination of technical assistance needs.

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Ms. D. Lynn Gordon—202-357-1202

Extensions (No Change)

- Compliance Questionnaire

Other—see SF83

Business or other institutions

Federal credit unions

Sic: 614

Small businesses or organizations

Mortgage Credit and Thrift Insurance: 3,000 responses; 9,000 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The purpose of this collection is to assist in determining and enforcing consumer law compliance in Federal credit unions. This collection is necessary due to the reduced staffing allocation for enforcement. Beginning date estimated January 1, 1982.

- 702.3 Full and Fair Disclosure Required 12 CFR 702.3

On occasion

Businesses or other institutions

Federal credit unions

Sic: 614

Small businesses or organizations

Mortgage Credit and Thrift Insurance: 12,578 responses; 301,872 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The regulation, which generally requires full and fair disclosure by an FCU of its financial condition to its members, requires FCU financial statements to disclose all assets, liabilities, member equity, all income and expenses. This is the statement of financial condition.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

Extensions (Burden Change)

• Physical Protection of Formula Quantities at Nonpower Reactors

Other—see SF83

Businesses or other institutions

NRC licenses

SIC: 483

Energy Information, Policy, and

Regulation: 15 responses; 1,200 hours;

\$58,600 Federal cost; 1 form; not

applicable under 3504(h)

Jefferson B. Hill, 202-395-7340

NRC proposes rulemaking change to affect changes in its regulations to require additional physical protection measures for formula quantities of strategic nuclear material used in operation of nonpower reactors.

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc. 82-3307 Filed 2-5-82; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 2, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

EnerServ Products, Inc. Common Stock, \$1 Par Value (File No. 7-6123)

Four-Phase Systems, Inc. Common

Stock, \$.04 Par Value (File No. 7-6124)

Hardwicke Companies, Inc., Common

Stock, \$1 Par Value (File No. 7-6125)

Integrated Energy, Common Stock, \$.01

Par Value (File No. 7-6126)

Iroquois Brands Ltd., Common Stock, \$1

Par Value (File No. 7-6127)

Mitel Corp., Common Stock, No Par

Value (File No. 7-6128)

OKC Corp., Common Stock, \$.25 Par

Value (File No. 7-6129)

Refrigerated Transport Co., Inc.,

Common Stock, \$.50 Par Value (File No. 7-6130)

SEDCO Inc., Common Stock, \$1 Par

Value (File No. 7-6131)

Supron Energy, Common Stock, \$1 Par

Value (File No. 7-6132)

Texas General Resources, Common

Stock, \$.10 Par Value (File No. 7-6133)

Texscan Corp., Common Stock, No Par

Value (File No. 7-6134)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 24, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-3303 Filed 2-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12210; 812-5022]

MB Canada Funding, Inc.; Filing of Application

February 3, 1982.

Notice is hereby given that MB Canada Funding, Inc. ("Applicant"), One Liberty Plaza, 165 Broadway, New York, NY 10080, a Delaware corporation, filed an application on November 24, 1981, and an amendment thereto on January 11, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting 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 was organized under the laws of Delaware on November 11, 1981. Its sole business will consist of selling Applicant's commercial paper ("Notes") in the United States and depositing the

proceeds of the sale of the Notes with Morgan Bank of Canada ("Morgan Canada"), a Canadian banking corporation. Applicant states that none of its outstanding common stock is or in the future will be owned by Morgan Canada or by Morgan Guaranty Trust Company of New York ("Morgan New York") or by an affiliate of either and that there has been, and that in the future there will be, no public offering of Applicant's common stock or of any other equity security of Applicant. Substantially all of the Applicant's assets will consist of a certificate of deposit of Morgan Canada evidencing Applicant's deposits (the "Deposits"). Prior to October 8, 1981, Morgan Canada was a Canadian financial corporation engaged in a limited range of banking activities under the name of J. P. Morgan of Canada Limited. In 1976, Morgan Canada applied for and received an order of the Commission exempting it from all the provisions of the Act pursuant to Section 6(c) of the Act (Release No. 9316, June 9, 1976).

Applicant represents that Morgan Canada is a wholly-owned subsidiary of J. P. Morgan Overseas Capital Corporation, a Delaware corporation which is a wholly-owned subsidiary of Morgan Guaranty International Finance Corporation. Morgan Guaranty International Finance Corporation in turn is a wholly-owned subsidiary of Morgan New York, a New York banking corporation and member bank of the Federal Reserve System. Morgan New York is a wholly-owned subsidiary of J. P. Morgan and Co., Incorporated, a Delaware corporation and a bank holding company registered under the Bank Holding Company Act of 1956. On October 8, 1981, Morgan Canada became a chartered Canadian banking corporation under the Bank Act of Canada (the "Bank Act").

According to the application, the principal business activities of Morgan Canada are: commercial loans; money market activities (primarily by investing and dealing in commercial paper and government obligations); and foreign exchange transactions. For the fiscal year ended October 31, 1980, loan activities accounted for approximately 52% of Morgan Canada's annual revenues, money market activities for approximately 39%, and foreign exchange transactions for approximately 2%, with the remaining approximately 7% accounted for by inter-bank operations. At the end of that fiscal year, Morgan Canada's consolidated assets were \$434,145,000 and its liabilities were \$410,676,000.

Applicant proposes to issue and sell in the United States short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act of 1933 by virtue of paragraph 3(a)(3) thereof. The Notes will be sold in minimum denominations of \$100,000, will have a maturity not exceeding 270 days, and will neither be payable on demand prior to maturity nor eligible for any extension, renewal, or automatic "rollover" at the option of either the holder or the issuer. Prior to their issuance, the Notes and any future issue of Applicant's debt securities offered for sale in the United States will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization. No such rating will be obtained with respect to an issue if, in the opinion of counsel, an exemption is available for the issue pursuant to Section 4(2) of the Securities Act of 1933.

Applicant also undertakes not to market the Notes before receiving an opinion of counsel to the effect that the proposed offering of commercial paper is entitled to the exemption afforded by Section 3(a)(3) of the Securities Act of 1933 from that Act's registration requirements. Applicant undertakes that, in respect of any future offerings of debt securities in the United States, it will obtain an opinion of counsel as to compliance with, or the availability of the exemption from, the registration provisions of the securities Act of 1933. Applicant has not requested Commission review or approval of counsel's opinion regarding the availability of an exemption under Section 3(a)(3) of that Act.

Applicant states that except for amounts needed to repay maturing Notes and to meet Applicant's expenses, Applicant will deposit all proceeds from the sale of the Notes with Morgan Canada. Applicant will issue Notes only in aggregate amounts substantially equal to the amounts of Deposits which Morgan Canada desires. Applicant believes, on the basis of estimates provided by Morgan Canada, that in the first year in which the Notes are issued the face amount outstanding will average approximately \$225,000,000.

Based upon representations made to Applicant by Morgan Canada, Applicant understands that the Deposits will be deposit liabilities of Morgan Canada and will rank at least *pari passu* with all other unsecured indebtedness of Morgan Canada, including other deposit liabilities except for deposits of, or any other liabilities for borrowed money to, the Government of Canada or any

Province of Canada. Morgan New York will unconditionally guarantee payment by Morgan Canada of amounts due in respect of the Deposits and it is Applicant's understanding that the guarantee of Morgan New York will rank *pari passu* with all other unsecured and unsubordinated indebtedness of Morgan New York, including its deposit liabilities except to the extent that such deposits are secured or subject to priorities created by New York State or Federal banking law.

Applicant states that the Notes will be offered publicly through one or more major dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in United States commercial paper markets. While an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertised. Applicant undertakes to ensure that each dealer in the Notes will furnish each offeree memoranda describing the business of Morgan Canada, Morgan New York and Applicant and providing the most recent annual and quarterly financial information for Morgan Canada and Morgan New York. Applicant represents that the memoranda prepared by each dealer will be updated promptly to reflect any material adverse changes in the financial status of Applicant, Morgan Canada or Morgan New York and will be at least as comprehensive as memoranda customarily used in offering commercial paper in the United States. In addition, Morgan Canada's financial information, including its most recent fiscal year-end balance sheet and full fiscal year income statement, updated as necessary, will have been audited in such a manner as is customary for Morgan Canada's auditors, accompanied by a description of any differences between Canadian accounting principles applied in the preparation of the financial statements therein and generally accepted accounting principles in the United States. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon Applicant's compliance with all of its undertakings regarding disclosure documents.

Applicant undertakes to select a major commercial bank to act as issuing and paying agent for the Notes (the "Depository"). As trustee for the benefit of holders of the Notes, the Depository may receive an assignment of all of Applicant's rights, title, and interest in and to the Deposits and a registered certificate of deposit of Morgan Canada

evidencing Applicant's Deposits and will receive an assignment of all of Applicant's rights, title, and interest in and to the Morgan New York guarantee of Morgan Canada's obligations. The Depository will receive proceeds from Applicant's sale of the Notes and collect payments made in respect of the Deposits upon maturity. Maturing Notes will be paid by the Depository from the foregoing sources.

Morgan Canada agrees to submit to the jurisdiction of any State or Federal Court in the City of New York, and Morgan Canada will authorize an agent in the City of New York to accept service of process in any action against Morgan Canada based on the Deposits. Applicant states that Morgan Canada's consent to jurisdiction, and appointment of an agent to accept service of process, will be irrevocable until all amounts due and to become due in respect of the Deposits have been paid.

Section 3(a)(3) of the Act defines investment company to mean any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percentum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Applicant states that under the Act's definition of security, the Deposits, which would constitute virtually all of Applicant's assets, might be deemed to be investment securities and accordingly, Applicant might be deemed to be an investment company subject to the Act's registration statement.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt and person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation 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.

The pending application states that a provision of the Bank Act prohibits Canadian banks owned by foreign parents from establishing foreign branches or subsidiaries. As a Canadian bank owned by a United States parent, Morgan Canada would be precluded from using a United States branch or subsidiary to effect sales of commercial paper in the United States. Applicant

contends that, while the option of establishing a branch or subsidiary in the United States to market commercial paper is not available to Morgan Canada because of the provisions of the Bank Act, Applicant's operations would be virtually identical to the operations of foreign bank subsidiaries which have been granted exemptions under Subsection 6(c) of the Act and, like the operations of those subsidiaries, would be conducted for the sole purpose of providing funds to a foreign bank which is not an investment company.

Applicant asserts that approval of this application is (i) necessary and appropriate in the public interest, (ii) consistent with the protection of investors, and (iii) consistent with the purposes of the Act and that the rationale for the exemptions granted to foreign bank subsidiaries in previous cases extends to Applicant as well, since Applicant's purpose, characteristics, and operations would be virtually identical to those of the subsidiaries of foreign banks to which the Commission previously has granted exemptions under the Act. Applicant further states that its limited business purpose and its obligation to invest only in Deposits, which are guaranteed by Morgan New York, obviate the need for the regulatory safeguards provided by the Act and that Applicant's only "investment" activity would be the purchase of a Canadian bank certificate of deposit guaranteed by one of the largest banks in the United States.

In addition, Applicant states that Morgan Canada is subject to a comprehensive bank regulatory scheme which, like the regulatory schemes applicable to banks in the United States, adequately protects depositors and that Applicant's operations do not lend themselves to the abuses against which the Act was directed—excessive management or brokerage fees, insider loans at highly favorable terms, and other forms of self-dealing. Applicant also contends that because the Notes will generate funds for "current transactions", will have a maturity of 270 days or less, exclusive of days of grace, and will neither be payable on demand nor provide for any extension, renewal, or automatic "rollover", the characteristics of the Notes themselves will limit the possible exposure of United States investors as well as the possibility of the abuses against which the Act is directed.

Finally, Applicant cites Section 3(c)(3) of the Act, which excludes from the definition of investment company under the Act any "bank" subject to supervision by State or Federal

regulatory agencies and states that Applicant's only investment will be in a certificate of deposit of Morgan Canada which will be unconditionally guaranteed by Morgan New York. Applicant states that, although it is not a "bank" as defined in Section 2(a)(5) of the Act, by limiting its investments to an instrument which is the functional equivalent of a deposit with Morgan New York, Applicant's business operations will provide safeguards against the abuses the Act proscribes equivalent to the safeguards provided by the operations of banks. Applicant states that since its business operations will be related to those of Morgan Canada and Morgan New York and Applicant's investments will be limited to purchasing a certificate of deposit of Morgan Canada guaranteed by Morgan New York, Applicant should be exempted from the Act to the same extent that Morgan Canada has been exempted from the Act by an order pursuant to Section 6(c) of the Act and that Morgan New York and other banks are exempted from the Act by Section 3(c)(3) of the Act. Applicant states that it does not believe that the Commission's grant of the exemption requested in the application would confer on Morgan Canada any advantage over United States banks in connection with issuances of a commercial paper.

Notice is further given that any interested person may, not later than March 1, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if

ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-3301 Filed 2-5-82; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 2, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Commodore International Ltd., Capital
Shares, \$1 Par Value (File No. 7-6121)

Ocean Drilling & Exploration Co.,
Common Stock, \$.50 Par Value (File
No. 7-6122)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 24, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-3304 Filed 2-5-82; 8:45 am]

BILLING CODE 8010-01-M

Scanner Energy Exploration Corp.; Order of Suspension of Trading

February 3, 1982.

It appearing to the Securities and Exchange Commission that there has been a lack of accurate and adequate

information concerning, among other things, the number of Scanner Energy Exploration Corporation shares outstanding, the identity of its current officers and directors and the current status of its assets and operations, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Scanner Energy Exploration Corporation.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that the suspension of trading on such securities will be effective at 1:30 p.m. on February 3, 1982 and terminate at midnight on February 12, 1982.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-3305 Filed 2-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18462; File No. SR-MSTC-82-1]

**Midwest Securities Trust Co.;
Proposed Rule Change Relating to an
Interface System Between the
Midwest Securities Trust Company
and the Depository Trust Company for
Settlement of Institutional Trades;
Self-Regulatory Organizations**

Comments requested on or before
March 1, 1982.

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 January 27, 1982, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's
Statement on the Terms of Substance of
the Proposed Rule Change**

The operations of the National ID System are summarized as follows:

1. Broker/dealer submission of trades may occur through T+2, using the national ID system format, via hard copy, telecommunication transmission, keypunch card, or magnetic tape.

2. Once submitted, trades will generate a legal confirmation for the broker, institution, agent bank, and money manager. Also provided for brokers is a Trade Error List, detailing trades with edit errors.

3. After trades have been input, it is the responsibility of the institution to

affirm the terms of the trade, via hard copy, telecommunication transmission, magnetic tape or the MST Communication System.

4. Affirmed trades will generate an Eligible Trade Report for the broker, institution, agent bank and money manager. Also, the broker will receive the Unaffirmed Report on the morning T+3 which reflects trades which have not yet been affirmed by the institution.

5. Trades which have been affirmed by T+3 and appear on the Eligible Trade Report will settle automatically within the depository interface system. Trades made between a participant of MSTC and a participant of DTC will be settled by an automatic book entry movement of securities, via the Third Party Interface, to the long (buying) participant. Trades made between two MSTC participants will be settled via an automatic book entry movement of securities on an inter-participant D.D.I. (Depository Delivery Instruction).

The National ID System will also have an "Interested Party" capability which will allow a maximum of two confirms to be generated for use by the institution to knowledge a trade with an investment advisor, plan manager, money manager, etc.

**II. Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

**A. Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change**

The Midwest Securities Trust Company (MSTC) and the Depository Trust Company (DTC) have entered into an agreement for the purpose of providing an interface between MSTC and DTC Systems for automatic settlement of trades between broker-dealer participants and institutional participants and institutions whose trades in such system are settled by a participant agent bank.

MSTC is availing itself of the DTC-operated Institutional Delivery System

(ID System) and is discontinuing the operation of its own system. The new system will be known as MSTC as the National Institutional Delivery System.

The purpose of the change in the MST System for automatic settlement of institutional trades is that the ID System will provide uniformity and standardization of procedures throughout the financial community for institutional trades.

The new procedure is consistent with Section 17A of the Act in that it will facilitate the linking of MSTC and DTC clearance and settlement facilities regarding institutional trades, thus promoting the prompt and accurate clearance and settlement of securities transactions and fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

**B. Self-Regulatory Organization's
Statement on Burden on Competition**

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change. Rather, it believes that it will encourage the linking of all markets in the development of a national clearance and settlement system.

**C. Self-Regulatory Organization's
Statement on Comments on the
Proposed Rule Change Received from
Members, Participants or Others**

Comments have neither been solicited nor received.

**III. Date of Effectiveness of the
Proposed Rule Change and Timing for
Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street,

Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L 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 on or before March 1, 1982.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: February 1, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-3302 Filed 2-5-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 790]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783) August 24, 1978, the Department is submitting its December 1980 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the *Federal Register* on August 24, 1978.

Dated: December 18, 1981.

John W. Kimball,

Director, Office of International Conferences.

United States Delegation to the Committee on Buffer Stock Operations International Natural Rubber Organization Kuala Lumpur, September 21-22, 1981

Representative

Fred W. Siesseger
Director
Resources Policy Division
Department of Commerce

Alternate Representative

James C. Todd
Chief
Industrial and Strategic Materials Division
Bureau for Economic and Business Affairs
Department of State

Advisers

Gregory F. Christopoulos

Office of Agricultural Affairs and Commodity Policy
Office of the U.S. Trade Representative
Executive Office of the President

Elizabeth Shelton
U.S. Embassy
Kuala Lumpur

Private Sector Advisers

Howard Chapel
Managing Director
Goodyear Orient Private Ltd.
Republic of Singapore
Harold Ross Miller
Managing Director
Goodrich Company Private Ltd.
Republic of Singapore

United States Delegation to the Committee on Buffer Stock Operations International Natural Rubber Organization (INRO) Kuala Lumpur, November 12-13, 1981

Representative

Frederic W. Siesseger
Resources Policy Division
Department of Commerce

Alternate Representative

James C. Todd
Bureau of Economic and Business Affairs
Department of State

Advisers

Gregory F. Christopoulos
Office of the U.S. Trade Representative
Executive Office of the President
Elizabeth Shelton
United States Embassy
Kuala Lumpur

Private Sector Advisers

Howard Chapel
Goodrich Orient Private Ltd.
Singapore
Howard Ross Miller
Goodyear Company Private Ltd.
Singapore

United States Delegation to the Council International Natural Rubber Organization (INRO) Kuala Lumpur, November 17-20, 1981

Representative

James C. Todd
Bureau of Economic and Business Affairs
Department of State

Alternate Representative

Frederic W. Siesseger
Resources Policy Division
Department of Commerce

Advisers

Gregory F. Christopoulos
Office of the U.S. Trade Representative
Executive Office of the President
Elizabeth Shelton
United States Embassy
Kuala Lumpur

Private Sector Adviser

Charles Smith
Firestone Tire and Rubber Company
Singapore

United States Delegation to the Annual Meeting of the International North Pacific Fisheries Commission (INPFC) Vancouver, British Columbia, November 3-6, 1981

Commissioners

The Honorable
Elmer Rasmuson
Chairman, U.S. Section
Chairman, National Bank of Alaska
Anchorage, Alaska

The Honorable
Dayton Alverson
Managing Partner
Natural Resources Consultants, Inc.
Seattle, Washington

The Honorable
Robert W. McVey
Director, Alaska Region
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Department of Commerce
Juneau, Alaska

The Honorable
Robert M. Thorstenson
Chairman, Icicle Seafoods
Seattle, Washington

Advisers

Christine L. Dawson
Office of Oceans and Fisheries Affairs
Bureau of Oceans and International Environmental and Scientific Affairs
Department of State
Douglas W. McCaleb
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Department of Commerce

Private Sector Advisers

Alvin Burch
Commercial Fisherman
Kodiak, Alaska
David Cline
National Audubon Society
Anchorage, Alaska

Gordon Jensen
Alaska Board of Fisheries
Petersburg, Alaska
Herman McDevitt
Pacific Regional Fishery Management Council
Pocatello, Idaho

Robert Moss
Commercial Fisherman
Homer, Alaska

United States Delegation to the Diplomatic Conference on Privileges and Immunities International Maritime Satellite System (INMARSAT) London, November 9-17, 1981

Representative

Horace F. Shamwell, Jr.
Deputy Assistant Legal Adviser for Management
Office of the Legal Adviser
Department of State

Adviser

Edward R. O'Connor
United States Embassy
London

Private Sector Adviser

Robert D. Bourne
Communications Satellite Corporation
Washington, D.C.

United States Delegation to the Thirty-Third Session of the Subcommittee on the Carriage of Dangerous Goods of the Intergovernmental Maritime Consultative Organization (IMCO) London, December 7-11, 1981

Representative

Keith B. Schumacher, Captain, USCG
Chief, Cargo and Hazardous Materials Division
Office of Merchant Marine Safety United States Coast Guard
Department of Transportation

Alternate Representative

Kevin J. Eldridge, Lieutenant, USCG
Cargo and Hazardous Materials Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Advisers

John P. Aherne
Cargo and Hazardous Materials Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Edward A. Altemos
International Standards Coordinator
Materials Transportation Bureau
Department of Transportation

Harvey Clew
Shipping Attache
American Embassy
London

Private Sector Advisers

Michael T. Bohlman
Sea-Land Services, Inc.
Elizabeth, New Jersey
Donald W. Gates
National Cargo Bureau, Inc.
New York, New York

United States Delegation to the Second Session of the Assembly International Maritime Satellite System (INMARSAT), London, November 23-25, 1981

Representative

Arthur L. Freeman
Director
Office of International Communications Policy
Bureau of Economic and Business Affairs
Department of State

Advisers

John Gilsean
Common Carrier Bureau
Federal Communications Commission
Edward O'Connor
American Embassy
London

Private Sector Adviser

Robert D. Bourne
Communications Satellite Corporation
Washington, D.C.

United States Delegation to the Committee on Other Measures, International Natural Rubber Organization (INRO), Kuala Lumpur, November 11, 1981

Representative

James C. Todd
Bureau of Economic and Business Affairs
Department of State

Alternate Representative

Frederic W. Siesseger
Resources Policy Division
Department of Commerce

Advisers

Gregory F. Christopolous
Office of the U.S. Trade Representative
Executive Office of the President

Elizabeth Shelton
United States Embassy
Kuala Lumpur

Private Sector Advisers

Howard Chapel
Goodyear Orient Private Ltd.
Singapore
Harold Ross Miller
Goodrich Company Private Ltd.
Singapore
Charles Smith
Firestone Tire and Rubber Company
Singapore

United States Delegation to the Executive Committee (60th Session) of the Council (47th Session) of the Intergovernmental Committee for Migration (ICM), Geneva, November 20-December 2, 1981

Representative

The Honorable Richard D. Vine
Ambassador
Director, Bureau for Refugee Programs
Department of State

Alternate Representatives

The Honorable Geoffrey Swaebe
Ambassador
United States Mission
Geneva

Don C. Eller
Deputy Chief of Mission
United States Mission
Geneva

Advisers

Karl S. Beck
Counselor for Humanitarian and Refugee Affairs
United States Mission
Geneva

John A. Buche
Deputy Counselor for Humanitarian Affairs
United States Mission
Geneva

Sam I. Feldman
District Director for Europe
United States Immigration and Naturalization Service.

Frank Moss
Bureau for Refugee Programs
Department of State

Congressional Advisers

The Honorable Romano L. Mazzoli

United States House of Representatives.
The Honorable F. James Sensenbrenner, Jr.
United States House of Representatives

Congressional Staff Advisers

Garner J. Cline
House Judiciary Committee
United States House of Representatives
Peter Regis
House Judiciary Committee
United States House of Representatives

Private Sector Adviser

Father Harold Bradley
Director, Center for Immigration Policy
Georgetown University
Washington, D.C.

United States Delegation to the Thirty-Eighth Session of the International Conference on Education International Bureau of Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO/IBE) Geneva, November 10-19, 1981

Representative

The Honorable
John H. Rodriguez, Ph.D.
Deputy Under Secretary for
Intergovernmental and Interagency Affairs
Department of Education

Alternate Representative

The Honorable
Robert Worthington, Ph.D.
Assistant Secretary for Vocational and Adult Education
Department of Education

Advisers

Stewart Tinsman, Ed.D.
Acting Director, International Affairs Services
Department of Education
Raymond Wanner, Ph.D.
Education Attache
U.S. Permanent Delegation to UNESCO
Paris

Private Sector Advisers

Anne Campbell, Ed.D.
Commissioner of Education
Department of Education
Lincoln, Nebraska
Joseph L. Knutson, Ph.D.
President Emeritus, Concordia College
Moorhead, Minnesota
William Stevenson, Ed.D.
Superintendent, Shore School District
Seattle, Washington

United States Delegation to the Eleventh General Assembly of the Organization of American States (OAS) Castries, Saint Lucia, December 2-11, 1981

Representatives

The Honorable
Alexander M. Haig, Jr. (Chairman)
Secretary of State
The Honorable
Thomas O. Enders (Vice Chairman)
Assistant Secretary of State for Inter-American Affairs
The Honorable

J. William Middendorf, II (Vice Chairman)
Permanent Representative of the United
States to the Organization of American
States

Alternate Representatives

The Honorable
Milan D. Bish
Ambassador
United States Embassy
Bridgetown
Everett E. Briggs
Deputy Assistant Secretary for Inter-
American Affairs
Department of State
Herbert B. Thompson
Deputy Permanent Representative of the
United States to the Organization of
American States
Philip K. Johnson
Alternate Representative of the United States
to the Organization of American States
Owen B. Lee
Alternate Representative of the United States
to the Organization of American States
Robert Shuler
Alternate Representative of the United States
to the Organization of American States
Donald E. Stewart
Alternate Representative of the United States
to the Organization of American States
Ernesto Uribe
Alternate Representative of the United States
to the Organization of American States

Advisers

Joshua Bolten
Office of the Legal Advisor for Inter-
American Affairs
Department of State
Sherwood R. Goldberg
Executive Assistant to the Secretary of State
Robert Kohn
Director, Latin American Affairs
United States Trade Representative
Randolph Marcus
Economic Adviser
United States Mission to the Organization of
American States
Paul J. Saxton
Public Affairs Officer
United States Embassy
Panama

**Proposed Delegations to Meetings of Citel
Working Groups Lima, November 30-
December 4, 1981**

Working Group on Planning

Delegate

Jack D. Smith
Deputy Bureau Chief
Common Carrier Bureau
Federal Communications Commission

Private Sector Advisors

Cecil Crump
Overseas Department
AT&T Long Lines
Morris Plains, New Jersey
Thomas Sorge
Director of Latin American Affairs
RCA Global Communications
New York, New York

Working Group on Tariffs

Delegate

Kenneth A. Levy
Tariff Division
Common Carrier Bureau
Federal Communications Commission

Private Sector Advisors

Joseph F. S. Araujo
Director, Rates
Tariff Department
Western Union International
New York, New York
Richard G. Brolly
Vice President and Director
International Agreements and Arrangements
ITT World Communications
New York, New York
John C. Cahill, Jr.
Director
International Traffic Relations
TRT Telecommunications Corporation
Washington, D.C.
Richard J. Szigety
Manager, Rates and Tariffs
FTC Communications
New York, New York
Carmine Tagliatella
Manager of Service Tariffs
RCA Global Communications
New York, New York

**United States Delegation to the First Meeting
of the Joint Working Party SMM (Maritime
Mobil Service) International Telephone and
Telegraph Consultative Committee (CCITT)
International Telecommunication Union (ITU)
Geneva, November 9-13, 1981**

Representative

Earl S. Barbely
Federal Communications Commission
Washington, D.C.

Private Sector Advisors

Richard Brolly
International Telephone and Telegraph
Company
New York, New York
John Klotsche
RCA Globecom
New York, New York
Ronald Sabecek
TRT Telecommunications Corporation
Washington, D.C.
Peter Scott
American Telephone and Telegraph Co.
Morris Plains, New Jersey
Edward Slack
Communications Satellite Corporation
Washington, D.C.

**Proposed United States Delegation to the
Annual Meeting of the International
Commission for the Conservation of Atlantic
Tuna (ICCAT) Tenerife, Canary Islands,
November 2-17, 1981**

Commissioners

The Honorable
Carmen J. Blondin
Chairman, U.S. Section
Director for International Fisheries Affairs
National Marine Fisheries Service

National Oceanic and Atmospheric
Administration
Department of Commerce
The Honorable
Frank B. Carlton
Executive Secretary
National Coalition for Marine Conservation
Savannah, Georgia
The Honorable
John McGowan
Consultant
Castle and Cooke, Inc.
San Francisco, California

Advisors

Brian S. Hallman
Office of Oceans and Fisheries Affairs
Bureau of International Environmental and
Scientific Affairs
Department of State
Barbara Rotschild
National Marine Fisheries Service
National Oceanic and Atmospheric
Administration
Department of Commerce
Gary T. Sakagawa
National Marine Fisheries Service
National Oceanic and Atmospheric
Administration
Department of Commerce
Richard Stone
National Marine Fisheries Service
National Oceanic and Atmospheric
Administration
Department of Commerce
Private Sector Advisors

Private Sector Advisors

Gordon C. Broadhead
Living Marine Resources
San Diego, California
August Felando
American Tuna Boat Association
San Diego, California
Frank Mather
Woods Hole Oceanographic Institution
Woods Hole, Massachusetts

**United States Delegation to the Fourth
Meeting of the Operations Panel of the
International Civil Aviation Organization
(ICAO) Montreal, November 16 to December
4, 1981**

Panel Member

Thomas Imrich
Flight Standards Division
Northwest Mountain Region
Federal Aviation Administration
Seattle, Washington

Alternate Member

Jerald Davis
Flight Technical Programs Branch
Federal Aviation Administration
Washington, D.C.

Adviser

Claude G. Pettyjohn, Major
Headquarters AFCC/FFOS
Scott Air Force Base, Illinois

Private Sector Advisors

James Forgas
Air Line Pilots Association
Washington, D.C.

Lawrence Gillespie
Air Transport Association of America
Washington, D.C.

United States Delegation to the Meeting of the International Telephone and Telegraph Consultative Committee (CCITT) Study Group XVII, International Telecommunication Union (ITU) Geneva, November 23-30, 1981

Representative

Thijs de Haas, National Telecommunication and Information Administration, Department of Commerce, Boulder, Colorado

Adviser

Frank McLelland, National Communications Systems, Arlington, Virginia

Private Sector Advisers

Claude C. Kleckner, American Telephone & Telegraph Co., Basking Ridge, New Jersey
Daale M. Walsh, General DataComm Industries, Danbury, Connecticut

Proposed United States Delegation to the Annual Meeting of the International North Pacific Fisheries Commission (INPFC) Vancouver, British Columbia, November 3-6, 1981

Commissioners

The Honorable Elmer Rasmuson, Chairman, U.S. Section, Chairman, National Bank of Alaska, Anchorage, Alaska

The Honorable Dayton Alverson, Managing Partner, Natural Resources Consultants, Inc., Seattle, Washington

The Honorable Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Juneau, Alaska

The Honorable Robert M. Thorstenson, Chairman, Icicle Seafoods, Seattle, Washington

Advisors

Christine L. Dawson, Office of Oceans and Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Douglas W. McCaleb, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Alvin Burch, Commercial Fisherman, Kodiak, Alaska

David Cline, National Audubon Society, Anchorage, Alaska

Gordon Jensen, Alaska Board of Fisheries, Petersburg, Alaska

Herman McDevitt, Pacific Regional Fishery Management Council, Pocatello, Idaho

Robert Moss, Commercial Fisherman, Homer, Alaska

United States Delegation to the Second Session of the Regional Administrative MF (AM) Broadcasting Conference, International Telecommunications Union (ITU), Rio De Janeiro, Brazil, November 9 to December 18, 1981

Representative

Kalman Schaefer, Assistant to the Chairman for International Communications, Federal Communications Commission

Alternate Representatives

William H. Jahn, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State

Wilson A. La Follette, Technical and International Branch, Broadcast Bureau, Federal Communications Commission

Advisers

John J. Boursy, Broadcast Facilities Division, Broadcast Bureau, Federal Communications Commission

James R. Carroll, Frequency Management Office, Department of the Navy

Anna L. Case, Frequency Division, Voice of America, International Communication Agency

Douglas Crombie, National Telecommunications and Information Administration, Department of Commerce
Rick Engleman, Field Operators Bureau, Federal Communications Commission

William H. Hassinger, Engineering Adviser to the Chief of the Broadcast Bureau Federal Communications Commission

William Meintel, Technical and International Branch, Broadcast Bureau Federal Communications Commission

Larry W. Olson, Technical and International Branch, Broadcast Bureau, Federal Communications Commission

Steven Selwyn, Office of Science and Technology, Federal Communications Commission

Louis C. Stephens, Policy and Rules Division, Broadcast Bureau, Federal Communications Commission

Henry Straube, Broadcast Facilities Division, Broadcast Bureau, Federal Communications Commission

Congressional Adviser

The Honorable Charles Rose, House of Representatives

Congressional Staff Adviser

Joan Teague, Director, House Broadcasting System, House of Representatives

Private Sector Advisers

Elizabeth L. Dahlberg, Lohnes and Colver Consulting Engineers, Washington, D.C.

Donald G. Everist, Electrical Engineer, Cohen Dippell, Washington, D.C.

Wallace E. Johnson, Executive Director, Association for Broadcast Engineering Standards, Washington, D.C.

Vincent Pepper, Attorney, Smith and Pepper, Washington, D.C.

United States Delegation to the Committee on Administration International Natural Rubber Organization (INRO) Kuala Lumpur, November 10-11, 1981

Representative

James C. Todd, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Frederic W. Siesseger, Resources Policy Division, Department of Commerce

Advisers

Gregory F. Christopolous, Office of the U.S. Trade Representative, Executive Office of the President

Elizabeth Shelton, United States Embassy, Kuala Lumpur

Private Sector Advisers

Howard Chapel, Goodyear Orient Private Ltd., Singapore

Harold Ross Miller, Goodrich Company Private Ltd., Singapore

Charles Smith, Firestone Tire and Rubber Company, Singapore

United States Delegation to the Steel Committee, Working Party Organization for Economic Cooperation and Development (OECD) Paris, November 16-17, 1981

Representative

J. D. Darroch, Office of Basic Industries, Department of Commerce

Advisers

Mary Chavez, Office of International Trade, Department of the Treasury

Dennis Finnerty, Bureau of Economic and Business Affairs, Department of State

Joseph Papovich, Bureau of International Labor Affairs, Department of Labor

Private Sector Advisers

Frank Fenton, Vice President, American Iron and Steel Institute, Washington, D.C.

William Hoppe, Manager Economic Studies, Bethlehem Steel Corp., Bethlehem, Pennsylvania

William J. Pendelton, Director of Corporate Affairs, Carpenter Technology, Reading, Pennsylvania

Jack Sheehan, Director, Legislative Department, United Steelworkers of America, Washington, D.C.

United States Delegation to the Thirteenth Session of the Committee on Tungsten, United Nations Conference on Trade and Development (UNCTAD) Geneva, December 7-11, 1981

Representative

Frederic W. Seisseger, Director, International Resources Division, Department of Commerce

Alternate Representative

Frederick McEldowney, Office of the U.S. Trade Representative, Geneva

Adviser

Phillip Stafford, Bureau of Mines, Department of the Interior

Private Sector Adviser

Louis Brooks, Union Carbide Corporation,
London

United States Delegation to the Forth-Fifth Session of the Maritime Safety Committee (MSC), Intergovernmental Maritime Consultative Organization (IMCO) London, November 11-18, 1981

Representative

Clyde T. Lusk, Jr., Rear Admiral, USCG,
Chief, Office of Merchant Marine Safety,
United States Coast Guard, Department of
the Treasury

Alternate Representative

Daniel F. Sheehan, Technical Adviser, Office
of Merchant Marine Safety, United States
Coast Guard, Department of
Transportation

Advisers

Donald J. Kerlin, Technical Adviser,
Merchant Marine Technical Division,
United States Coast Guard, Department of
Transportation

Gerard P. Yoest, International Affairs Staff,
United States Coast Guard, Department of
Transportation

Private Sector Advisers

William H. Hannan, Vice President,
American Bureau of Shipping, New York,
New York

Edward H. Middleton, Technical Adviser,
Maritime Institute for Research and
Industrial Development, Washington, D.C.

*Office of International Conferences,
Department of State.*

December 14, 1981.

[FR Doc. 82-3315 Filed 2-5-82; 8:45 am]

BILLING CODE 4710-19-M

DEPARTMENT OF TRANSPORTATION**Coast Guard**

[CGD82-009]

IALA Maritime Buoyage System

AGENCY: Coast Guard, DOT.

ACTION: Notice of informational meetings on IALA Buoyage System (B).

SUMMARY: The Coast Guard will hold meetings with the public to present information concerning plans to modify the U.S. buoyage system to conform with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System (B). The meetings will provide an opportunity for the public and Coast Guard officials to discuss the proposed changes and how they could affect the marine industry and the boating public. The IALA Buoyage System calls for changing the color or rhythm, or both, of some lighted aids,

and the color of some buoys. Details concerning the changes, and the plan for painting buoys without additional funding will be presented for oral comments from the public. Those who wish to present oral comments at the meeting are requested to advise the Coast Guard at the address or telephone number listed under "For Further Information" and indicate how long they expect to talk.

DATES: The informational meetings will be held as follows: Washington, DC on March 9, 1982 at 10:00 a.m.; Cleveland, OH on March 11, 1982 at 1:30 p.m.; San Francisco, CA on March 25, 1982 at 10:00 a.m.; New Orleans, LA on March 30, 1982 at 10:00 a.m. Written comments will be accepted until April 9, 1982.

ADDRESSES: The informational meetings will be held at the following locations:

U.S. Coast Guard Headquarters, Rm 3201, 2100 Second Street SW, Washington, D.C.
Ninth Coast Guard District, Auditorium, 31st Floor, 1240 East 9th St., Cleveland, OH

Twelfth Coast Guard District, Rm 524, 630 Sansome St., San Francisco, CA
U.S. Coast Guard Base New Orleans, 4640 Urquhart St., New Orleans, LA

Written comments may be submitted to Commandant (G-NSR/14 CGD 82-009) U.S. Coast Guard Headquarters, 2100 Second St., SW, Washington, DC 20593. Comments will be available for examination at the Marine Safety Council (G-CMC/44 CGD 82-009), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, DC 20593, between 7 a.m. and 5 p.m. Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT:

Capt. Robert C. Williams (G-NSR/14) U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C. 20593, (202) 426-1973, 7 a.m. to 5 p.m., Monday through Thursday, except holidays.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

February 3, 1982.

[FR Doc. 82-3257 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-14-M

[GD 82-012]**Inland Navigational Rules Act of 1980; Effective Date for Great Lakes**

AGENCY: Coast Guard, DOT.

ACTION: Notice of effective date.

SUMMARY: This notice establishes the

effective date of the Inland Navigational Rules Act of 1980 for the Great Lakes. The effective date is July 1, 1982.

EFFECTIVE DATE: The effective date of the Inland Navigational Rules Act of 1980 for the Great Lakes is July 1, 1982.

FOR FURTHER INFORMATION CONTACT:

Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593, (202) 426-4958.

SUPPLEMENTARY INFORMATION: The Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 94 Stat. 3415) unified the existing inland navigation rules and brought the unified rules into closer conformance with the International Regulations for Preventing Collisions at Sea. This new law was enacted on December 24, 1980, and stated that except for the Great Lakes, the new Inland Navigation Rules would become effective one year from the date of enactment. The Act requires the Secretary of Transportation to establish the effective date for the Great Lakes. The authority to establish this effective date has been delegated from the Secretary of Transportation to the Commandant of the Coast Guard. (49 CFR 1.46(n)(14)).

This flexibility in the effective date for the Great Lakes was provided to accommodate anticipated Canadian legislation paralleling the new United States Inland Rules, so that both the new United States and the new Canadian navigation rules for the Great Lakes could become effective at the same time. The Canadian government has recommended that July 1, 1982 be the effective date. Earlier, an April 1 effective date had been informally planned but because of unexpected delays in the implementation of new Canadian legislation, that date had to be moved up to July 1. The effective date gives adequate notice to Great Lakes mariners and is acceptable to the United States.

The effective date of the Inland Navigational Rules Act of 1980 on the Great Lakes is hereby established as July 1, 1982.

(Sec. 7, Pub. L. 96-591; 49 CFR 1.46(n)(14))

Dated: February 2, 1982.

R. A. Bauman,

Rear Admiral, Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-32 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration**Advisory Circular on Radio Technical Commission for Aeronautics (RTCA) Document DO-178**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of draft Advisory Circular (AC) and request for comments.

SUMMARY: The draft Advisory Circular is intended to provide guidance on the use of RTCA document DO-178 when seeking certification of installed airborne computers programmed for the control of any aircraft system.

DATE: Commenters must identify file AC 00-XX number and comments must be received on or before April 9, 1982.

ADDRESS: Send all comments in duplicate on the draft Advisory Circular to: Federal Aviation Administration, Attention: Systems Branch (AWS-130), 800 Independence Avenue SW., Washington, D.C. 20591, or delivered in duplicate to Room 334, 800 Independence Avenue SW., Washington, D.C. 20591. Comments delivered must be marked file number AC 00-XX. Comments may be inspected at Room 331B, FAA Headquarters Building (FOB-10A), between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Frank C. Rock, Chief, Systems Branch, (AWS-130), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426-8395.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Comments are solicited on all aspects of the draft Advisory Circular. A copy of the draft advisory circular may be obtained by contacting the person identified under "For Further Information Contact."

Issued in Washington, D.C. on February 1, 1982.

M. C. Beard,

Director of Airworthiness.

Subject: Radio Technical Commission for Aeronautics (RTCA) Document DO-178

1. **Purpose.** This Advisory Circular (AC) calls attention to the Radio Technical Commission for Aeronautics (RTCA) Document DO-178, Software Considerations in Airborne Systems and Equipment Certification. It discusses how the document may be applied with FAA Technical Standard Order (TSO), Type Certification (TC), and Supplement Type Certification (STC) authorizations

2. **Cancellation:** None.

3. **Related FAR Sections.** FAR Part 21, Subpart O.

4. **Background:** RTCA Document DO-178 was issued November 1981 to establish software considerations for developers, installers and users when the aircraft equipment design is implemented using microcomputer techniques. It is expected that future avionics designs will make extensive use of this technology. The RTCA document outlines verification, validation, documentation and maintenance procedures to be used in microcomputer systems.

5. **Use of DO-178 Procedures.** An applicant for a TSO, TC or STC authorization for any electronic equipment or digital computer system may use the considerations outlined in RTCA Document DO-178 as a means, but not the only means, to secure FAA approval.

6. **Where To Obtain Copies of RTCA Document DO-178.** Copies of DO-178 may be obtained from: RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006.

[FR Doc. 82-3170 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-13-M

[Docket No. 82-ASW-1AC]**Costruzioni Aeronautiche Giovanni Agusta; Model A109A II Helicopter; Aircraft Certification and Availability of Documents**

The formal certification process for Agusta Model A109A II helicopter initiated in March 1981 was completed December 5, 1981.

The Chief, Aircraft Certification Office, ANE-100E, Europe, Africa and Middle East has reviewed a document entitled "Decision Basis for the Type Certification of the Agusta Model A109A II Helicopter."

Based on this summary of the certification process, the Chief, Aircraft Certification Office, has approved issuance of Type Certificate H7EU, amended December 4, 1981, to add the Model A109A II helicopter.

A copy of the Decision Basis for the Type Certification of the Agusta Model A109A II Helicopter is on file in the FAA Rules Docket. The Decision Basis includes a copy of the Type Certificate H7EU. The report is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. Copies of the report may be obtained from the Chief, Aircraft Certification Office, ANE-100E, Europe, Africa, and Middle East, Federal Aviation Administration, c/o American Embassy, APO New York 09667.

Issued in Fort Worth, Texas on January 27, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-2991 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

[FHWA-WA-EIS-80-06-D]

Environmental Impact Statement; Snohomish County, Washington

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of withdrawal.

SUMMARY: The FHWA is issuing this notice to advise agencies and the public that a Final Environmental Impact Statement for the proposed improvement of the Mukilteo Ferry Terminal and WA-525 in the City of Mukilteo, Snohomish County, Washington, will not be completed. Notice of the availability of the Draft EIS was published in the December 12, 1980 Federal Register. The preferred long-range solution for this project has been indefinitely postponed due to unresolved financial, environmental and mixed community concerns.

FOR FURTHER INFORMATION CONTACT:

William J. Glover, Environmental Engineer, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capitol Way, Olympia, Washington 98501, Telephone: (206) 753-9480.

Issued on: January 28, 1982.

William J. Glover,

Environmental Engineer, Washington Division, Olympia, Washington.

[FR Doc. 82-3011 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-22-M

Federal Highway Administration**Urban Mass Transportation Administration****State Management Plan for Public Transportation in Nonurbanized Areas (Section 18 Program)**

AGENCY: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice.

SUMMARY: This Notice informs States that they have the option to administer the Formula Grant Program for Areas Other Than Urbanized Areas (Section 18 of the Urban Mass Transportation Act) under an approved State Management Plan (SMP). It also provides guidance on the content and approval of the SMP.

EFFECTIVE DATE: The SMP option is effective on March 10, 1982.

FOR FURTHER INFORMATION CONTACT:

FHWA—Douglas J. McKelvey, Program Management Division (202) 426-0153, or Lee J. Burstyn, Office of the Chief Counsel, (202) 426-0754; or UMTA—

Catherine A. Regan, Office of Transit Assistance, (202) 426-2053 or Douglas G. Gold, Office of the Chief Counsel (202) 426-1909. The FHWA and UMTA are located at 400 Seventh Street, SW, Washington, D.C. 20590. The FHWA office hours are from 7:45 a.m. to 4:15 p.m. and UMTA office hours are from 8:30 a.m. to 5:00 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 18 was added to the Urban Mass Transportation Act by Section 313 of the Surface Transportation Assistance Act of 1978, 92 Stat. 2748, Pub. L. 95-599. The purpose of this Notice is to inform States that they have the option of administering the Formula Grant Program for Areas Other Than Urbanized, Section 18, under an approved SMP. The SMP describes the State's procedures for managing the Section 18 program. The SMP is an agreement which identifies the State's procedures and responsibilities in administering the Section 18 program. Prior to implementing the SMP procedures, the State must indicate in writing its desire to pursue the option and its willingness to accept its responsibilities. The Division Administrator shall then determine if the State has the ability to meet those responsibilities consistent with 23 CFR 825.

Background

An SMP approach was envisioned from the beginning of the Section 18 program. The FHWA and UMTA agreed to the approach in a joint Memorandum of Understanding dated November 30, 1978. The concept of an SMP was included in the December 14, 1978 letter to the Governors announcing the Section 18 program. A final rule for the Section 18 program was issued on an emergency basis on December 13, 1978 (43 FR 58308) and codified at 23 CFR Part 825. The regulation did not discuss the SMP.

Section 18(f) provides that grants are to be subject to such terms and conditions as the Secretary of Transportation may prescribe. The SMP is offered as an option and alternative to the project-by-project review provided by Part 825. The SMP process is similar to the certification acceptance (CA) procedures developed under the Federal-aid highway program.

Under an approved SMP, the State's authority and responsibilities increase and FHWA involvement decreases. The FHWA would no longer review every requirement for every project. The FHWA's role would be limited primarily to:

1. Reviewing and approving the annual program of projects.
2. Authorizing funds for projects developed under SMP procedures.

3. Monitoring State procedures and projects for compliance with the SMP.

The UMTA role would be limited to:

1. Providing advice and guidance to the FHWA on the implementation of the program.

2. Conducting periodic management reviews of the Section 18 program of projects in consultation with the FHWA.

Experience with managing the Section 18 program indicates that an SMP would not be appropriate for all States. Therefore, given that experience, the SMP is offered as an option to the States. We believe that this option will reduce paperwork (for those States that adopt it) and is a responsive approach to State and local needs. If a State does not adopt the SMP option, the Division Administrator would continue to approve the annual program of projects and each project under existing procedures.

State Management Plan Guidelines

The following are guidelines for the development and review of the SMP. The SMP should declare that the State and other project applicants will comply or assure compliance with the requirements of Appendices A and B of 23 CFR Part 825. The SMP should also describe how the State will comply or assure compliance with the Appendices. The SMP should also include:

1. The name and organization of the agency designated by the Governor to administer the Section 18 program.

2. A description of the State's goals and objectives of the program and the criteria for fairly and equitably distributing Section 18 funds within the State, including Indian reservations. The description should identify any consultations with State agencies, local governments, and the public that may have occurred in establishing these objectives and criteria.

3. A description of and rationale for the criteria for project selection and approval.

4. A description of the State's plan for providing technical and management assistance. Specific technical assistance projects do not need to be described in the SMP but should be included in the annual program of projects.

5. A description of how the State-designated agency will coordinate the implementation of this program with other appropriate State agencies, particularly social service agencies and other federally funded transportation services.

6. A description of the procedures to be used for contracting and vehicle procurement. These procedures must comply with the Office of Management and Budget Circular A-102, Attachment O.

7. A description of the State's procedures for encouraging participation by private providers at the beginning of the local planning process and in the provision of service. Also, the State should describe its procedures for hearing and resolving complaints from transportation providers.

8. A description of the State's monitoring and evaluation procedures, including reporting requirements, if any, for local projects. Reporting requirements should be kept to a minimum.

These descriptions should be brief. If other available documents contain a description, a reference is sufficient.

Approval

In accord with the December 1978 Memorandum of Understanding between FHWA and UMTA, those States that adopt the option should forward the SMP to the FHWA Division Administrator for review and approval. The Division Administrator will provide the opportunity for the FHWA's and the UMTA's regional offices to review and comment on the SMP prior to approval. The Division Administrator is authorized to approve the SMP. The Division Administrator may approve some or all of the SMP and use SMP procedures only for the approved portions.

If there are new Federal requirements, or if the State makes a significant change in its procedures, the SMP shall be amended. Amendments require the Division Administrator's approval. Approval of the SMP does not constitute approval or rejection of any individual project. Under an approved SMP, the Division Administrator will continue to review and approve the annual program of projects. Projects developed under the procedures of an approved SMP will be authorized for Federal funding by the Division Administrator at the State's written request. However, each project's compliance with the provisions of 23 CFR Part 771 (environment), 42 U.S.C. 2000d (civil rights), and 42 U.S.C. 460 *et seq.* (right-of-way) shall be ascertained by the FHWA Division Administrator prior to authorization.

If the Division Administrator determines that the State is not fulfilling its responsibilities in accordance with the SMP, he/she may withdraw some or all of the approval. If the Division Administrator determines that a project

is not satisfying the Federal requirements, he/she may deauthorize the project.

Monitoring

The FHWA Division Administrator shall monitor the State's procedures and projects to insure compliance with the SMP and Federal regulations. The Division Administrator shall consult the regional offices of FHWA and UMTA regarding periodic management reviews of the Section 18 program and projects. The State should monitor projects in accordance with the procedures in its SMP.

Reporting

There are no new Federal reporting requirements under the SMP. State reporting requirements should be kept to a minimum.

(Catalog of Federal Domestic Assistance Program Number 20.509, Public Transportation for Rural and Small Urban Areas, Federal Highway and Urban Mass Transportation Administrations. The provisions of OMB Circular A-95 regarding State clearinghouse review of Federal and federally assisted programs and projects apply to these programs)

Issued on: February 1, 1982.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 82-3254 Filed 2-5-82; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 82-26]

Cancellation of Customhouse Broker's License No. 4951

Notice is hereby given that the Commissioner of Customs, on January

22, 1982, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and Part 111 of the Customs Regulations, as amended (19 CFR Part 111) cancelled with prejudice the individual customhouse broker's license No. 4951 issued to Robert L. Andersen, Seattle, Washington, on May 30, 1974, for the Customs District of Seattle, Washington. The decision is effective as of January 22, 1982.

William T. Archey,

Acting Commission of Customs.

January 22, 1982.

[FR Doc. 82-3190 Filed 2-5-82; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances, that on March 15, 1982, at 9:00 a.m., the Portland, Oregon Regional Office Station Committee on Educational Allowances shall at Room 1427, Federal Building, 1220 SW. Third Avenue, Portland, Oregon, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Pilot Personnel International, Inc., Albany, Oregon, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: January 28, 1982.

R. J. Vogel,

Director, VA Regional Office, 1220 SW. Third Avenue, Portland, Oregon 97204.

[FR Doc. 82-3316 Filed 2-5-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 26

Monday, February 8, 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

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 4636, February 1, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., February 4, 1982.

CHANGES IN THE MEETING: The meeting of February 4, 1982 was cancelled. Item 1 on the Agenda concerning Section 6(b) CPSA has been rescheduled for February 11, 1982.

[S-184-82 Filed 2-4-82; 2:11 pm]

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday, February 11, 1982.

LOCATION: Room 456, Westwood Tower, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Open to the public:

1. *Section 6(b) CPSA—Proposed Rule:* The staff will brief the Commission on a proposed rule which would establish the Commission policy and procedure for the public disclosure of information under Section 6(b) of the Consumer Product Safety Act.

2. *Hazard Data Task Force Report:* The Commission will consider a Report of the Hazard Data Task Force. The report

addresses issues involving the collection and use of hazard data.

Closed to the Public

3. Enforcement Matters OS 1099: The staff will brief the Commission on issues related to an enforcement matter.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th St., NW., Washington, DC 20207; Telephone (301) 492-6800.

[S-185-82 Filed 2-4-82; 2:11 pm]

BILLING CODE 6355-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11 a.m., February 4, 1982.

CHANGE IN THE MEETING: The following item has been added to the closed meeting of February 4, 1982:

Item, Docket No., and Company

American Electric Power Co. v. FERC, D.C. Cir. No. 80-1789.

Kenneth F. Plumb, Secretary.

[S-186-82 Filed 2-4-82; 2:38 pm]

BILLING CODE 6717-01-M

4

FEDERAL MARITIME COMMISSION:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 5072, February 3, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., February 10, 1982.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

1. Docket No. 79-83: Investigation of Unfiled Agreements in the North Atlantic Trades—Status of Proceeding.

[S-182-82 Filed 2-4-82; 9:37 am]

BILLING CODE 6730-01-M

5

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Thursday, February 11, 1982.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.
2. Revised policy on sale of loan portfolios.
3. Proposed extension of effective date and revision to Part 721 of the NCUA Rules and Regulations regarding insurance and group purchasing activities.
4. Proposed amendment to Part 747 of the NCUA Rules and Regulations regarding administrative hearings for insolvency proceedings initiated under Sections 120 and 207 of the Federal Credit Union Act.
5. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

RECESS: 10:45 a.m.

* * * * *

TIME AND DATE: 11 a.m., Thursday, February 11, 1982.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed charter amendment. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Proposed merger. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Administrative adjudication. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
4. Administrative action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Requests for mergers with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-183-82 Filed 2-4-82; 12:49 pm]

BILLING CODE 7535-01-M

federal register

Monday
February 8, 1982

Part II

Environmental Protection Agency

Final Stack Height Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL 2010-1; Docket No. A-79-01]

Stack Height Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Section 123 of the Clean Air Act requires EPA to promulgate regulations to assure that the degree of emission limitation required for the control of any air pollutant under an applicable State Implementation Plan (SIP) is not affected by that portion of any stack height which exceeds good engineering practice (GEP) or by any other dispersion technique. Regulations to implement Section 123 were proposed on January 12, 1979 at 44 FR 2608 and repropoed October 7, 1981 at 46 FR 49814. Today's action incorporates changes to the repropoal and finalizes these regulations.

DATE: These rules are effective March 10, 1982.

ADDRESS: Docket A-79-01, containing material relevant to this action, is located in the Central Docket Section (A-130), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Polkowsky, MD-15, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Telephone: (919) 541-5540.

SUPPLEMENTARY INFORMATION:

Docket Statement

All pertinent information concerning the development of these regulations is included in Docket No. A-79-01. The Docket is open for inspection by the public between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the EPA Central Docket Section, West Tower Lobby, Gallery One, 401 M Street, SW., Washington, D.C. Background documents normally available to the public, such as Federal Register notices and Congressional reports, are not included in the docket. A reasonable fee may be charged for copying documents.

I. Background

A. Statute

Section 123 was added to the Clean Air Act by the 1977 Clean Air Act Amendments. It prohibits stacks taller than good engineering practice (GEP) height and other dispersion techniques

from affecting the emission limitations required to meet the national ambient air quality standards (NAAQS) or prevention of significant deterioration air quality increments (PSD increments). Section 123 requires EPA to promulgate regulations which define GEP stack height, and which restrict the use of other dispersion techniques, including intermittent or supplemental control techniques. This rulemaking fulfills this requirement. In the near future, EPA also intends to propose rules on the use of intermittent control techniques.

B. Rulemaking

On January 12, 1979 (44 FR 2608), EPA published a notice proposing limitations on stack height credit and other dispersion techniques. The notice proposed specific rules to be used in determining GEP stack height for any source and specific requirements for State Implementation Plan (SIP) revisions. EPA provided an extended period for the submission of public comments on these proposed regulations. EPA held a public hearing on May 31, 1979 followed by a 30-day period for the submission of additional comments (44 FR 24329, April 25, 1979). EPA provided for comments on additional technical information (44 FR 40359, July 11, 1979 and 46 FR 24596, May 1, 1981). Finally, EPA recently repropoed the regulations with changes made in response to the comments received (46 FR 49814, October 7, 1981).

Forty individuals and groups commented on the October 1981 proposal. EPA has considered all comments and has made a number of changes in the regulations in response to these comments. Most of these changes simply clarify the proposed rules. The revisions are outlined in Section IV: "Changes in the Regulations from the October 1981 Proposal." In addition, EPA has prepared a document entitled "Summary of Comments and Responses on the October 7, 1981 Proposal of the Stack Height Regulations." This document has been placed in Docket A-79-01, and, depending upon available supplies, copies may also be obtained from: EPA Library (MD-35), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. A copy of this document will be sent to all persons who submitted comments on the October 1981 proposal.

C. Documents

In conjunction with the regulations, EPA developed several technical and guidance documents. These served as background information for the regulations and all are included in Docket No. A-79-01. The following

documents have been placed in the National Technical Information Service (NTIS) system and may be obtained by contacting NTIS at 5285 Port Royal Rd., Springfield, Virginia 22161.

(1) "Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for Stack Height Regulations)," July 1981, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, EPA-450/4-80-023. (NTIS PB82 145301)

(2) "Guideline for Use of Fluid Modeling to Determine Good Engineering Practice Stack Height," July 1981, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, EPA-450/4-81-003. (NTIS PB82 145327)

(3) "Guideline for Fluid Modeling of Atmospheric Diffusion," April 1981, U.S. Environmental Protection Agency, Environmental Sciences Research Laboratory, EPA-600/8-81-009. (NTIS PB81 201410)

II. Program Overview

A. The Problem

There are two general methods for preventing violations of the NAAQS and PSD increments. Emission controls reduce, on a continuous basis, the quantity, rate, or concentrations of pollutants released into the atmosphere from a source. In contrast, dispersion techniques rely on the dispersive effects of the atmosphere to carry pollutant emissions away from a source and to prevent high concentrations of pollutants near the source. The Clean Air Act requires pollution sources to meet the NAAQS and PSD increments by complying with emission limitations instead of relying on dispersion techniques.¹ Section 123 defines stack height exceeding GEP as a dispersion technique.

Tall stacks and intermittent or supplemental control systems (ICS or SCS) are the two basic types of dispersion techniques. Tall stacks enhance dispersion by releasing pollutants into the air at elevations high above ground level, increasing the volume of air through which pollutants must travel to reach the ground. Releasing pollutants from a tall stack allows a source to reduce the ambient levels of its pollution as measured at ground level without reducing the amount of pollution it releases. Intermittent and supplemental control systems vary a source's rate of emissions to take advantage of

¹ See Sections 110(a)(2)(B), 123, 302(k), and 302(m) of the Act, 42 U.S.C. 7410(a)(2)(B), 7423, 7602(k), and 7602(m). The Notice of Proposed Rulemaking contains a more detailed discussion of the Act's prohibition of the use of dispersion techniques. See 44 FR 2608-2610.

meteorological conditions. When atmospheric conditions do not favor dispersion and an NAAQS may be violated, the source temporarily reduces its pollutant emissions. When conditions favor rapid dispersion, the source emits pollutants at higher rates.

Use of dispersion techniques instead of constant emission controls can result in additional atmospheric loadings which may contribute to undesirable environmental effects. The use of tall stacks increases the possibility that pollution will travel long distances before it settles to the ground.

Although dispersion techniques may produce adverse effects, some stack height is needed to prevent excessive concentrations of pollutant emissions created by airflow disruptions caused by structures, terrain features, and ground-level meteorological phenomena. These excessive concentrations result from interference with the plume. Section 123 responds to this problem by allowing EPA to give a source credit for that portion of its stack height needed to prevent excessive concentrations near the source. This height is called GEP stack height.

The regulations promulgated today define "excessive concentrations," "nearby," and other important concepts. They also establish methods for determining the GEP stack height for all stationary sources to which these regulations apply.

B. The Program

These regulations do not limit the physical stack height of any source, nor require any specific stack height for any source. Instead, they set limits on the maximum stack height credit to be used in ambient air quality modeling for the purpose of setting an emission limitation and calculating the air quality impact of a source. Sources are modeled at the physical stack height unless that height exceeds their GEP stack height. The regulations apply to all stacks constructed and all dispersion techniques implemented since December 31, 1970.

1. Methods of Determining GEP Stack Height. The regulations establish three basic methods of calculating a source's GEP stack height.

(a) **De minimis height**—EPA is adopting 65 meters as the minimum GEP stack height for all sources regardless of the size or location of any structures or terrain features. Sixty-five meters represents a reasonable estimate of the height needed to insure that emissions will not be affected by common ground-level meteorological phenomena which may produce excessive pollutant concentrations. Typical causes of these

phenomena include surface roughness and the temperature changes caused by the solar heating and terrestrial cooling cycle (see page 26 of the Technical Support Document).

Virtually all significant sources of SO_2 can justify stack height credits greater than 65 meters. Accordingly, this de minimis height will have little effect on atmospheric loadings of sulfur dioxide.

(b) **Mathematical Formulas**—Excessive concentrations may be produced by downwash, wakes, and eddies caused by structures located near the stack. EPA is adopting two formulas with which to calculate the GEP stack height: One for stacks in existence on January 12, 1979 (the date of publication of EPA original proposed rules), and one for stacks constructed after that date.

For stacks in existence on January 12, 1979, EPA has adopted the traditional engineering formula of two and one-half times the height of the nearby structure ($H_p = 2.5H$) as the formula for determining the GEP stack height. For stacks constructed after January 12, 1979, EPA has established a refined formula of the height of the nearby structure plus one and one-half times the height or width of the structure, whichever is less ($H_p = H + 1.5L$) as the formula for determining the GEP stack height.

(c) **Physical Demonstration**—In some cases, a source may need a stack taller than the height predicted by the formulas to prevent excessive concentrations of a pollutant due to downwash, wakes, or eddies created by structures or terrain obstacles. In such cases, Section 123 provides that a source may obtain credit for all of the stack height necessary to avoid excessive concentrations provided it demonstrates to the satisfaction of the reviewing authority that the additional height is necessary.

EPA is requiring such a source to demonstrate that maximum concentrations caused by the source's emissions from its proposed stack height, without consideration of nearby structures or terrain obstacles, will increase by at least 40 percent when the effects of the structures or terrain obstacles are considered. This difference in concentrations must be shown either by a fluid model study conducted in accordance with guidelines published by EPA or by a field study which has been approved by the reviewing authority.

Before a source can obtain credit for a GEP stack height determined by a fluid model or field study demonstration, Section 123(c) requires that the reviewing authority must notify the public of the availability of the source's

demonstration study and must provide an opportunity for a public hearing.

2. Method of Adjusting GEP Stack Height for Elevated Terrain Areas. As traditionally defined, plume impaction occurs when a plume emitted from a stack interacts with terrain that is taller than the stack. The contact between the plume and the terrain can produce high pollutant concentrations. EPA is establishing a procedure which will allow sources to adjust their GEP stack height to avoid modeled plume impaction on elevated terrain causing one to predict violations of the NAAQS or applicable PSD increments which will not occur. (This procedure is explained in Section IV.C.) The predicted violations will not occur because the physical stack height is sufficient to ensure that the plume passes over the elevated terrain.

Before a source can obtain credit for a GEP stack height based on allowances for terrain impaction, the reviewing authority must notify the public of the availability of the source's demonstration study and must provide an opportunity for a public hearing.

3. Grandfathered Stack Height. The 1970 Clean Air Act became effective on December 31, 1970. Prior to that date some sources had constructed stacks taller than their GEP height. In Section 123, Congress recognized this and exempted those sources' stack heights. Section 123 allows credit for stack height in existence on December 31, 1970. A source's stack is considered to be "in existence" if that stack was part of the design of a facility on which construction commenced prior to December 31, 1970.

4. Other Dispersion Techniques. The regulations prohibit the use of other dispersion techniques to attain or maintain any NAAQS or protect a PSD increment. Those techniques include major alteration of plume characteristics such as the manipulation of exhaust flow rates or temperatures for the purpose of enhancing plume rise. The regulation defines three types of dispersion techniques: (1) tall stacks, (2) use of ICS or SCS, and (3) addition of a fan or reheater to obtain a less stringent emission limitation. However, the regulations exempt (1) reheating of a gas stream following the use of a pollutant control system, (2) smoke management in agricultural or silvicultural programs, and (3) combining exhaust gases from several stacks into one stack.

III. State Implementation Plan Requirements

EPA is establishing a two-stage process for the implementation of these

regulations. All States must review and revise, as necessary, their SIPs to include provisions that limit stack height credits and dispersion techniques in accordance with these regulations. Section 406(d)(2) of the Clean Air Act Amendments of 1977 requires that these SIP revisions be submitted within nine months of promulgation of these regulations.

After EPA approves a State's stack height rules, the State must review existing limitations to determine whether these limitations have been affected by stack height credit above GEP levels or any other dispersion technique. If so, the State must revise the emission limitations to be consistent with its revised SIP.

IV. Changes in the Regulations From the October 7, 1981 Proposal

EPA has made several changes in the proposed regulations as a result of the public comments on the repropoed regulations. These changes are noted below.

A. Prospective Application of the New GEP Formula

On February 18, 1976 (41 FR 7450), EPA published the "Stack Height Increase Guideline" which provided guidance on its policy for the use of tall stacks. The guideline permitted credit for stacks up to two and one-half times the height of the facility it served. On November 3, 1977, after passage of the Clean Air Act Amendments of 1977, EPA promulgated a final rule on some changes to its prevention of significant deterioration (PSD) program (42 FR 57459). As part of the preamble to that notice, EPA defined GEP as "two and one-half times the height of the source" (2.5H).

On January 12, 1979 (44 FR 2608), EPA proposed regulations to implement Section 123 which refined the two and one-half times rule by defining GEP stack height as the height of a nearby structure plus one and one-half times the lesser of the height or width of the nearby structure ($H+1.5L$). That proposal and the reproposal of that regulation on October 7, 1981 (46 FR 49814) would have made the new formula retroactive to December 31, 1970.

Four commenters argued that EPA's definition of GEP, until January 12, 1979, had been based on two and one-half times the building height and that sources in good faith had constructed stacks in accordance with that definition. Applying the new formula retroactively would be unfair to those sources. The commenters argued that

the new formula should be applied prospectively.

In response to these comments, EPA has developed two formulas for determining GEP stack height: (1) For stacks in existence on January 12, 1979, the formula is $H_g = 2.5H$; (2) for all other stacks, the formula is $H_g = H + 1.5L$.

B. Definition of "in existence"

Section 123 does not affect stack heights "in existence" on December 31, 1970. In October 1981, EPA proposed to define "in existence" to mean that the owner or operator of a stack had obtained all necessary preconstruction permits or approvals required by Federal, State or local air pollution control agencies, and either (1) actually commenced construction, or (2) entered into a binding commitment for construction.

Comments on the repropoed definition stated that this new definition would discriminate unfairly against sources located in the few States or local jurisdictions which required construction permits for air pollution sources in 1970. (There were no Federal permit programs in 1970.) EPA agrees that the repropoed definition might operate unfairly. EPA has deleted the requirement for such approvals or permits in determining whether a source's stack is "in existence" as of December 31, 1970.

However, the regulations now apply the two and one-half times formula for determining GEP only to stacks "in existence" on January 12, 1979. Federal requirements for preconstruction permits for air pollution sources were effective well before 1979. Accordingly, EPA is retaining the permit requirement for sources which want to claim credit for stacks "in existence" as of January 12, 1979. EPA has changed § 51.1(ii), which defines GEP, to require sources wishing to use the two and one-half times formula to show that they had obtained, prior to January 12, 1979, all preconstruction permits required by 40 CFR Parts 51 and 52.

The remaining portions of the definition of "in existence" are identical to the October 1981 proposal.

C. Impaction Credit

Many comments on the January 1979 proposal asked EPA to provide stack height credit for a source which experiences plume impaction. Plume impaction occurs when a plume emitted from a stack interacts with a terrain feature that is taller than the stack. The contact between the plume and the terrain feature can produce high pollutant concentrations, especially

under stable atmospheric conditions in which the plume disperses slowly.

EPA decided that sources should receive stack height credit when impaction produces concentrations high enough to violate an NAAQS or applicable PSD increment. EPA included in its October 1981 repropoal a procedure for determining the amount of credit needed to prevent plume impaction.

EPA has received three types of comments on the proposed impaction credit. Environmental groups claimed that Section 123 does not authorize impaction credits. Several industrial commenters asked EPA to clarify the proposed procedures for impaction credits. Finally, some industrial commenters asked EPA to modify a portion of its proposed procedures. To respond to these comments, EPA is presenting below a brief description of its rationale and procedures for impaction credits. EPA is also providing a brief explanation of its reason for declining to make procedural modifications.

(1) Rationale

Plume impaction resembles downwash, wakes, and eddies. In all of these events, structures or terrain features interfere with plume dispersion. If the interference occurs relatively close to the stack, before the plume has had adequate opportunity to disperse, high concentrations of pollutants can occur.

In enacting Section 123, Congress decided that sources should be allowed sufficient stack height credit to prevent high pollutant concentrations caused by downwash, wakes, and eddies. Congress called this height "good engineering practice." Any additional stack height was to be regarded as a dispersion technique that might allow a source to relax its emissions limitations. Section 123 does not mention impaction. However, neither the language of the statute nor the legislative history show that this omission was deliberate. EPA considers impaction to be enough like downwash that the same rationale should apply. GEP stack height should include credit needed to avoid high concentrations caused by impaction. Accordingly, EPA has decided to exercise general rulemaking authority to establish stack height credit needed to prevent high concentrations caused by plume impaction.

EPA recognizes Congress did not want the stack height rules to grant too much credit to sources locating in complex terrain, for "the result could be an open invitation to raise stack heights to unreasonably high elevations." H.R.

Rep. No. 95-294, 95th Cong., 1st Sess. at 93 (1977). Therefore, EPA has carefully tailored impactation credit procedures to provide only the minimum stack height credit needed to avoid high concentrations² produced by impactation. These procedures are described in more detail below.

EPA is convinced that its narrowly drawn rules represent a reasonable solution for a plume effect that closely resembles the phenomena of downwash, wakes, and eddies. Credits for plume impactation, when carefully limited, should not be regarded as a dispersion technique. Although the promulgated procedure allows for the use of some stack height to avoid high pollutant concentrations on elevated terrain, it does not permit excessive dispersion credits.

(2) Explanation of Procedures

EPA has developed a three-step procedure for determining the amount of stack height credit appropriate for a source with a predicted impactation concentration violating an NAAQS or applicable PSD increment.

First, a source must determine its downwash GEP height—the amount of stack height that can be justified based on downwash, wakes, or eddies—using any of the three methods described in Section II.B. above. Using this GEP height, the source must show that its plume would come into contact with elevated terrain (defined as terrain taller than this GEP height) and together with background concentrations cause a violation of an NAAQS or applicable PSD increment. If the source cannot show that a violation would occur, it cannot claim any impactation credit. Its stack height credit would be limited to the GEP height already calculated.

If a violation is modeled, the second step is to determine the source's maximum allowable emission limitation. In this step the source would model its air quality impact using the previously determined GEP height and assuming that the terrain feature(s) causing impactation is no taller than its downwash GEP height. Using the appropriate maximum concentration from this modeling scenario, the source

would calculate an emission limitation which would become its maximum allowable emission limitation.

The third step allows the source to adjust its GEP stack height to account for the plume impactation on actual terrain features above the downwash GEP stack height. The source cannot adjust its maximum allowable emission limitation. The source would model its air quality impact again, this time using actual terrain elevations, but limiting its emissions to the rate fixed by the emission limitation developed in step two. The source would increase the height of the stack in the model to the height at which the maximum concentration predicted to occur on elevated terrain equaled the maximum concentration predicted to occur in step two. This increased stack height is the source's maximum GEP height to avoid high concentrations due to impactation.

Like the downwash GEP height, this stack height will represent maximum allowable credit. The source would not be able to claim this credit if its physical (actual or proposed) stack height were not as tall as its maximum creditable height. In that case, the source would be able to claim only its physical stack height. A source with physical stack height lower than its allowable GEP height would have to adjust its emission limitation downward to prevent a violation of an NAAQS or applicable PSD increment.

(3) Modification Requested by Commenters

The electric utilities requested that EPA assume, during the Step two modeling, that all terrain features are no taller than ground elevation at the base of the stack or, in other words, that the source is located in absolutely flat terrain. The utilities believe that this assumption is necessary to ensure equity between sources located in elevated terrain and sources in flat terrain.

EPA has decided not to make this change to its procedure. EPA's objective is to provide the minimum stack height credit needed to allow a source to avoid high concentrations caused by plume impactation. A source in assumed flat terrain would obtain a less restrictive emission limitation than a source in terrain assumed to be as tall as its downwash GEP height. The flat terrain assumption would thus allow a source to obtain more stack height credit than needed to prevent impactation. It would also have a greater negative impact on air quality by allowing taller stacks and more relaxed emission limits.

D. Dispersion Technique

EPA received numerous comments on the definition of the term "dispersion technique." Most of these comments stated that wording concerning the enhancement of plume rise was vague. Comments specifically mentioned that many changes in operation or equipment made for engineering purposes, to improve reliability or efficiency, could be construed as a dispersion technique. This is not the intent of the definition. EPA has changed the definition of dispersion technique to prevent the addition of a fan or reheater to obtain a less stringent emission limitation. The purpose of this change is to prevent only the installation of equipment clearly intended to enhance plume rise. The new definition should not prevent equipment changes intended to improve reliability and efficiency.

E. Definition of "Stack"

Comments on the January 1979 proposal urged EPA to exempt "flares" from the definition of "stack." EPA agreed that flares, which are designed to disperse heat and vent emissions intermittently for safety purposes, do not serve the same purpose as stacks, which are typically a source's major and most constant emissions point. EPA announced that it would exempt flares from the stack height regulations in the preamble to the October 1981 reproposal. New comments urged EPA to include this exemption in the regulations themselves to eliminate any potential for confusion or misunderstanding. In response to these comments, EPA is incorporating a specific exemption for flares into the definition of "stack."

F. Section 123 and Physical Stack Height

EPA received several comments on the October 1981 reproposal which indicated that the commenters believed that the proposed regulations would give EPA authority to limit a source's actual stack height. EPA did not intend to create this impression. In fact, EPA stated in the preamble to the reproposal that Section 123 expressly prohibits the Agency from limiting physical stack height. Section 123 limits only the theoretical stack height used in determining a source's emission limitation. However, to eliminate this confusion, EPA is adding a statement to §§ 51.12(j) and 51.18(l) of the regulations stating that these regulations do not restrict in any manner the actual height of any stack at any source.

²EPA considers "high concentrations" to be a violation of an NAAQS or applicable PSD increment. Unlike "excessive concentrations" caused by downwash, high concentrations caused by plume impactation occur in different meteorological conditions than downwash and are longer in duration. High concentrations due to plume impactation can be compared easily to an NAAQS or applicable PSD increment. Therefore, EPA has required that the concentration caused by plume impactation must be in excess of an NAAQS or applicable PSD increment before a source can adjust its GEP stack height.

G. Measurement of Stack Height

In the proposed definition of a "stack," EPA stated that the "stack height is the distance from the ground-level elevation of the plant to the elevation of the stack outlet." Several commenters requested clarification in the establishing the ground-level elevation of the plant. For instance, the commenters noted that where a plant was built on a slope the regulation could have varying interpretations. Also, some commenters asked whether the entire plant site should be included or just the portion of the plant site considered "nearby" the stack.

EPA is changing the regulations to clarify this point. EPA deleted from the definition of a "stack," the statement defining stack height. However, EPA clarified the methods for determining GEP stack height by stating that all stack and structure heights are measured from the ground-level elevation at the base of the stack.

If a stack is on top of a building, the ground-level elevation of the building is used as the base elevation. In order to appropriately assess the impact of nearby structures on this stack height, the height of structures is also determined relative to the ground-level elevation of the stack.

H. Minor Wording Changes

Several commenters identified typographical errors and areas where minor wording changes could clarify the regulations. These and other wording changes have been made to correct and to clarify the regulations. These changes did not have any significant effect on the regulations.

V. Impact Analysis

EPA has prepared a series of impact analyses on these regulations. These analyses are in Docket A-79-01. The analyses show that the expected "worst-case" national annual costs to fossil-fuel fired power plants should be less than \$45 million per year. These costs result from conservative estimates of required purchases of lower sulfur coal and estimates of required retrofit of electrostatic precipitators at some plants which purchase the lower sulfur coal. The worst-case analyses show that the expected reduction in SO₂ emissions is less than 200,000 tons per year. Nationally, these costs could increase electric utility rate charges approximately 0.1 to 0.2 percent. Increases for individual power company rates could range from 0.5 to 30 percent.

VI. Regulatory Flexibility Analysis

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have significant economic impact on a substantial number of small entities. This rule applies only to large sources. The impact assessment predicted that these regulations would not have significant impact on any small entities. Based upon our impact analysis, only electric utility plants and possibly one smelter will be significantly affected by these regulations.

VII. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because it does not result in an annual effect on the economy of \$100 million, nor does it result in a major increase in costs or prices for consumers, Federal, State, or local governments or individual industries, including the electric power industry.

VIII. Judicial Review

EPA believes that this rule is based on determinations of nationwide scope and effect. Nothing in Section 123 limits its applicability to a particular locality, State, or region. On the contrary, Section 123 applies to sources wherever located. Because of the rule's national applicability, Section 307(b) (42 U.S.C. 7607(b)) requires that any petition for review of the promulgated rule be filed only in the United States Court of Appeals for the District of Columbia and within 60 days of the date of publication.

(Secs. 110, 123, 301, Clean Air Act as amended (42 U.S.C. 7410, 7423, and 7601))

Dated: January 31, 1982.

John W. Hernandez, Jr.,
Acting Administrator.

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Part 51 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 51.1 is amended by revising paragraph (z) and by adding paragraphs (ff), (gg), (hh), (ii), (jj), (kk), (ll), and (mm) as follows:

§ 51.1 Definitions.

* * * * *

(z) "Emission limitation" and "emission standard" mean a requirement established by a State, local government, or the Administrator which

limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(ff) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

(gg) "A stack in existence" means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

(hh) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by using that portion of a stack which exceeds good engineering practice stack height, varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant, or by addition of a fan or reheater to obtain a less stringent emission limitation. The preceding sentence does not include: (1) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream; (2) the use of smoke management in agricultural or silvicultural programs; or (3) combining the exhaust gases from several stacks into one stack.

(ii) "Good engineering practice (GEP) stack height" means the greater of;

(1) 65 meters;

(2)(i) For stacks in existence on January 12, 1979 and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under this Parts 51 and 52 of this Title 40, $H_g = 2.5H$

(ii) for all other stacks,

$H_g = H + 1.5L$, where
 H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,
 H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,
 L = lesser dimension (height or projected width) of nearby structure(s);

(3) The height demonstrated by a fluid model or a field study approved by the

reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain obstacles.

(jj) "Nearby" as used in § 51.1(ii)(2) is that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one-half mile). The height of the structure is measured from the ground-level elevation at the base of the stack.

(kk) "Excessive concentrations" for the purpose of determining good engineering practice stack height in a fluid model or field study means a maximum concentration due to downwash wakes, or eddy effects produced by structures or terrain features which is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

(ll) "Plume impaction" means concentrations measured or predicted to occur when the plume interacts with elevated terrain.

(mm) "Elevated terrain" means terrain which exceeds the elevation of the good engineering practice stack as calculated under paragraph (ii) of this section.

2. Section 51.12 is amended by adding paragraphs (j), (k), and (l) as follows:

§ 51.12 Control strategy: General.

* * * * *

(j) The plan must provide that the degree of emission limitation required of any source for control of any air

pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in § 51.12(k) and (l). The plan must provide that before a State submits to EPA a new or revised emission limitation that is based on a good engineering practice stack height that exceeds the height allowed by § 51.1(ii) (1) or (2), the State must notify the public of the availability of the demonstration study and must provide opportunity for public hearing on it. This Section does not require the plan to restrict, in any manner, the actual stack height of any source.

(k) The provisions of §§ 51.12(j) and 51.18(l) shall not apply to (1) stack heights in existence, or dispersion techniques implemented prior to December 31, 1970, or (2) coal-fired steam electric generating units, subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(l) The good engineering practice (GEP) stack height for any source seeking credit because of plume impaction which results in concentrations in violation of national ambient air quality standards or applicable prevention of significant deterioration increments can be adjusted by determining the stack height necessary to predict the same maximum air pollutant concentration on any elevated terrain feature as the maximum

concentration associated with the emission limit which results from modeling the source using the GEP stack height as determined in § 51.1(ii) and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this adjusted GEP stack height is greater than the stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.

3. Section 51.18 is amended by adding paragraph (l) as follows:

§ 51.18 Review of new sources and modifications.

* * * * *

(l) Such procedures must provide that the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in § 51.12(k) and (l). Such procedures must provide that before a State issues a permit to a source based on a good engineering practice stack height that exceeds the height allowed by § 51.1(ii) (1) or (2), the State must notify the public of the availability of the demonstration study and must provide opportunity for public hearing on it. This section does not require such procedures to restrict, in any manner, the actual stack height of any source.

[FR Doc. 82-3212 Filed 2-5-82; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS**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.

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