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U.S. GOVERNMENT
INFORMATION
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1-10-83
Vol. 48 No. 6
Pages 1021-1164

federal register

Monday
January 10, 1983

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Claims
Veterans Administration

Coal Mining
Surface Mining Reclamation and Enforcement Office

Continental Shelf
Minerals Management Service

Crop Insurance
Federal Crop Insurance Corporation

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

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The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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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

Federal Crop Insurance Corporation

7 CFR Part 400

General Administrative Regulations; Late Planting Agreement Option Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith issues a new subpart in its general administrative regulations that prescribes procedures for the implementation of a Late Planting Agreement Option of insurance on certain crops. The intended effects of this interim rule is to be responsive to insured producers who are unable to plant their crop(s) due to adverse weather conditions before the final planting date contained in the regulations for insuring such crop(s).

DATES:

Effective January 10, 1983, for the 1983 and succeeding crop years.

Comment date: Written comments, data, and opinions on this interim rule must be submitted not later than March 11, 1983, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option are available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION:

Information collection requirements contained in the regulations to which this interim rule applies (7 CFR Parts 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438, have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is not a major rule as defined in Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (5 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action to promulgate regulations for the implementation of FCIC's Late Planting Agreement constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date established for these regulations is October 1, 1987.

It has also been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

Merrit W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without the normal 60-day public comment period prior to implementation because these regulations will be applicable to 21 crops effective with the 1983 crop year and the regulations for each of those crops specifies that any amendment to the regulations must be placed on file 15 days prior to the cancellation date. The earliest such cancellation date would not provide sufficient time for the normal 60-day comment period and still comply with the regulations with respect to placing these regulations on file by such time. There are no changes to the regulations affected by the Late Planting Agreement Option, but producers must be given sufficient time to decide on their insurance plans in light of this new plan.

FCIC is soliciting comments on this interim rule for 60 days following the date of publication in the **Federal Register**. These regulations will be scheduled for review so that any amendment made necessary by such comments may be published in the **Federal Register** as soon as possible thereafter. All comments made pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, during regular business hours, Monday through Friday.

Background

In the past, many insured producers have been unable to plant their crop(s) due to adverse weather conditions, and in some special cases of hardship, FCIC has extended that time for planting certain crops. In order to meet insured producers' needs as to obtaining additional time to plant their crop(s) beyond the final planting date indicated in the individual crop insurance regulations of the 21 crops affected, FCIC has developed a Late Planting Agreement Option. In view of past administrative problems involved with extending planting dates, the development and use of the Late Planting Option provides the flexibility necessary for insuring acreage when planting is delayed due to adverse weather conditions, while maintaining the actuarial integrity of the insurance program. Insurance will be available to individual insureds who do not finish planting by the final planting date. At the same time, any additional risk or reduced production potential will be recognized by reducing the coverage 10 percent for each five days planting continues after the final planting date while maintaining the premium based on the guarantee or amount of insurance which was applicable on the final planting date.

List of Subjects in 7 CFR Part 400

Crop insurance, Late Planting Agreement Option.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby adds a new Subpart A to Part 400 of Title 7 of the Code of Federal Regulations, effective upon publication in the **Federal Register**, for the 1983 and succeeding crop years, as set forth below:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart A—Late Planting Agreement Option; Regulations for the 1983 and Succeeding Crop Years

Sec.

400.1 Availability of the Late Planting Agreement Option.
400.2 Definitions.
400.3 Responsibilities of the insured.
400.4 Applicability to crops insured.
400.5 The Late Planting Agreement Option.

Authority: Sec. 508, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1508).

Subpart A—Late Planting Agreement Option; Regulations for the 1983 and Succeeding Crop Years

§ 400.1 Availability of the Late Planting Agreement Option.

The Late Planting Agreement Option shall be offered under the provisions contained in 7 CFR Parts 402 through 499 within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), only on those crops identified in § 400.4 of this part. All provisions of the applicable contract for the insured crop apply, except those provisions which are in conflict with this part.

§ 400.2 Definitions.

For the purposes of the Late Planting Agreement Option:

"Final planting date" means the final planting date for the insured crop contained in the actuarial table on file in the service office.

"Late Planting Agreement Option" means that agreement between the FCIC and the insured producer whereby the insured producer elects, and FCIC provides, insurance on planted acreage for 20 days after the applicable final planting date on file in the service office, under which the production guarantee applicable on the final planting date will be reduced 10 percent for each 5 days that acreage is planted after the final planting date.

"Production guarantee" means the guarantee level of production under the provisions of the applicable contract for crop insurance (sometimes expressed in amounts of insurance).

"Service office" means the office servicing the insured's contract as shown on the application for insurance, or such other approved office as may be selected by the insured or designated by FCIC.

§ 400.3 Responsibilities of the insured.

The insured is solely responsible for the completion of the Late Planting Agreement Option and for the accuracy of the data provided. The provisions of this subsection shall not relieve the insured of responsibilities applicable under the provisions of the insurance contract.

§ 400.4 Applicability to crops insured.

The provisions of this subpart shall be applicable to the provisions of FCIC policies issued under the following regulations for insuring crops:

7 CFR Part 416 Peas
7 CFR Part 417 Sugarcane
7 CFR Part 418 Wheat
7 CFR Part 419 Barley
7 CFR Part 420 Grain Sorghum
7 CFR Part 421 Cotton
7 CFR Part 422 Potatoes
7 CFR Part 423 Flax
7 CFR Part 424 Rice
7 CFR Part 425 Peanuts
7 CFR Part 426 Combined Crop
7 CFR Part 427 Oats
7 CFR Part 428 Sunflowers
7 CFR Part 429 Rye
7 CFR Part 430 Sugar Beets
7 CFR Part 431 Soybeans
7 CFR Part 432 Corn
7 CFR Part 433 Dry Beans
7 CFR Part 434 Tobacco (Dollar Plan)
7 CFR Part 435 Tobacco (Quota Plan)
7 CFR Part 436 Tobacco (Guaranteed Production Plan)
7 CFR Part 437 Sweet Corn
7 CFR Part 438 Tomatoes

The Late Planting Option shall be applicable in all States and Counties thereof, approved by the Board of Directors of the Corporation, and attached to each of the regulations listed above as Appendix A.

§ 400.5 The Late Planting Agreement Option.

The provisions of the Late Planting Agreement Option are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Late Planting Agreement Option

Insured's Name _____

Contract No. _____
Address _____
Crop Year _____

Crop _____

Notwithstanding the provisions of Section 2 of the policy regarding the insurability of crop acreage after the final planting date on file in the service office, I elect to have insurance provided on acreage planted for 20 days after such date. The delay in planting has been caused by excess moisture conditions. Upon making this election, the production guarantee, or amount of insurance, will be reduced 10 percent for each five days or a portion thereof that acreage is planted after the final planting date. Each 10 percent reduction will be applied to the production guarantee or amount of insurance applicable on the final planting date. The premium will be computed based on the guarantee or amount of insurance applicable on the final planting date, and that therefore, no reduction in premium will occur as a result of my election to exercise this option. If planting continues after the acreage reporting date on file in the service office, an acreage report will be filed no later than 5 days after the completion of planting the acreage to which insurance will attach under this option.

Insured's Signature _____
Date _____
Corporations Representative's Signature and Code Number _____
Date _____

Done in Washington, D.C., on December 15, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: January 3, 1983.

[FR Doc. 83-574 Filed 1-7-83; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 400

General Administrative Regulations; Application for Crop Insurance

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby issues a new subpart in its general administrative regulations that prescribes new procedures for applying for crop insurance protection. The intended effect of this rule is: (1) To issue the application as a separate regulation to simplify the method of amending the application as a document dealing with all crop insurance regulations issued by FCIC, and (2) to correct a portion of the present application which provides for

automatic acceptance if no rejection of the application is made within 30 days.

DATES: Comment Date: Written comments, data, and opinions on this interim rule must be submitted not later than March 11, 1983, to be sure of consideration. Effective Date: January 10, 1983.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

Information collection requirements contained in these regulations (7 CFR Part 400) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have assigned OMB Nos. 0563-0003 and 0563-0007.

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other person, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as defined by Executive Order No. 12372 (July 14, 1982), was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). The sunset review date established for these regulations is October 1, 1987.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants implementation of the regulations without the normal 60-day period for public comment because the regulations issued by FCIC for insuring crops to which this rule applies, or any amendments thereto, must be placed on file 15 days prior to the cancellation date. The earliest cancellation date is December 15. There would not be sufficient time for notice and public comment prior to implementation of this rule and still comply with the regulations with respect to placing this rule on file in order for it to become effective for the 1983 crop year.

FCIC is soliciting comments on this rule for 60 days after publication in the **Federal Register**. This rule will be scheduled for review so that any amendments made necessary by comments received can be published as soon as possible thereafter. All written comments made pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, during regular business hours, Monday through Friday.

Background

In order for a producer to secure crop insurance, an application is completed which provides data on the crop to be insured, the price election, coverage level, name and address of the applicant and several other data. The present application (FCI-12) contains a provisions that the application is accepted unless the applicant is notified of rejection within 30 days of the date of the application. In several cases, the Corporation has been in receipt of applications which, for a variety of reasons including non-payment of premium under a previous contract in another state or county, should normally have been rejected. However, due to excess time the applications have taken to clear the acceptance process, or has been delayed in reaching FCIC for acceptance, the 30 days has elapsed resulting in FCIC being obliged to accept the applications which otherwise would have been rejected for cause.

Block No. 23 on the application has been changed to indicate that the insured has no other insurance of a like nature, rather than to state that the insured has received the policies and appendixes for the crop(s) shown on the application. The procedure for providing the insured with the policy and appendix has been changed and such material is forwarded to the insured upon acceptance of the application by the Corporation, rather than being given to the applicant at the time the application is made.

The application contained in this rule provides for an entry titled Alpha Election. This is for administrative purposes within FCIC and is used for calculating groups of elections to determine liability.

The Private Act Statement, printed on the reverse side of the application has been amended to clarify the use made of the information provided, and is reproduced in this rule.

The application, as contained in this rule, is applicable to all crop insurance regulations issued by FCIC to date (7 CFR Parts 400-442) and to all future regulations issued by FCIC.

List of Subjects in 7 CFR Part 400

Crop Insurance, Application for Crop Insurance.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby adds a new Subpart D to Part 400 of Title 7 of the Code of Federal Regulations, effective upon publication in the **Federal Register**, for the 1983 and succeeding crop years, as set forth below:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

* * * * *

Subpart D—Application for Crop Insurance; Regulations for the 1983 and Succeeding Crop Years

Sec.

400.37 Applicability.

400.38 The Crop Insurance application.

Authority: Secs. 506, 507, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

Subpart D—Application for Crop Insurance; Regulations for the 1983 and Succeeding Crop Years

§ 400.37 Applicability.

The Crop Insurance application contained herein shall be applicable to all crop insurance regulations issued by the Corporation (7 CFR Part 400 *et seq.*), effective with the 1983 and succeeding crop years.

BILLING CODE 3410-08-M

§ 400.38 The Crop Insurance application.

UNITED STATES DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

CROP INSURANCE APPLICATION

CONTINUOUS CONTRACT

1. Name of Applicant _____ 6. State [ ][ ] County -[ ][ ][ ] 7. Contract Number -[ ][ ][ ][ ][ ][ ]

2. Authorized Representative _____ 8. County _____ 9. State _____

3. Street or Mailing Address _____ 10. Identification Number [ ][ ][ ][ ][ ][ ][ ][ ][ ] 11. SSN--Tax [ ] [ ]

4. City and State _____ 5. Zip Code _____ 12. Type of Entity _____

13. Applicant is over 18: Yes___ No___ If no, Date of Birth _____

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the crop(s) shown below planted on insurable acreage as shown on the county actuarial table. The applicant elects from the actuarial table the coverage level, and where applicable, a price election or plan of insurance. THE PREMIUM RATE AND APPLICABLE PRODUCTION GUARANTEE OR AMOUNT OF INSURANCE PER ACRE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILE IN THE SERVICE OFFICE FOR EACH CROP YEAR.

14. Effective Crop Year	15. Crop	16. Type, Class Plan of Ins.	17. Alpha Election	18. Price Election	19. Level Election	20. 21. 22. For Agency Use Only (A) (P)
						[ ]____ ____
						[ ]____ ____
						[ ]____ ____
						[ ]____ ____
						[ ]____ ____
						[ ]____ ____
						[ ]____ ____
						[ ]____ ____
						23. N S I O T-F U R

24. [ ] Crop(s) NOT insured the first year: _____ _____ _____

BILLING CODE 3410-08-C

B. This application is hereby accepted by the Corporation except that the Corporation may reject the application on the basis that: (1) The Corporation has determined that the risk is excessive under the provisions of paragraph 7(b) of the individual crop insurance regulations; (2) any material fact is concealed or misrepresented or fraud occurs in the application, or submission of the application; (3) the applicant is indebted to any United States Government Agency and that indebtedness is delinquent; (4) the applicant previously had crop insurance terminated for violation of the terms of the contract or the regulations, or for failure to pay the applicant's indebtedness; (5) the applicant is debarred by any United States Government Agency; or (6) the applicant has failed to provide complete and accurate information to material requests in this application.

Rejection shall be accomplished by depositing notification thereof in the United States Mail, Postage Paid, to the above address. Unless rejected as provided above or the time for filing applications has passed at the time this application is filed, the contract shall be in effect for the crops and crop years specified. AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the insurance policy(ies), the applicable appendix(es), and the provisions of the county actuarial table showing the insurable and uninsurable acreage, coverage levels, premium rates, and wherever applicable, the production guarantees, amounts of insurance, or plan of insurance shall constitute the contract. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

25. [ ] Applicant does not have other like insurance on any of the above crops.

26. [ ] Previous Carrier_____ 27. Policy Number_____

28. _____ _____, 19__ [ ][ ] [ ] [ ] [ ] [ ] [ ]
Applicant's Signature 29. Date 30. Code Number

31. _____
Witness to Signature

32. Location of Farm Headquarters	33. Address of Your Service Office
Phone:	Phone:
SEE REVERSE SIDE OF FORM FOR STATEMENT REQUIRED BY PRIVACY ACT OF 1974	34. Page ___of___pages

Following is the Privacy Act Statement found on the reverse side of the Application for Crop Insurance:

COLLECTION OF INFORMATION AND DATA (PRIVACY ACT)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552(a)):

The authority for requesting the information to be supplied on this form is the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and the regulations promulgated thereunder (7 CFR 400 *et seq.*). The information requested is necessary for FCIC to consider and process the application for insurance; to assist in determining the correct premium and indemnity; and to determine the correct parties to the insurance contract. The information may be furnished to FCIC contract agencies and contract loss adjusters, reinsured companies, other U.S. Department of Agriculture Agencies, Internal Revenue Service, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal.

Furnishing the Social Security number is voluntary and no adverse action will result from failure to do so. Furnishing the information, other than the Social Security number, is also voluntary; however, failure to furnish the correct, complete information requested may result in rejection of the application and/or subsequent denial of any claim for indemnity which may be filed. The failure to supply correct, complete information will also invalidate the automatic acceptance provisions of Section B hereof and may substantially delay acceptance of the application and processing of any claim for indemnity.

Done in Washington, D.C. on January 3, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: January 3, 1983.

[FR Doc. 83-573 Filed 1-7-83; 8:45 am]
BILLING CODE 3410-08-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Reporting of Changes to the Quality Assurance Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require each holder of a nuclear power plant or fuel reprocessing plant construction permit or operating license (1) to inform the Commission in writing of quality assurance program changes that affect the description of the quality assurance program described or referenced in its Safety Analysis Report and accepted by the Commission, and (2) to clarify the requirement concerning implementation of the accepted quality assurance program. In the past, existing regulations did not specifically include a requirement that changes to the accepted quality assurance program be reported and some licensees changed their quality assurance programs without informing the Commission. This resulted in some unacceptable quality assurance programs. The amendments will assure that when licensees and construction permit holders reduce their commitments in their quality assurance program descriptions accepted by the Commission, they submit the changes to the Commision and receive its approval before implementing the changes.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Belke, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492–4512.

SUPPLEMENTARY INFORMATION: The quality assurance (QA) requirements of 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," constitute a cornerstone of the Commission's "defense-in-depth" concept for ensuring safe operation of nuclear power plants and fuel reprocessing plants.

Because of the importance of the QA program as a management tool to attain objectives important to nuclear safety, the NRC staff conducts extensive reviews during the licensing process to ensure that the applicant's QA program description satisfies 10 CFR Part 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." Once the NRC staff has accepted it, the QA program description becomes a principal inspection and enforcement tool in ensuring that the permit holder or licensee is in compliance with all NRC quality assurance requirements for protecting the public health and safety.

As indicated in 10 CFR 50.34(a)(7), "Contents applications; technical information," the Preliminary Safety Analysis Report (PSAR) must include "a description of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility." Similarly, § 50.34(b)(6)(ii) requires that the Final Safety Analysis Report (FSAR) describe "managerial and administrative controls to be used to assure safe operation" and that it "include a discussion of how the applicable requirements of Appendix B [Quality Assurance Criteria] will be satisfied." The QA programs described in the Safety Analysis Reports are intended to represent the QA programs actually being applied in practice.

Because existing regulations do not specifically include a requirement that changes to the accepted QA program be reported to the Commission, some licensees have been changing their QA programs without informing the Commission. In a few cases this has resulted in QA programs which were not acceptable to the NRC staff and which did not conform to all aspects of the NRC regulations. The primary concern with the current situation is that unreported changes to the QA program might diminish the scope of the program permitting significant deficiencies to arise in the design, fabrication, construction, or operation of the facility. This could result in increased risk to the public health and safety.

The final amendments require that nuclear power plant and fuel reprocessing plant construction permit holders and licensees implement the accepted QA program described or referenced in the Safety Analysis Report, provide a current description of the program as it is implemented, and submit all changes to the accepted program description (as required by 10 CFR 50.34(a)(7) or 50.34(b)(6)(ii)) to the NRC for review.

Although NRC presently reviews QA topical report program descriptions of the licensee's or construction permit holder's principal contractors (architect-engineer, nuclear steam supply system vendor, constructor, and construction manager when other than the constructor) submitted to it, the requirements of Appendix B of 10 CFR Part 50 clearly state that the licensee or permit holder has responsibility for the establishment and execution of the QA program. Therefore, commensurate with the requirements of Appendix B of 10 CFR Part 50, licensees and construction permit holders must ensure that their principal contractors' QA program description changes are reported to NRC in writing. In addition, when subcontractors make significant changes that amount to changes in the construction permit holder's or licensee's QA program or in the principal contractor's QA program, the NRC is to be notified in writing.

Licensees must submit to the NRC at least annually (under 10 CFR 50.71), and permit holders within 90 days, those changes to the QA program description that do not reduce the commitments in the program description previously accepted by the NRC. In all cases, licensees and permit holders making changes to the QA program description that do reduce the commitments, must submit the changes to NRC and receive NRC approval before implementing the changes.

The Commission will evaluate submitted changes to determine if the revised QA program description is in accord with the Commission's QA requirements in Appendix B of 10 CFR Part 50 and Safety Analysis Report QA program description commitments previously accepted by the NRC. The Commission normally will inform the construction permit holder, licensee, or QA topical report organization within 60 days of receipt of the change about the result of this evaluation commensurate with the 10 CFR 50.71 annual reporting requirement for licensees or 90-day reporting requirement for permit holders. Licensees, permit holders or QA topical report organizations submitting changes requiring NRC approval before implementation will also normally be informed of the results of the evaluation within 60 days.

Discussion of Comments

On July 2, 1981, the NRC published in the **Federal Register** (46 FR 34595) proposed amendments to 10 CFR 50.54 and 50.55 for reporting of changes to QA programs. Numerous comments were received, all of which were evaluated in developing the final rule. The following discussion highlights the major issues that were raised by the commenters and their resolution (the comments received, and a fuller discussion of their resolution—are available for review in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555).

One commenter recommended that the rule be revised to clarify that licensees may make changes to a previously submitted QA program description provided the change does

not decrease the scope of the program or effectiveness of the program's controls.

To preclude potential confusion or misinterpretation of the terms "scope" or "effectiveness," §§ 50.54 and 50.55 of the rule have been revised to require licensees to submit to the NRC at least annually (under 10 CFR 50.71), and permit holders within 90 days, those changes to the quality assurance program description that do not reduce the commitments in the program description previously accepted by the NRC. In all cases, changes to the Safety Analysis Report quality assurance program description that do reduce those commitments must be submitted to NRC and receive NRC approval before implementation.

Some commenters suggested that the 10 CFR 50.54 and 50.55 rule changes should be consolidated into section II of Appendix B to 10 CFR Part 50 and that the existing regulations in §§ 50.34, 50.59, and 50.71 be allowed to satisfy the intent of the rule's reporting requirements.

No changes to the rule were made in response to these comments. The Commission believes that to consolidate the § 50.54 and § 50.55 rule changes or to rely on the existing reporting requirements of §§ 50.34, 50.59, or § 50.71 would leave a regulatory gap because there would be no requirement for the reporting of QA program changes as a condition of the construction permit or operating license.

10 CFR 50.71 now requires the submittal of all changes necessary to reflect information and analyses submitted to the Commission by the licensee (or prepared by the licensee pursuant to Commission requirements) since the submission of the original Final Safety Analysis Report (FSAR) or, as appropriate, the last updated FSAR. The updated FSAR is to be revised to include the effects of: All changes made in the facility or procedures as described in the FSAR; all safety evaluations performed by the licensee either in support of requested license amendments or in support of conclusions that changes did not involve an unreviewed safety question; and all analyses of new safety issues performed by or on behalf of the licensee at the Commission's request. The updated information is to be appropriately located within the FSAR.

Under 10 CFR 50.71, it would be acceptable to submit annual revisions to the QA program for plants already licensed for operation, provided the changes do not reduce the commitments in the program description. However, if a licensee does make changes to the QA program description that reduce the commitments in the program description, these changes must be submitted to NRC and receive NRC approval before implementation.

In accordance with the Commission's licensing review policies, the acceptance criterion in effect since issuance of Revision 1 of the Standard Review Plan in early 1979 applies to new applications for construction permits and operating licenses and to the periodic review of QA topical reports. It is not applicable to all permit holders and to all operating plant licensees whose construction permits or operating license applications were reviewed before 1979, nor is such a commitment, once made, subject to the full range of enforcement options. This lack of enforceability exists because current regulations do not specifically include a requirement that changes to the QA program that affect the description of the QA program in the Safety Analysis Report be submitted to the NRC for review. Additionally, other than in footnote 1 to Appendix B of 10 CFR Part 50, there is no explicit requirement that the accepted QA program be implemented as a condition of the construction permit or license.

One commenter suggested that the proposed amendment to 10 CFR 50.55 be modified to be consistent with the advance notice of proposed rulemaking published December 11, 1980 (45 FR 81602), dealing with design and other changes in nuclear power plant facilities after issuance of a construction permit.

The amendment to § 50.55 will precede the amendment noted above being developed through the advance notice of proposed rulemaking. However, the Commission will act to assure consistency between the two with respect to facility QA program description reporting requirements.

One commenter recommended that the final rule be applicable to fuel reprocessing plants.

The Commission has accepted this suggestion in order that it be commensurate with the intent and requirements of Appendix B to 10 CFR Part 50. The rule has been revised to state that it is applicable to fuel reprocessing plants.

Several commenters suggested that the final rule be applicable to QA topical report descriptions accepted by NRC from a licensee's or construction permit holder's prime contractors.

Although NRC presently reviews QA topical reports submitted to it, the requirements of Appendix B of 10 CFR Part 50 clearly state that the licensee or permit holder has responsibility for the establishment and execution of the QA program. Thus, commensurate with the requirements of Appendix B of 10 CFR Part 50, licensees and construction permit holders must ensure that their principal contractors' (architect-engineer, nuclear steam supply system vendor, constructor, and construction manager when other than the constructor) QA program description changes are reported to NRC in writing. In addition, when subcontractors make significant changes that amount to changes in the construction permit holder's or licensee's QA program or in the principal contractor's QA program, NRC must be notified in writing. This should not impose a heavy burden on a licensee or construction permit holder because, if a change has been made to a QA topical report description by a licensee's or construction permit holder's principal contractor and submitted to NRC by the principal contractor together with an explanation of the reasons for the change, the licensee or construction permit holder need only notify NRC that the referenced principal contractor's QA topical report has been changed and submitted to NRC by the principal contractor and need not forward a letter explaining the change.

It was also suggested that NRC Resident Inspectors be allowed to review QA program changes in order to determine whether the program has been weakened.

Because of the Resident Inspectors' diversified and demanding workloads, the Commission believes that its best interests would be expeditiously served by having reviews of QA program description changes performed in designated NRC Regional Offices or Office of Inspection and Enforcement, as necessary and appropriate.

It was also suggested that QA program description changes should be reviewed by the NRC's Office of Nuclear Reactor Regulation (Quality Assurance Branch) in lieu of the NRC Regional Offices, since licensees initially obtain approval of their quality assurance program descriptions from that NRC unit.

The Commission has not accepted this suggestion. The Commission will develop internal review procedures to ensure that QA program description changes will be reviewed by the NRC office possessing the necessary QA expertise and resources. In all cases, copies of all QA program description changes will be provided to the appropriate NRC Regional Office, appropriate NRC Resident Inspector, and NRC Office of Inspection and Enforcement for their review and to solicit their input regarding the changes.

Finally, several commenters suggested that the rule be clarified to avoid the specific misinterpretation that written evaluations could be required for every revision of QA implementing methods and procedures, and for changes that correct spelling, punctuation, or items that are editorial in nature.

The rule has been revised to clarify the requirement for written evaluations. Generally, changes to quality assurance program implementing procedures, instructions, methods, and other documents do not require evaluations or submittal to NRC. Only when these changes involve a change to the QA program as described in the Safety Analysis Report would NRC have to be notified and would a forwarding letter have to be submitted. This forwarding letter will provide the basis for a Commission determination concerning compliance with the criteria in Appendix B of 10 CFR Part 50. Consequently, all affected pages of the Safety Analysis Report that describe the quality assurance program must be submitted to NRC in order to ensure that the copy of the quality assurance program description retained by NRC remains current.

Paperwork Reduction Act

The application, reporting, and recordkeeping requirements contained in this Regulation have been approved by the Office of Management and Budget; OMB approval No: 3150-0011.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. This final rule affects only the licensing and operation of nuclear power plants and fuel reprocessing plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. No small entity commented that the proposed rule would affect it.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50 are published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 50.54 is amended by adding a new paragraph (a) to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(a)(1) Each nuclear power plant or fuel reprocessing plant licensee subject to the quality assurance criteria in Appendix B of this part shall implement, pursuant to § 50.34(b)(6)(ii) of this part, the quality assurance program described or referenced in the Safety Analysis Report, including changes to that report.

(2) Each licensee described in paragraph (a)(1) of this section shall, by June 10, 1983, submit to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter the current description of the quality assurance program it is implementing for inclusion in the Safety Analysis Report, unless there are no changes to the description previously accepted by NRC. This submittal must identify changes made to the quality assurance program description since the description was submitted to NRC. (Should a licensee need additional time beyond June 10, 1983 to submit its current quality assurance program description to NRC, it shall notify the appropriate NRC Regional Office in writing, explain why additional time is needed, and provide a schedule for NRC approval showing when its current quality assurance program description will be submitted.)

(3) After March 11, 1983, each licensee described in paragraph (a)(1) of this section may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report, provided the change does not reduce the commitments in the program description previously accepted by the NRC. Changes to the quality assurance program description that do not reduce the commitments must be submitted to the NRC at least annually in accordance with the requirements of § 50.71 of this part. Changes to the quality assurance program description that do reduce the commitments must be submitted to NRC and receive NRC approval before implementation, as follows:

(i) Changes made to the Safety Analysis Report must be submitted for review to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter; to the Resident Inspector; and to the Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Changes made to NRC-accepted quality assurance topical report descriptions must be submitted to the Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the NRC Region IV Vendor Program Branch.

(ii) The submittal of a change to the Safety Analysis Report quality assurance program description must include all pages affected by that change and must be accompanied by a forwarding letter identifying the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the criteria of Appendix B of this part and the Safety Analysis Report quality assurance program description commitments previously accepted by the NRC (the letter need not provide the basis for changes that correct spelling, punctuation, or editorial items).

(iii) A copy of the forwarding letter identifying the changes must be maintained as a facility record for three years.

(iv) Changes to the quality assurance program description included or referenced in the Safety Analysis Report shall be regarded as accepted by the Commission upon receipt of a letter to this effect from the appropriate reviewing office of the Commission or 60 days after submittal to the Commission, whichever occurs first.

* * * * *

3. Section 50.55 is amended by adding a new paragraph (f) to read as follows:

§ 50.55 Conditions of construction permits.

* * * * *

(f)(1) Each nuclear power plant or fuel reprocessing plant construction permit holder subject to the quality assurance criteria in Appendix B of this part shall implement, pursuant to § 50.34(a)(7) of this part, the quality assurance program described or referenced in the Safety Analysis Report, including changes to that report.

(2) Each construction permit holder described in paragraph (f)(1) of this section shall, by June 10, 1983, submit to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter the current description of the quality assurance program it is implementing for inclusion in the Safety Analysis Report, unless there are no changes to the description previously accepted by NRC. This submittal must identify changes made to the quality assurance program description since the description was submitted to NRC. (Should a permit holder need additional time beyond June 10, 1983 to submit its current quality assurance program description to NRC, it shall notify the appropriate NRC Regional Office in writing, explain why additional time is needed, and provide a schedule for NRC approval showing when its current quality assurance program description will be submitted.)

(3) After March 11, 1983, each construction permit holder described in paragraph (f)(1) of this section may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report, provided the change does not reduce the commitments in the program description previously accepted by the NRC. Changes to the quality assurance program description that do not reduce the commitments must be submitted to NRC within 90 days. Changes to the quality assurance program description that do reduce the commitments must be submitted to NRC and receive NRC approval before implementation, as follows:

(i) Changes made to the Safety Analysis Report must be submitted for review to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter; to the Resident Inspector; and to the Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Changes made to NRC-accepted quality assurance topical report descriptions must be submitted to the Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the NRC Region IV Vendor Program Branch.

(ii) The submittal of a change to the Safety Analysis Report quality assurance program description must include all pages affected by that change and must be accompanied by a forwarding letter identifying the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the criteria of Appendix B of this part and the Safety Analysis Report quality assurance program description commitments previously accepted by the NRC (the letter need not provide the basis for changes that correct spelling, punctuation, or editorial items).

(iii) A copy of the forwarding letter identifying the changes must be maintained as a facility record for three years.

(iv) Changes to the quality assurance program description included or referenced in the Safety Analysis Report shall be regarded as accepted by the Commission upon receipt of a letter to this effect from the appropriate reviewing office of the Commission or 60 days after submittal to the Commission, whichever occurs first.

Dated at Bethesda, Md., this 21st day of December 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-630 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 140

Modification of Indemnity Agreements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission's regulations presently provide that if the Commission intends to enter into an indemnity agreement with provisions different from those in a standard form indemnity agreement or intends to modify a standard form indemnity agreement, then the Commission must publish notice of this intent in the **Federal Register** and allow 15 days for interested persons to file petitions for leave to intervene with respect to the proposed amendment. The Commission is amending its regulations to retain the public notice provision but to delete the opportunity for public intervention and comment. The Commission is adopting this amendment because the scope of public comment appropriate for an action of this type is so restricted that the opportunity for public comment is unnecessary.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Eric E. Jakel, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492-8691.

SUPPLEMENTARY INFORMATION: The Commission's regulations (in 10 CFR 140.9) presently provide that if the Commission intends to enter into an indemnity agreement with provisions different from those in a standard form indemnity agreement or intends to modify a standard form indemnity agreement, then the Commission must publish notice of this intent in the **Federal Register** and allow 15 days for interested persons to file petitions for leave to intervene with respect to the proposed amendment. On July 23, 1982, the Commission published in the **Federal Register** (47 FR 31887) a proposed rule to amend its regulations to retain the public notice provision but to delete the opportunity for public intervention and comment. The Commission proposed amending 10 CFR 140.9 by removing the second sentence of that section. Currently, § 140.9 provides:

§ 140.9 Modifications of indemnity agreements.

The Commission will publish in the **Federal Register** a notice of its intent to enter into an indemnity agreement, or agreement amending an indemnity agreement, which contains provisions different from the form of the applicable indemnity agreement set forth in the appendices to this part, as such appendices may be amended from time to time. Such notices will provide at least a fifteen-day period following the date of publication in the **Federal Register** in which interested persons may file petitions for leave to intervene with respect to the proposed agreement.

The Commission has interpreted § 140.9 to mean that it only need solicit and consider written public comments on whether the language proposed to modify the indemnity agreements effectively implements the Commission's policy decision to exercise its descretionary authority to extend Price-Anderson indemnity coverage in any given situation. See 42 FR 44617, September 8, 1977; and 46 FR 55024, November 5, 1981. Comments addressing any other issue are not considered relevant.

Because granting a hearing or requesting public comment on such an insubstantial point, as the precise wording of an amendment to the standard indemnity agreement, is not meaningful, the Commission proposed to

delete the second sentence of this section as unnecessary.

Two letters of comment were received in response to the notice of proposed rulemaking. Both letters expressed support for the proposed rule. One letter of comment recommended deleting all of the appendices to 10 CFR Part 140. Deletion of these appendices is an action that the Commission favors. In the near future, the Commission will publish a proposed rule soliciting public comment on this action. A rulemaking action resulting in deletion of these appendices would necessitate a conforming change to Part 140 deleting § 140.9 in its entirety.

No significant adverse comments or questions were received on the notice of proposed rulemaking, nor were any substantial changes in the text indicated. Therefore, the final rule being adopted by the Commission is identical to the proposed rule published for public comment.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the NRC has made a determination that this rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule affects the licensing and operation of nuclear reactors. The companies and institutions who own these reactors do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or in the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since the companies that will be affected by this rule are dominant in their service areas, this rule does not fall within the purview of the Act.

Llist of Subjects in 10 CFR Part 140

Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting requirements.

Under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendment to 10 CFR Part 140 is published as a document subject to codification.

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

1. The authority citation for Part 140 is revised to read as follows:

Authority: Secs. 161, 170, 68 Stat. 948, 71 Stat. 576, as amended (42 U.S.C. 2201, 2210); secs. 201, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 140.11(a), 140.12(a), 140.13 and 140.13a are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and § 140.6 is issued under sec. 161o, 68 Stat. 905, as amended (42 U.S.C. 2201(o)).

2. Remove the authority citations following §§ 140.2, 140.3, 140.5, 140.6, 140.7, 140.10, 140.11, 140.13a, 140.14, 140.18, 140.20, 140.21, 140.22, 140.91, 140.92, 140.93, 140.94, 140.95, 140.107, and 140.108.

3. Section 140.9 is revised to read as follows:

§ 140.9 Modification of indemnity agreements.

The Commission will publish in the Federal Register a notice of its intent to enter into an indemnity agreement, or agreement amending an indemnity agreement, which contains provisions different from the form of the applicable indemnity agreement set forth in the appendices to this part, as such appendices may be amended from time to time.

Dated at Bethesda, Maryland, this 23d day of December, 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-625 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 523 and 544

[No. 82-889]

Charter and Bylaws Available to Federal Associations, and Related Amendments; Processing of Applications; Corrections

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; corrections.

SUMMARY: This document corrects certain changes contained in Board Resolution No. 82-791 that determined the types of charters available to federal associations.

FOR FURTHER INFORMATION CONTACT: David A. Permut, (202-377-6962), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On December 8, 1982, the Federal Home Loan Bank Board promulgated final amendments to its regulations governing the types of charters available to federal associations. Board Resolution No. 82-791 (December 8, 1982); 47 FR 56985, (December 22, 1982). The regulations implemented statutory revisions contained in Pub. L. 97-320, the Garn-St Germain Depository Institutions Act of 1982. In adopting these amendments, some provisions that should have been amended inadvertently were left unchanged, and the numbering of a new section was incorrect. By its action today, the Board corrects the subject language.

Accordingly, the Board is correcting FR Doc. 82-34448, appearing at 47 FR 56985 as set forth below:

PART 523—[CORRECTED]

1. On page 56989, paragraph 1, the amendatory language and section heading are corrected by changing "§ 523.3-2" to "§ 523.3-3".

PART 544—[CORRECTED]

2. On page 56991, paragraph 17, the amendatory language is corrected to read:

"17. Amend § 544.1(a) by revising the first sentence of that paragraph; removing the term "CHARTER N" as the heading at the beginning of the charter form and replacing it with the term "CHARTER N (REV.)"; removing the term "savings" wherever it appears in section 4 of the charter, other than in the first sentence, wherever it appears in sections 6, 7, and 10 thereof, other than the last sentence of section 10; and substituting the word "an" for "a" where appropriate in sections 4, 6 and 7 thereof; and revising the introductory text and paragraph (6) of section 3, the first sentence of section 4, and the last sentence of section 10 of the charter; as follows:"

3. On page 56991, paragraph 18, § 544.1(b) is corrected to read:

"§ 544.1 Issuance of charter.

* * * * *

(b) *Charter L.* If expressly requested

in the Application for Permission to Organize, or in the Application for Conversion to a Federal Association, the Board will issue, in lieu of Charter N (Rev.), a Charter L. The form of Charter L is the same as the form of Charter N (Rev.), except that the heading states "CHARTER L" instead of "CHARTER N (Rev.)" and in lieu of the provision in Charter N (Rev.) designated "6. *Withdrawals,*" the following provision is substituted:

6. *Withdrawals.* The association shall have the right to pay the withdrawal value of its accounts at any time upon application therefor and to pay the holders thereof the withdrawal value thereof. Upon receipt of a written request from any holder of an account of the association for the withdrawal from such account of all or any part of the withdrawal value thereof, the association shall within 30 days pay the amount requested: *Provided,* That if the association is unable to pay all withdrawals requested at the end of 30 days from the date of such requests, it shall then proceed in the following manner while any withdrawal request remains unpaid for more than 30 days:

Withdrawal requests shall be paid in the order received and if any holder of an account or accounts has requested the withdrawal of more than $1,000, he shall be paid $1,000 in order when reached and his withdrawal request shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of withdrawal requests, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the withdrawal value of his account, and until such withdrawal request shall have been paid in full, shall continue to be so paid, renumbered, and replaced at the end of the withdrawal requests on file: *Provided,* That when any such request is reached for payment, the association shall so advise the holder of such account by registered mail to his last address as recorded on the books of the association and, unless such holder shall apply in person or in writing for the payment of such withdrawal request within 30 days from the date of the mailing of such notice, no payment on account of such withdrawal request shall be made and such request shall be cancelled: *And provided further,* That the board of directors shall have absolute right to pay on an equitable basis an amount not exceeding $200 to any holder of an account or accounts in any calendar month and without regard to any other provision of this section.

When the association is unable to pay all withdrawal requests within a period not exceeding 30 days from the date of receipt of written request therefor it shall allot to the payment of such requests the remainder of the association's receipts from all sources after deducting from total receipts appropriate amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of accounts, and a fund for general corporate purposes equivalent to not more than 20 percent of the association's receipts from holders of its accounts and from its borrowers. Holders of accounts for which application for withdrawal has been made shall remain holder of accounts until paid and shall not become creditors.

4. On page 56991, the amendatory language in paragraph 19 is corrected to read:

"19. Amend § 544.1 by adding a new paragraph (c) entitled *Charter B (Rev.)* and inserting the text and charter form of § 577.1 thereto; removing the term "CHARTER B" as the heading at the beginning of the charter form and replacing it with the term "CHARTER B (REV.)"; and amending that charter by removing the phrases "established for the primary purpose of providing people with a convenient and safe place to invest their funds and to provide for the financing of homes," and "*General Objects and*" contained in section 3, revising section 5 as set forth below, revising the first sentence of section 6 as set forth below and removing the word "savings" from section 6 wherever it appears other than in the first sentence and substituting the word "an" for "a" where appropiate, removing the phrase "in Board Resolution No. —, dated ———, ——," in section 7 and substituting therefor the phrase "by the Board or its delegatee in connection with action", removing the phrase "charter: *Provided, however,* That the bank's equity, corporate bond, and consumer loan investments may in no event exceed — percent of its assets." contained in section 10 and substituting therefor the phrase "charter."; removing in section 10 the phrase "Board Resolution No. —, dated ———," and substituting therefor the phrase "action of the Board or its delegatee in connection with action", removing from the third paragraph of section 11 the word "savings" and the phrase "[and checking accounts]" wherever they appear, and removing from section 11 the phrase "Board, such reserves shall include the reserve required for insurance of accounts." and inserting in its place the phrase "Board."; as follows:

(Sec. 2, 5, 48 Stat. 128, 132, as amended (12 U.S.C. 1462, 1464); Sec. 401, 402, 403, 404, 405, 406, 407, 48 Stat. 1255, 1256, 1257, 1259, 1260, as amended (12 U.S.C. 1724, 1725, 1726, 1727, 1728, 1729, 1730); Sec. 406, 62 Stat. 5, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947; 3 CFR 1943–1948 Comp p. 1071)

Dated: December 30, 1982.

By the Federal Home Loan Bank Board.

Thomas P. Vartanian,

General Counsel.

[FR Doc. 83-520 Filed 1-7-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-ANE-10; Amdt. 39-4528]

Airworthiness Directives; Garrett Turbine Engine Company Engine Models TSE331-3 and TPE331-1, -2, -3, -5, and -6 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment supersedes a currently effective airworthiness directive (AD) which: Clarified the requirement that turbine wheels failing a required inspection be removed from service; established that normal cyclic life limits would be listed in a Garrett service bulletin (SB); identified and limited by specific part number (P/N) affected third stage turbine wheels; and made less restrictive the turbine wheel replacement option. This AD requires: removal of an additional suspect machining lot of P/N 868630 third stage turbine wheels; a fluorescent penetrant inspection in lieu of a visual inspection; a reduced inspection interval for P/N 895539 third stage turbine wheels; and installation of a third stage turbine stator assembly incorporating new P/N inner and outer seals. This AD also revises hourly and cyclic lives for all turbine wheels based on commuter or executive service use.

DATES: Effective January 7, 1983. Comments must be received on or before March 7, 1983. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Garrett Turbine Engine Company, Post Office Box 5217, Phoenix, Arizona 85010, Telephone: (602) 267–3011.

A copy of the service information is contained in the FAA Rules Docket, New England Region, Office of the Regional Counsel, Attn: Docket No. 82–ANE–10, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bill Moring, Aerospace Engineer, ANM–174W, Western Aircraft Certification Field Office, Northwest Mountain Region, Post Office Box 92007, Worldway Postal Center, Los Angeles, California 90009; telephone: (213) 536–6381.

SUPPLEMENTARY INFORMATION: AD No. 82–10–05, Revision 1, Amendment 39–4457, (47 FR 39136) made effective on

September 9, 1982, provided clarification to operators of TSE331-3 and TPE331-1, -2, -3, -5, and -6 series engines which had the cyclic life limit of their third stage turbine wheels reduced by a previously issued AD. This earlier action was required because failures of the Part Number 868630 turbine wheel occurred at less than the published cyclic life limit. Since issuance of AD82-10-05, Revision 1, the FAA has been made aware of four additional failures of the third stage turbine wheel, Part Number 895539. This has shown the need for a more critical inspection of the rivet hole area of all turbine wheels. The visual inspection for rivet hole cracking of all turbine wheels is being superseded by a fluorescent penetrant inspection requirement. The hourly and cyclic life limits for each wheel are reduced to be consistent with the service history of turbine wheels which have experienced premature cracking at rivet holes. The retirement life for additional P/N 868630 third stage turbine wheels, now suspected to contain manufacturing errors and identified by serial number is reduced. FAA has also determined that the failure probability of a third stage turbine rotating knife seal may be reduced by incorporating a newly designed third stage turbine seal assembly. Further, evaluation of an uncontained wheel failure has revealed the cause to be low cycle fatigue cracking of the third stage turbine stator assembly. Consequently, high time (cycle) third stage turbine stator assemblies need to be reworked or replaced at a specified time. The remaining compliance requirements of AD82-10-05, Revision 1, Amendment 39-4457, remain unchanged.

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

Request for Comments on the Rule

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

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Safety.

Adoption of Amendment

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

Garrett Turbine Engine Company (formerly AiResearch Manufacturing Company of Arizona): Applies to Garrett Engine Models TSE331-3 and TPE331-1, -2, -3, -5, and -6 series engines.

Compliance required as indicated, unless already accomplished.

To reduce the possibility of rapid destruction of the engine turbine, accomplish the following:

(a) P/N 868630-1, -2, -3, -4, and -7 third stage turbine wheels identified by serial number (S/N) below must be removed from service in order to accomplish the inspection provided in paragraph (d) of this AD prior to accumulating 1500 total wheel cycles:

S/N 0-01345-419, 420, 421, 422, 423, 424, 425, 426, 428, 430, 431, 432, 433, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 458, 459, 461, 463, 1296, 1298, 1299, 1301, 1302, 1304, 1305, 1306, 1307, 1308, 1309, 1311, 1312, 1313

S/N 0-01345-1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1328, 1329, 1330, 1331, 1332, 1335, 1336, 1338, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2364, 2365, 2366, 2367, 2369, 2371, 2372

S/N 0-01345-2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2529, 3106, 3107, 3109, 3110, 3111, 3112, 3113, 3114, 3118, 3119, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3140, 3141, 3145, 3146, 3147, 3149, 3150, 3152, 3153, 3737

S/N 9-01345-15426, 15427, 15428, 15429, 15432, 15433, 18246, 18247, 18248, 18250, 18251, 18252, 18253, 18256, 18258, 18259, 18260, 18262, 18263, 18264, 18265, 18266, 18286, 18287, 18288, 18289, 18302, 18304, 18305, 18310, 18311, 18316, 18317, 18318, 18320, 18321, 18323, 18324, 18325, 18326, 18328, 18329, 18330, 18414, 18415

Note.—For purposes of this AD, an operating cycle is defined as any operating sequence involving an engine start, aircraft takeoff and landing, followed by engine shutdown and one cycle shall be counted for each such operational sequence.

(b) P/N 868630-1, -2, -3, -4, and -7 third stage turbine wheels identified by serial number (S/N) below must be removed from service according to the following schedule:

Wheel total cycles	Remove [1]
Less than 1,300	Before accumulation of 1,500 cycles.
1,300 or more and less 2,550.	Before accumulation of 2,600 cycles or within the next 200 cycles whichever occurs first.
2,550 or more	Within the next 50 cycles.

[1] No wheel listed below may exceed 1,500 total cycles in service after June 1, 1983.

S/N 0-01345-18350, 18623, 18659, 18660, 18663, 18669, 18672, 18673, 18674, 18676, 18677, 18678, 19294, 19295

S/N 0-01345-20025, 20026, 20130, 20588, 20589, 20590, 20591, 20592, 20593, 20594, 20595, 20596, 20597, 20598

S/N 0-01345-21873, 21874, 21875, 21876, 21877, 21878, 21879, 21880, 21881, 21882, 21883, 21884, 21885, 21886

S/N 0-01345-19321, 19980, 19983, 19984, 19985, 19986, 19987, 19988, 19989, 19990, 19991, 19992, 19993, 19994, 19995, 19996, 19997, 19998, 19999, 20000, 20001, 20002, 20003, 20004, 20008, 20009, 20010, 20011, 20012, 20013, 20014, 20015, 20016, 20017, 20018, 20019, 20020, 20021, 20022, 20023, 20024

S/N 0-01345-20599, 20600, 20601, 20602, 20603, 20604, 20605, 20606, 20607, 20609, 20611, 20612, 20613, 20614, 20615, 20616, 20617, 20618, 20619, 20620, 20621, 20622, 20623, 20624, 20625, 20626, 20627, 20628, 20629, 20630, 20631, 20632, 20633, 20634, 20635, 20637, 20779, 21869, 21870, 21871, 21872

S/N 0-01345-21887, 21888, 21889, 21890, 21891, 21892, 21893, 21894, 21895, 21896, 21897, 21898, 21899, 21900, 21903, 21904, 21905, 21906, 21907, 21908, 21909, 21910, 21911, 21914, 22332, 22333

Note.—The inspection provided in paragraph (d) of this AD does not apply to the third stage turbine wheels listed in paragraph (b).

(c) P/N 868630-1, -2, -3, -4, and -7 third stage turbine wheels introduced into service after March 24, 1978, and not listed by serial number in paragraph (a) or (b) of this AD must be removed from service in order to accomplish the inspection provided in paragraph (d) of this AD prior to accumulating 2600 total wheel cycles.

Note.— P/N 868630-1, -2, -3, and -4 third stage turbine wheels introduced into service prior to March 24, 1978, are not required to have the inspection provided in paragraph (d) of this AD.

(d) Except for those wheels listed by serial number in paragraph (b) of this AD, P/N 868630-1, -2, -3, -4, or -7 third stage turbine wheels which comply with the inspection requirements of paragraph 2 of Garrett Service Bulletin No. TPE/TSE331-72-0351, dated April 14, 1982, or later FAA approved revisions, may be operated to the life limits provided in paragraph (e) or (f) of this AD. Third stage wheels which do not meet the inspection limits of this service bulletin may not be returned to service.

Note.—Turbine wheels which comply with paragraph 2 of Garrett Service Bulletin No. TPE/TSE331-72-0351 or later FAA approved revisions have the service bulletin annotated on the life limited parts log card which is located either with the third stage wheel assembly or with the engine log book.

(e) The following turbine wheels which are or have been installed only in engines used exclusively by Domestic, Flag, and Supplemental Air Carriers operating under Part 121 or Air Taxi and Commercial Carriers operating under Part 135 of the Federal Aviation Regulation, may be continued in service to the cyclic or hourly life limits, whichever occurs first, specified below:

Wheel stage	Part number	Cycle and hour life
First	867569-1, -7	4,900 cycles or 3,000 hours.
Second	868272-1, -2, -3, -4	4,900 cycles or 3,000 hours.
Third	895539-1, -2, -3, -4	2,000 cycles or 1,400 hours.
Third	868630-1, -2, -3, -4, -7.	3,600 cycles or 3,000 hours.
Third	868630-8	4,300 cycles or 3,000 hours.

Turbine wheels which exceed these limits on the effective date of this AD must be removed prior to accumulating an additional 100 hours in service.

(f) The following turbine wheels which have been operated in engines used in service other than the type service designated in paragraph (e) of this AD, may be continued in service to the cyclic or hourly life limits specified below provided they meet the inspection standards contained in paragraph (g) or (h) of this AD as applicable:

Wheel stage	Part number	Cycle and hour life
First	867569-1, -7	3,600 hours.
Second	868272-1, -2, -3, -4	3,600 hours.
Third	895539-1, -2, -3, -4	2,000 cycles or 3,500 hours whichever occurs first.
Third	868630-1, -2, -3, -4, -7.	3,600 cycles or 3,600 hours whichever occurs first.
Third	868630-8	4,300 cylces or 3,500 hours whichever occurs first.

Turbine wheels which exceed these limits on the effective date of this AD must be removed prior to accumulating an additional 100 hours in service.

Note.—Turbine wheels introduced into service prior to March 24, 1978, are not required to have their cyclic lives recorded.

(g) P/N 867569-1 and -7; P/N 868272-1, -2, -3, and -4; and P/N 868630-1, -2, -3, -4, -7, and -8 turbine wheels operated to the life limits authorized by paragraph (f) of this AD must be inspected for cracks by fluorescent penetrant inspection procedures contained in the existing FAA approved maintenance manual for the applicable TPE/TSE331 engine before accumulating 1800 hours since new or 1600 hours since last inspected for cracks by fluorescent penetrant or visual inspection procedures contained in these same FAA approved maintenance manuals in effect prior to the issuance of this AD and before accumulating 1900 hours in service thereafter. Turbine wheels which exceed either this time for initial inspection or this inspection interval must be fluorescent penetrant inspected prior to accumulating an additional 100 hours in service. Wheels found to have cracks may not be returned to service.

(h) P/N 895539-1, -2, -3, and -4 third stage turbine wheels operated to the life limits authorized by paragraph (f) of this AD must be inspected for cracks by fluorescent penetrant inspection procedures contained in the existing FAA approved maintenance manual for the applicable TPE/TSE331 engines before accumulating 1500 hours since new or 800 hours since last inspected for cracks by fluorescent penetrant or visual inspection procedures contained in these same FAA approved maintenance manuals in effect prior to the issuance of this AD and before accumulating 800 hours in service thereafter. Turbine wheels which exceed either this time for initial inspection of this inspection interval must be fluorescent penetrant inspected according to the following schedule. Wheels found to have cracks may not be returned to service.

Wheels hours	Inspect [1]
Less than 1,400 since new.	Before accumulation of 1,500 hours since new.
1,400 or more and less than 1,800 since new.	Before accumulation of 1,800 hours since new or within the next 100 hours whichever occurs first.
1,800 or more since new.	Before further flight.
Less than 500 since last inspection.	Before accumulating 800 hours since last inspection.
500 or more and less than 1,000 since last inspection.	Before accumulating 1,200 hours since last inspection or within the next 300 hours whichever occurs first.
1,000 or more and less than 1,300 since last inspection.	Before accumulating 1,400 hours since last inspection or within the next 200 hours whichever occurs first.
1,300 or more and less than 1,800 since last inspection.	Before accumulating 1,800 hours since last inspection or within the next 100 hours whichever occurs first.
1,800 or more since last inspection.	Before further flight.

[1] No P/N 895539-1, -2, -3, or -4 turbine wheel may exceed either 1500 hours since new or 800 hours since last inspection after December 31, 1983.

(i) Prior to accumulating an additional 1800 operating hours after February 11, 1982, on all affected engines containing P/N 868630-1, -2, -3, or -4 or P/N 895539-1, -2, -3, or -4 third stage turbine wheels, or upon next removal of the third stage turbine wheel, after September 9, 1982, whichever occurs earlier, either:

(1) Remove curvic coupling gasket, P/N 868892-2, located forward of third stage turbine wheel, and replace it with a serviceable P/N 868892-9 curvic coupling gasket or subsequently approved part number gasket as prescribed in paragraph 2 of Garrett Service Bulletin TPE331-72-0300, dated September 9, 1981, or FAA approved equivalent; or,

(2) Replace the third stage turbine wheel with a P/N 868630-7, P/N 868630-8, or FAA approved equivalent third stage turbine wheel.

Note.—The P/N 868630-1, -2, -3, or -4 turbine wheel may be modified to the P/N 868630-7 third stage turbine wheel design by compliance with instructions provided in Garrett Service Bulletin TPE331-72-0327, dated December 14, 1981, or FAA approved equivalent.

(j) Upon next removal of the third stage turbine wheel from all affected engines after February 1, 1983, but not later than February 1, 1984, which have been installed on airplanes operated under Part 121 or Part 135 of the Federal Aviation Regulations, remove the third stage turbine stator P/N 868379-1 and third stage turbine seal P/N 868259-1 and replace with a serviceable P/N 868379-3 or subsequently approved part number stator as prescribed in paragraph 2 of Garrett Service Bulletin TPE331-22-0384, dated November 17, 1982, or FAA approved equivalent, and with a serviceable P/N 868259-2 or subsequently approved part number seal as prescribed in paragraph 2 of Garrett Service Bulletin TPE331-72-0380, dated November 17, 1982, or FAA approved equivalent.

Note.—Operating time and cycles are to be recorded in the Engine Log Book for P/N 868379-3 turbine stators.

(k) Upon next removal of the third stage turbine wheel from all affected engines, after February 1, 1983, which have been installed on airplanes operated exclusively in service other than that defined in paragraph (j) of this AD, remove the third stage turbine seal P/N 868259-1 and replace with a serviceable P/N 868259-2, or subsequently approved part number seal as prescribed in paragraph (j) of this AD.

(l) Within 1800 hours after February 1, 1984, on all affected engines which have been installed on airplanes operated exclusively in service other than that defined in paragraph (j) of this AD, remove the third stage turbine stator P/N 868379-1 and replace with a serviceable P/N 868379-3 or subsequently approved part number stator as prescribed in paragraph (j) of this AD.

(m) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

(n) Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Field Office, FAA Northwest Mountain Region.

This AD supersedes AD 82-10-05, Revision 1, Amendment 39-4457. Amendment 39-4457 became effective September 9, 1982.

This Amendment 39-4526 becomes effective January 7, 1983.

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

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11035; 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 under the caption **"FOR FURTHER INFORMATION CONTACT".**

Issued in Burlington, Massachusetts, on December 22, 1982.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 83-423 Filed 1-7-83; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CE-39-AD; Amendment 39-4534]

Airworthiness Directives; Piper PA-31 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule superseding existing AD.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 82-08-06, which requires repetitive inspections of the wing flap transmission, and limits the extension angles of the wing flaps and requires related corresponding changes in the published Operating Limitations and Procedures on certain Piper PA-31 series airplanes incorporating a Dukes flap actuating system. The superseding AD continues in effect these requirements, extends the compliance time, requires the installation of a supplementary flap travel stop and incorporates in the AD a previously approved means of compliance. This action reduces the possibility of a large asymmetric wing flap condition and precludes the potential for flap damage on airplanes modified per AD 82-08-06.

DATE: Effective January 11, 1983; Compliance: As prescribed in the body of the AD.

ADDRESSES: Piper Aircraft Corporation Service Bulletins No. 739 dated March 1, 1982, No. 741 dated March 1, 1982, No. 494B dated July 17, 1979, Piper Aircraft Corporation Service Letters No. 958 dated October 25, 1982, and No. 764A dated July 17, 1979, applicable to this AD may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: W. H. Trammell, ACE-130A, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION: To prevent asymmetric flap extention and possible loss of airplane control, the FAA issued AD 82-08-06, Amendment 39-4368 (47 FR 16615, 16616), as revised by Amendment 39-4456 (47 FR 39135), applicable to certain Piper PA-31 series airplanes. This AD superseded ADs 76-10-06 and 81-11-03 and incorporated, with changes, the repetitive inspections and flap operations limitations contained therein. A part of the action required by this AD was the installation of Flap Travel Restriction Kits 764 396 or 764 397, as applicable to the specific airplane in accordance with Piper Aircraft Corporation Service Bulletin No. 739.

Subsequent to the issuance of this AD, flap damage occurred because of a malfunction of the flap down limit switch which allowed the flap actuator to continue to apply extending force to the flap after it was against a stop installed on the flap track when incorporating the above kits. As a result of this condition, the manufacturer incorporated an additional flap travel stop on all Kits 764 396 and 764 397 shipped from the factory subsequent to September 9, 1982. Concurrently, it made parts and instructions available in Supplementary Flap Travel Restrictions Kit 764 920L for incorporating this stop on airplanes modified with earlier kits.

In addition, the manufacturer is unable to supply sufficient kits to allow modification of all airplanes prior to the present compliance date of November 1, 1982, for AD 82-08-06.

The FAA has also approved in several instances the installation of a 40:1 gear ratio Dukes wing flap transmission, Piper P/N 489-627, Dukes P/N 1215-00-1(L.H.), Piper P/N 489-428, Dukes P/N 1216-00-1(R.H.) or modification of the existing 20:1 gear ratio wing flap transmission as an equivalent means of compliance with AD 82-08-06. The FAA finds that sufficient interest exists in this means of compliance with the AD to warrant inclusion of this method of compliance in the superseding AD.

Accordingly, since the conditions described herein are likely to exist or develop on other airplanes of the same type design, the FAA is superseding AD 82-08-06 as revised by Amendment 39-4456, applicable to Piper PA-31 series airplanes. The superseding AD continues in effect the provisions of AD 82-08-06, requires installation of the additional flap travel stop if not already incorporated and includes an equivalent means of compliance with this AD which has been already approved for some operators.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

Piper Aircraft Corporation: Applies to Models PA-31 (S/Ns 31-2 thru 31-7812129), PA-31-300 (S/Ns 31-2 thru 31-511), PA-31-325 (S/Ns 31-7300932 thru 31-7812129), PA-31-350 (S/Ns 31-5001 thru 31-7852171), PA-31T (S/Ns 7400002 thru 31T-7820092, except 31T-7820067), PA-31T1 (S/Ns 31T-7804001 thru 31T-7804011) and PA-31P (S/Ns 31P-1 thru 31P-7730012) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished. To prevent loss of control due to flap asymmetric conditions caused by failure of the flap extension system, accomplish the following:

a) On Models PA-31 (S/Ns 31-2 thru 31-7812129), PA-31-300 (S/Ns 31-2 thru 31-511), PA-31-325 (S/Ns 31-7300932 thru 31-7812129), PA-31-350 (S/Ns 31-5001 thru 31-7852171) and PA-31P (S/Ns 31P-1 thru 31P-7730012) airplanes:

1. Within 25 hours time-in-service after April 22, 1982, restrict maximum flap extension to 25 degrees by installation of temporary instrument markings and placards and incorporation of pen and ink changes in the applicable "Airplane Flight Manuals" or "Pilot's Operating Handbook and FAA Approved Flight Manual" in accordance with Part I of Piper Service Bulletin No. 739, dated March 1, 1982. The installation of permanent kits prescribed in paragraph a)4 below meets these requirements.

2. Within 100 hours time-in-service after April 22, 1982, and thereafter at intervals not exceeding 500 hours time-in-service, visually inspect the flap flexible drive shaft assemblies for alignment, wear and security of attachment of end fittings to the flexible shaft. Prior to further flight, replace unsatisfactory parts in accordance with Part II of Piper Service Bulletin No. 739, dated March 1, 1982.

3. Within the next 100 hours time-in-service after April 22, 1982, or when last

accomplished under AD 76-10-06 or AD 81-11-03 and thereafter at intervals not exceeding 100 hours time-in-service, visually inspect the wing flap transmission for excessive wear. Prior to further flight, rework or replace this assembly, as necessary, in accordance with "Instructions No. 1" of Piper Service Bulletin 494B dated July 17, 1979.

4. On or before March 31, 1983, install Piper Flap Travel Restrictions and Placard Kit, P/N 764 396 in Model PA-31, PA-31-300, PA-31-325 and PA-31-350 airplanes, P/N 764 397 in Model PA-31P airplanes, and Flap Travel Restriction Supplementary Kit, P/N 764 920L, in accordance with Piper Service Letter 958 dated October 25, 1982, which includes additional stops and modification instructions to preclude the possibility of flap damage.

Note.—Service Letter 958 applies only to those aircraft listed in paragraph a) of this AD which have installed Piper Kit 764 396 or 764 397 with an issue date of March 5, 1982 (820305) in compliance with Piper Service Bulletin 739, Part III, dated March 1, 1982.

All Piper Kits 764 396 and 764 397 shipped from the factory on or after September 9, 1982 will be identified with a revision date of September 21, 1982, (R820921), and will incorporate the supplementary material and instructions referenced in this Service Letter.

The installation of these later kits can be determined by examination of the center flap tracks for presence of a P/N 71887-02 upper flap stop as shown on page 3 of Piper Service Letter 958 dated October 25, 1982.

b) On Model PA-31T (S/Ns 31T-7400002 thru 31T-7520013) airplanes:

1. Within 25 hours time-in-service after April 22, 1982, restrict maximum flap extension to 15 degrees by installation of temporary instrument markings and placards and incorporation of pen and ink changes in the "Pilot's Operating Handbook and FAA Approved Airplane Flight Manual" in accordance with Part I of Piper Service Bulletin No. 741, dated March 1, 1982. The installation of permanent placards and manual revisions prescribed by paragraph b)4 below meets this requirement.

2. Within the next 100 hours time-in-service after April 22, 1982, and thereafter at intervals not exceeding 500 hours time-in-service, visually inspect the flap flexible drive shaft assemblies for alignment, wear and security of attachment of end fittings to the flexible shaft. Prior to further flight, replace unsatisfactory parts in accordance with Part I B, Piper Service Bulletin No. 741, dated March 1, 1982.

3. Within the next 100 hours time-in-service after April 22, 1982, or since last accomplished under AD 76-10-06 or AD 81-11-03 and thereafter at intervals not to exceed 100 hours time-in-service, visually inspect the wing flap transmission for excessive wear. Prior to further flight, rework or replace this assembly as necessary in accordance with "Instructions No. 1" of Piper Service Bulletin No. 494B, dated July 17, 1982.

4. On of before August 1, 1982, install a permanent Autopilot/Flap Operation Placard, Piper P/N 810009-02 and permanent "Pilot's" Operating Handbook and FAA Approved Airplane Flight Manual" revisions incorporating the same information specified in paragraph b)1.

5. Upon installation of Piper Kit 764-398, Wing Flap Transmission Modification Kit, the restrictions and inspections required by paragraphs b) 1 and 2 are no longer required and temporary markings and manual revisions may be removed and the requirements of paragraph c) below become applicable.

c) On Model PA-31T (S/Ns 31T-7520014 thru 31T-7820066, 31T-7820068 thru 31T-7820092) and those airplanes having S/N 31T-7400002 thru 31T-7520013 if Piper Kit 764 398 is installed and Model PA-31T1 (S/Ns 31T-7804001 thru 31T-7804011) airplanes:

1. Within the next 25 hours time-in-service after April 22, 1982, install a Temporary Autopilot/Flap Operating Placard and make temporary changes in the "Airplane Flight Manual" or "Pilot's Operating Handbook and FAA Approved Airplane Flight Manual" in accordance with Part II of Piper Service Bulletin No. 741, dated March 1, 1982. The installation of a permanent placard and manual revisions prescribed by paragraph c)3 below meets these requirements.

2. Within the next 100 hours time-in-service after April 22, 1982, or when last accomplished under AD 76-10-06 or AD 81-11-03 and thereafter at intervals not exceeding 100 hours time-in-service, visually inspect the wing flap transmission for excessive wear. Prior to further flight, rework or replace this assembly as necessary in accordance with "Instructions No. 1" of Piper Service Bulletin 494B, dated July 17, 1979.

3. On or before August 1, 1982, install a permanent Autopilot/Flap Operation Placard, Piper P/N 81109-02 and permanent "Pilot's Operating Handbook and FAA Approved Flight Manual" revisions incorporating the same information specfied in paragraph c)1.

d) Upon submission of substantiating data by an owner or operator, through an FAA Maintenance Inspector, the Manager, Atlanta Aircraft Certification Office, FAA, may adjust the inspection intervals and compliance times specified in this AD.

e) An equivalent method of compliance with this AD when used must be approved by the Manager, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320. The following has been approved as an equivalent method of compliance with paragraphs A1, A2, and A4:

1. Remove wing flap transmissions (20:1 gear ratio):
   Piper P/N 489-425 (L.H.), Dukes P/N 1209-00-1
   Piper P/N 489-426 (R.H.), Dukes P/N 1210-00-1
2. Install transmissions (40:1 gear ratio)
   Piper P/N 489-427 (L.H.), Duke's P/N 1215-00-1
   Piper P/N 489-428 (R.H.), Dukes P/N 1216-00-1 or alternatively:
3. Convert the transmissions to 40:1 gear ratio by use of Piper Kit No. 755 050 or No. 764 398 (Dukes Kit No. 1215-1000). The converted units are then identified as:
   Piper P/N 489-427 (L.H.) Dukes P/N 1215-00-1
   Piper P/N 489-428 (R.H.) Dukes P/N 1216-00-1
4. Remove flexible drive shaft, Piper P/N 486-597 and install flexible drive shaft Piper P/N 486-631.
5. Change the Autopilot/Flap Operation Placard located on the pilot's side window molding to read:
   "OPERATE FLAP CONTROL IN SMALL INCREMENTS TO ASSURE FLAP SYMMETRY. NO FLAP SELECTION WITH AUTOPILOT ENGAGED".
6. Remove red full flap radial position mark on flap position indicator at 25 degrees as required by Part I of Piper Service Bulletin No. 739 dated March 1, 1982.
7. Install a Supplement to the POH which reflects appropriate revisions to the pages and paragraphs listed in Piper Service Bulletin No. 739, dated March 1, 1982, paragraph 6e(1) on pages 10 and 11. Delete the limitations imposed by the 25 degree flap setting and insert those applicable to the 40 degree flap setting. However, retain the instructions for incremental flap extension and retraction. This Supplement must be approved by the Manager, Atlanta Aircraft Certification Office located at the address specified in paragraph (e) of this AD.

Note.—In the event replacement flexible drive shafts are not available for the PA-31, PA-31-300, PA-31-325 and PA-31-350 airplanes, the airplane may be operated with flaps secured in the full-up position provided appropriate performance data is used.

This amendment becomes effective January 11, 1983.

This amendment supersedes AD 82-08-06 (Amendment 39-4369 as revised by Amendment 39-4456).

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

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

Issued in Kansas City, Missouri, on December 27, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-420 Filed 1-7-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-59]

Alteration of Control Zone, Birmingham, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Birmingham, Alabama, control zone by (1) revoking an arrival extension, (2) correcting the airport geographical coordinates, (3) correcting the name of a navigational aid and redescribing the arrival extension which is predicated upon it, and (4) increasing the size of the basic control zone.

DATES: Effective 0901 GMT, February 17, 1983. Comments must be received on or before January 27, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

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

Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description and size of the Birmingham, Alabama, control zone so that it will be of adequate size and shape to accommodate Instrument Flight Rule (IFR) aeronautical activities in the vicinity of the airport. The control zone is presently described as a five-mile radius of the airport and includes arrival extensions northeast and southwest of the airport. A six-mile radius zone is required to contain military Category E aircraft while they are executing circling instrument approach procedures to the airport. The southwest extension will no longer be required when the zone is expanded to a six-mile radius area as the airspace involved will be encompassed by the new radius area. The extension to the northeast is predicated upon the Roebuck RBN and this airspace is required for containment of aircraft executing various instrument approach procedures to Birmingham's Runway 23. The name "Roebuck" has been changed to "Roeby" and this change will be reflected in the new description of the control zone and associated arrival extension. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is a need for a regulation to amend the Birmingham control zone to accommodate the changes outlined above. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and since Category E aircraft are already operating at the airport that good cause exists for making this amendment effective in less than 60 days after its publication in the **Federal Register**.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 GMT, February 17, 1983, as follows:

Birmingham Municipal Airport, AL—Revised

Within a 6-mile radius of Birmingham Municipal Airport (Lat. 33°33'50"N., Long. 86°45'16"W.); within 3-miles each side of the ILS localizer northeast course, extending form the 6-miles radius zone to 8.5 miles northeast of the Roeby RBN.

(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, threrefore, (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 East Point, Georgia, on December 23, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-424 Filed 1-7-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-62]

Alteration of Control Zone; Gulfport, Mississippi

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Gulfport, Mississippi, control zone by revoking two arrival extensions which are no longer required. This action will reduce the size of the control zone by approximately 95 square miles.

DATES: Effective 0901 GMT, February 17, 1983. Comments must be received on or before February 1, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves raising the floor of controlled airspace northeast and southwest of the Gulfport-Biloxi Regional Airport from the surface to 700 feet above the surface and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Gulfport, Mississippi, control zone by revoking arrival extensions which are no longer required. Runway 4/22 at the Gulfport-Biloxi Regional Airport has been permanently closed and the instrument approach procedures, which formerly served the runway, have been cancelled. This negates the need for the control zone arrival extensions. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is a need for a regulation to alter the Gulfport control zone by revoking the extensions which are no longer required. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective in less than 60 days after its publication in the **Federal Register**.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 GMT, February 17, 1983, as follows:

Gulfport-Biloxi Regional Airport, MS—Revised

Within a 5-mile radius of Gulfport-Biloxi Regional Airport (Lat. 30°24'25"N., Long. 89°04'12"W.) within 3.5 miles each side of Gulfport VORTAC 126° and 319° radials, extending from the 5-mile radius zone to 9.5 miles southeast and northwest of the VORTAC; excluding that portion within the Biloxi, MS, control zone. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

(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 East Point, Georgia, on December 27, 1982.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 83-422 Filed 1-7-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 82-ACE-22]

Alteration of Transition Area; Russell, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Russell, Kansas, to provide additional controlled airspace for aircraft executing instrument approach procedures to the Russell, Kansas, Municipal Airport, utilizing the Hays, Kansas, VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Airspace and Procedures Section, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance safety, the existing instrument approach procedure to the Russell, Kansas, Municipal Airport, is being modified by changing the 9 DME fix to a 13 DME fix utilizing the Hays, Kansas, VORTAC as a navigational aid. The modification of this instrument approach procedure entails alteration of the transition area at Russell, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 49978 and 49979 of the **Federal Register** dated November 4, 1982, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Russell, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, April 14, 1983, by altering the following transition area:

Russell, Kansas

The airspace extending from 700 feet above the surface within a 5-mile radius of the Russell, Kansas Municipal Airport (Latitude 38°52'22"N; Longitude 98°48'48"W); and within 4.5 miles each side of the Hays, Kansas VORTAC 086° radial, extending from the 5-mile radius area to 7.5 miles west of the airport.

(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 § 11.69 of the Federal Aviation Regulations (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 Kansas City, Missouri, on December 27, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-421 Filed 1-7-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 23487; Amdt. No. 95-308]

Air Traffic and General Operating Rules; IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: December 23, 1982.

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 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT December 23, 1982.

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

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

Issued in Washington, D.C. on December 28, 1982.

John M. Howard,

Manager, Aircraft Programs Division.

BILLING CODE 4910-13-M

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.		
IS ADDED TO READ		
FORNEY, MO VOR	TIGER, MO VOR	2900 MAA-17500
IS AMENDED TO READ IN PART		
KANSAS CITY, MO VORTAC *2900 - MOCA	LINCOLN, NE VORTAC	*3500 MAA-35000
WILLISTON, ND VORTAC VIA ISN VORTAC 340	U.S. CANADIAN BORDER COP, 95 ISN	8500 MAA-17500
IS AMENDED TO DELETE		
CEVIL, MO FIX *2500 - MOCA	FLIPPIN, AR VOR	*3800
CEVIL, MO FIX *2500 - MOCA	WALNUT RIDGE, AR VORTAC	*3800
DOGWOOD, MO VORTAC *2800 - MOCA	CEVIL, MO FIX	*3800
MAPLES, MO VORTAC *2900 - MOCA	CEVIL, MO FIX	*3800
BAHAMA ROUTES		
SSV IS AMENDED TO READ IN PART		
*BASIL, FL FIX *2500 - MRA **1200 - MOCA	NIMRO, FL FIX	**2500
§95.6002 VOR FEDERAL AIRWAY 2		
IS AMENDED TO DELETE		
DICKINSON, ND VORTAC VIA N ALTER.	BISMARCK, ND VOR/DME VIA N ALTER.	4300
BISMARCK, ND VOR/DME VIA N ALTER. *4100 - MRA	*LAKES, ND FIX VIA N ALTER.	3900
LAKES, ND FIX VIA N ALTER. *4500 - MRA	*TOVAR, ND FIX VIA N ALTER.	3900
TOVAR, ND FIX VIA N ALTER. *3200 - MOCA	JAMESTOWN, ND VOR/DME VIA N ALTER.	*3900
JAMESTOWN, ND VOR/DME VIA N ALTER.	FARGO, ND VORTAC VIA N ALTER.	3300
FARGO, ND VORTAC VIA N ALTER. *2900 - MOCA	ALEXANDRIA, MN VORTAC VIA N ALTER.	*3500
GOPHER, MN VORTAC VIA N ALTER.	DODJE, WI FIX VIA N ALTER.	3500
DODJE, WI FIX VIA N ALTER.	NODINE, MN VORTAC VIA N ALTER.	3000
NODINE, MN VORTAC VIA S ALTER.	LONE ROCK, WI VORTAC VIA S ALTER.	3000
BADGER, WI VORTAC VIA S ALTER.	SQUIB, MI FIX VIA S ALTER.	2900
SQUIB, MI FIX VIA S ALTER. *2100 - MOCA	MUSKEGON, MI VORTAC VIA S ALTER.	*2700
MUSKEGON, MI VORTAC VIA S ALTER.	JAKES, MI FIX VIA S ALTER.	2600
JAKES, MI FIX VIA S ALTER.	GRAND RAPIDS, MI VOR VIA S ALTER.	2700
GRAND RAPIDS, MI VOR VIA S ALTER.	LANSING, MI VORTAC VIA S ALTER.	2700
LANSING, MI VORTAC VIA N ALTER.	QUBEE, MI FIX VIA N ALTER.	2900
QUBEE, MI FIX VIA N ALTER.	SALEM, MI VORTAC VIA N ALTER.	2800
BUFFALO, NY VORTAC VIA N ALTER.	ROCHESTER, NY VORTAC VIA N ALTER.	2500
§95.6004 VOR FEDERAL AIRWAY 4		
IS AMENDED TO READ IN PART		
LEXIN, MO FIX *2300 - MOCA	HALLSVILLE, MO VORTAC	*3500
IS AMENDED TO DELETE		
CENTRALIA, IL VORTAC VIA S ALTER.	POCKET CITY, IN VORTAC VIA S ALTER.	2400
POCKET CITY, IN VORTAC VIA N ALTER.	HOLAN, IN FIX VIA N ALTER.	2500
HOLAN, IN FIX VIA N ALTER. *4000 - MRA **2000 - MOCA	*CODEY, IN FIX VIA N ALTER.	**3500
CODEY, IN FIX VIA N ALTER. *2000 - MOCA	SACKO, IN FIX VIA N ALTER.	*3500
SACKO, IN FIX VIA N ALTER.	LOUISVILLE, KY VORTAC VIA N ALTER.	2700
LOUISVILLE, KY VORTAC VIA N ALTER.	CLEGG, KY FIX VIA N ALTER.	2900
CLEGG, KY FIX VIA N ALTER.	LEXINGTON, KY VORTAC VIA N ALTER.	2800
LOUISVILLE, KY VORTAC VIA S ALTER. *2200 - MOCA	MCFEE, KY FIX VIA S ALTER.	*2600
MCFEE, KY FIX VIA S ALTER.	LEXINGTON, KY VORTAC VIA S ALTER.	2800
CHARLESTON, WV VORTAC VIA S ALTER.	SWIFT, WV FIX VIA S ALTER.	3000
SWIFT, WV FIX VIA S ALTER.	ELKINS, WV VORTAC VIA S ALTER.	5000
§95.6005 VOR FEDERAL AIRWAY 5		
IS AMENDED TO READ IN PART		
*AMISON, GA FIX *5000 - MRA **5000 - MRA	**NELLO, GA FIX	5600
§95.6005 VOR FEDERAL AIRWAY 5—Continued		
IS AMENDED TO DELETE		
CHATTANOOGA, TN VORTAC VIA E ALTER.	NASHVILLE, TN VORTAC VIA E ALTER.	4000
NASHVILLE, TN VORTAC VIA E ALTER.	BARRY, KY FIX VIA E ALTER.	2700
BARRY, KY FIX VIA E ALTER.	NEW HOPE, KY VORTAC VIA E ALTER.	3000
§95.6007 VOR FEDERAL AIRWAY 7		
IS AMENDED TO READ IN PART		
FORT MYERS, FL VORTAC VIA E ALTER.	BRONK, FL FIX VIA E ALTER.	2500
BRONK, FL FIX VIA E ALTER.	LAKELAND, FL VORTAC VIA E ALTER.	2000
§95.6008 VOR FEDERAL AIRWAY 8		
IS AMENDED TO READ IN PART		
DOYLE, CA FIX	LIMBO, CA FIX	3000
SEAL BEACH, CA VORTAC *2200 - MOCA	AHEIM, CA FIX	*3000
AHEIM, CA FIX *4000 - MRA *4100 - MCA OLLIE FIX, NE BND	*OLLIE, CA FIX	3000
OLLIE, CA FIX	PARADISE, CA VORTAC	5000
LUCER, CA FIX *8000 - MOCA	BULGY, CA FIX	*9000
BULGY, CA FIX	HECTOR, CA VORTAC	9000
DAGGETT, CA VORTAC VIA N ALTER.	LAS VEGAS, NV VORTAC VIA N ALTER.	9500
MORMON MESA, NV VORTAC	SAINT GEORGE, UT VOR/DME NE BND	12000
	SW BND	9000
SAINT GEORGE, UT VOR/DME	BRYCE CANYON, UT VORTAC	12000
BRYCE CANYON, UT VORTAC VIA N ALTER. *10000 - MRA **12800 - MOCA	*GREEL, UT FIX VIA N ALTER.	**16000
GREEL, UT FIX VIA N ALTER. *14000 - MCA SAKES FIX, W BND **12800 - MOCA	*SAKES, UT FIX VIA N ALTER.	**16000
§95.6009 VOR FEDERAL AIRWAY 9		
IS AMENDED TO READ IN PART		
MALDEN, MO VORTAC *2500 - MOCA	FARMINGTON, MO VORTAC	*3000
FARMINGTON, MO VORTAC *2500 - MOCA	GLASS, MO FIX	*3000
GLASS, MO FIX *2100 - MOCA	ARNOL, MO FIX	*3000
§95.6013 VOR FEDERAL AIRWAY 13		
IS AMENDED TO READ IN PART		
NASHE, MO FIX *3000 - MRA **2200 - MOCA	*DIZZI, MO FIX	**2700
§95.6014 VOR FEDERAL AIRWAY 14		
IS AMENDED TO READ IN PART		
ADAIR, OK FIX	NEOSHO, MO VORTAC	3000
STOUT, MO FIX *2300 - MOCA	REBBS, MO FIX	*3000
IS AMENDED TO DELETE		
TERRE HAUTE, IN VORTAC VIA S ALTER.	INDIANAPOLIS, IN VORTAC VIA S ALTER.	2700
§95.6015 VOR FEDERAL AIRWAY 15		
IS AMENDED TO READ IN PART		
*PRYOR, OK FIX *2900 - MRA	NEOSHO, MO VORTAC	3000
§95.6018 VOR FEDERAL AIRWAY 18		
IS AMENDED TO READ IN PART		
ROME, GA VORTAC VIA N ALTER. *5000 - MRA	*NELLO, GA FIX VIA N ALTER.	5600
§95.6020 VOR FEDERAL AIRWAY 20		
IS AMENDED TO READ IN PART		
ROME, GA VORTAC VIA N ALTER. *5000 - MRA	*NELLO, GA FIX VIA N ALTER.	5600
§95.6021 VOR FEDERAL AIRWAY 21		
IS AMENDED TO READ IN PART		
SEAL BEACH, CA VORTAC *2200 - MOCA	AHEIM, CA FIX	*3000
OLLIE, CA FIX	PARADISE, CA VORTAC	5000
LUCER, CA FIX *8000 - MOCA	BULGY, CA FIX	*9000
BULGY, CA FIX	HECTOR, CA VORTAC	9000
MORMON MESA, NV VORTAC	SAINT GEORGE, UT VOR/DME	
VIA E ALTER.	VIA E ALTER. NE BND	12000
	SW BND	9000
SAINT GEORGE, UT VOR/DME	*CEDAR CITY, UT VOR	
VIA E ALTER. *11400 - MCA CEDAR CITY VOR, S BND	VIA E ALTER.	12000

FROM	TO	MEA
§95.6021 VOR FEDERAL AIRWAY 21—Continued		
CEDAR CITY, UT VOR VIA E ALTER.	MILFORD, UT VORTAC VIA E ALTER.	10000
§95.6026 VOR FEDERAL AIRWAY 26		
IS AMENDED TO READ IN PART		
REDWOOD FALLS, MN VORTAC *2500 - MOCA	FARMINGTON, MN VORTAC	*3000
FARMINGTON, MN VORTAC *2400 - MOCA	EAU CLAIRE, WI VORTAC	*3000
IS AMENDED TO DELETE		
REDWOOD FALLS, MN VORTAC VIA S ALTER.	FARMINGTON, MN VORTAC VIA S ALTER.	2800
FARMINGTON, MN VORTAC VIA S ALTER. *2400 - MOCA	EAU CLAIRE, WI VORTAC VIA S ALTER.	*3000
§95.6035 VOR FEDERAL AIRWAY 35		
IS AMENDED TO DELETE		
BLUEFIELD, WV VORTAC VIA E ALTER.	CHARLESTON, WV VORTAC VIA E ALTER.	6000
§95.6036 VOR FEDERAL AIRWAY 36		
IS AMENDED TO READ IN PART		
SAULT STE MARIE, MI VORTAC *2800 - MOCA	U.S. CANADIAN BORDER	*5000
§95.6050 VOR FEDERAL AIRWAY 50		
IS AMENDED TO DELETE		
PAWNEE CITY, NE VORTAC VIA S ALTER.	NEXTE, MO FIX VIA S ALTER.	3000
NEXTE, MO FIX VIA S ALTER.	SAINT JOSEPH, MO VORTAC VIA S ALTER.	2900
§95.6051 VOR FEDERAL AIRWAY 51		
IS AMENDED TO READ IN PART		
*AWSON, GA FIX VIA W ALTER. *5000 - NRA **5000 - MRA	**NELLO, GA FIX VIA W ALTER.	5600

FROM	TO	MEA
§95.6051 VOR FEDERAL AIRWAY 51—Continued		
IS AMENDED TO DELETE		
LIVINGSTON, TN VORTAC VIA W ALTER.	NEW HOPE, KY VORTAC VIA W ALTER.	3000
NEW HOPE, KY VORTAC VIA W ALTER.	LOUISVILLE, KY VORTAC VIA W ALTER.	2700
§95.6052 VOR FEDERAL AIRWAY 52		
IS AMENDED TO DELETE		
CENTRAL CITY, KY VORTAC VIA N ALTER.	BRIDY, KY VIA N ALTER.	3000
BRIDY, KY VIA N ALTER.	NASHVILLE, TN VORTAC VIA N ALTER.	2700
§95.6061 VOR FEDERAL AIRWAY 61		
IS AMENDED BY ADDING		
PAWNEE CITY, NE VORTAC	GOLDN, MO FIX	3000
§95.6063 VOR FEDERAL AIRWAY 63		
IS AMENDED TO READ IN PART		
HALLSVILLE, MO VORTAC	QUINCY, IL VORTAC	2700
MOLINE, IL VORTAC	DAVENPORT, IA VORTAC	3000
§95.6065 VOR FEDERAL AIRWAY 65		
IS AMENDED BY ADDING		
GOLDN, MO FIX	SAINT JOSEPH, MO VORTAC	2900
§95.6067 VOR FEDERAL AIRWAY 67		
IS AMENDED TO DELETE		
WATERLOO, IA VORTAC VIA E ALTER.	ROCHESTER, MN VOR/DME VIA E ALTER.	3600
§95.6071 VOR FEDERAL AIRWAY 71		
IS AMENDED TO DELETE		
HOT SPRINGS, AR VOR VIA W ALTER. *2500 - MOCA	HIDER, AR FIX VIA W ALTER.	*3000
HIDER, AR FIX VIA W ALTER. *3200 - MOCA	ROVER, AR FIX VIA W ALTER.	*5500
ROVER, AR FIX VIA W ALTER. *2500 - MOCA	DANIL, AR FIX VIA W ALTER.	*9500
DANIL, AR FIX VIA W ALTER. *3300 - MIRA **3800 - MOCA	*SCRAN, AR FIX VIA W ALTER.	**9500

FROM	TO	MEA
§95.6071 VOR FEDERAL AIRWAY 71—Continued		
SCRAN, AR FIX VIA W ALTER. *3500 - MOCA	CASKS, AR FIX VIA W ALTER.	*6500
CASKS, AR FIX VIA W ALTER. *3500 - MOCA	RAZORBACK, AR VORTAC VIA W ALTER.	*4000
RAZORBACK, AR VORTAC VIA W ALTER.	GAMPS, AR FIX VIA W ALTER.	3000
GAMPS, AR FIX VIA W ALTER. *2700 - MOCA	BILIE, MO FIX VIA W ALTER.	*2300
BILIE, MO FIX VIA W ALTER.	SPRINGFIELD, MO VORTAC VIA W ALTER.	3000
§95.6072 VOR FEDERAL AIRWAY 72		
IS AMENDED TO READ IN PART		
RAZORBACK, AR VORTAC	REEDS, MO FIX	3300
§95.6073 VOR FEDERAL AIRWAY 73		
IS AMENDED TO DELETE		
WICHITA, KS VORTAC VIA E ALTER.	WAIVE, KS FIX VIA E ALTER.	3400
WAIVE, KS FIX VIA E ALTER.	SALINA, KS VORTAC VIA E ALTER.	3300
§95.6074 VOR FEDERAL AIRWAY 74		
IS AMENDED TO DELETE		
PIONEER, OK VORTAC VIA N ALTER.	TULSA, OK VORTAC VIA N ALTER.	3000
TULSA, OK VORTAC VIA N ALTER. *2900 - MRA	*PRYOR, OK FIX VIA N ALTER.	2700
PRYOR, OK FIX VIA N ALTER. *2600 - MOCA	SWALL, OK FIX VIA N ALTER.	*5500
SWALL, OK FIX VIA N ALTER.	SHORN, OK FIX VIA N ALTER.	3300
SHORN, OK FIX VIA N ALTER.	FORT SMITH, AR VORTAC VIA N ALTER.	3000
FORT SMITH, AR VORTAC VIA N ALTER.	DRANO, AR FIX VIA N ALTER.	2500
DRANO, AR FIX VIA N ALTER. *3300 - MRA	*SCRAN, AR FIX VIA N ALTER.	2500
SCRAN, AR FIX VIA N ALTER. *3000 - MOCA	BIBBS, AR FIX VIA N ALTER.	*4500
BIBBS, AR FIX VIA N ALTER.	LITTLE ROCK, AR VORTAC VIA N ALTER.	3500
PIONEER, OK VORTAC VIA S ALTER.	OKMULGEE, OK VOR VIA S ALTER.	3000
OKMULGEE, OK VOR VIA S ALTER. *2200 - MOCA	AKINS, OK FIX VIA S ALTER.	*2800
AKINS, OK FIX VIA S ALTER.	FORT SMITH, AR VORTAC VIA S ALTER.	2500
FORT SMITH, AR VORTAC VIA S ALTER.	*BUMP, AR FIX VIA S ALTER.	2700
*4000 - MCA BUMP FIX, SE BND		

FROM	TO	MEA
§95.6074 VOR FEDERAL AIRWAY 74—Continued		
BUMP, AR FIX VIA S ALTER. *3500 - MRA **3600 - MOCA	*PARON, AR FIX VIA S ALTER.	**4500
PARON, AR FIX VIA S ALTER.	LITTLE ROCK, AR VORTAC VIA S ALTER.	2500
LITTLE ROCK, AR VORTAC VIA N ALTER.	PINE BLUFF, AR VORTAC VIA N ALTER.	2000
PINE BLUFF, AR VORTAC VIA N ALTER. *1500 - MOCA	GREENVILLE, MS VOR/DME VIA N ALTER.	*2500
GREENVILLE, MS VOR/DME VIA N ALTER. *1700 - MOCA	YAZOO, MS FIX VIA N ALTER.	*3000
YAZOO, MS FIX VIA N ALTER.	JACKSON, MS VORTAC VIA N ALTER.	2000
§95.6081 VOR FEDERAL AIRWAY 81		
IS AMENDED TO READ IN PART		
DENVER, CO VORTAC	GILL, CO VORTAC	7000
GILL, CO VORTAC	HAMER, WY FIX	7900
HAMER, WY FIX	CHEYENNE, WY VORTAC	8000
CHEYENNE, WY VORTAC	VIDEE, WY FIX	8000
VIDEE, WY FIX	ALBIN, WY FIX	7900
ALBIN, WY FIX	SCOTTSBLUFF, NE VORTAC	7800
SCOTTSBLUFF, NE VORTAC	CHADRON, NE VOR	6900
§95.6088 VOR FEDERAL AIRWAY 88		
IS AMENDED TO READ IN PART		
NARCI, OK FIX *3900 - MOCA	WACCO, MO FIX	*6500
DELMA, MO FIX *2200 - MOCA	GLASS, MO FIX	*3500
IS AMENDED TO DELETE		
STEME, MO FIX VIA S ALTER.	FORNEY, MO VOR VIA S ALTER.	3000
FORNEY, MO VOR VIA S ALTER.	VICHY, MO VORTAC VIA S ALTER.	3000
§95.6089 VOR FEDERAL AIRWAY 89		
IS AMENDED TO DELETE		
DENVER, CO VORTAC VIA E ALTER.	GILL, CO VORTAC VIA E ALTER.	7000
GILL, CO VORTAC VIA E ALTER.	HAMER, WY FIX VIA E ALTER.	7900
HAMER, WY FIX VIA E ALTER.	CHEYENNE, WY VORTAC VIA E ALTER.	8000
CHEYENNE, WY VORTAC VIA E ALTER.	VIDEE, WY FIX VIA E ALTER.	8000
VIDEE, WY FIX VIA E ALTER.	ALBIN, WY FIX VIA E ALTER.	7900
ALBIN, WY FIX VIA E ALTER.	SCOTTSBLUFF, NE VORTAC VIA E ALTER.	7800

FROM	TO	MEA
§95.6089 VOR FEDERAL AIRWAY 89—Continued		
SCOTTSBLUFF, NE VORTAC VIA E ALTER.	CHADRON, NE VOR VIA E ALTER.	6900
§95.6097 VOR FEDERAL AIRWAY 97		
IS AMENDED TO DELETE		
KNOXVILLE, TN VORTAC VIA E ALTER.	MALIN, TN FIX VIA E ALTER.	3800
MALIN, TN FIX VIA E ALTER.	LONDON, KY VORTAC VIA E ALTER.	5200
LONDON, KY VORTAC VIA E ALTER.	LOGIC, KY FIX VIA E ALTER.	3300
LOGIC, KY FIX VIA E ALTER.	FALMOUTH, KY VOR/DME VIA E ALTER.	2800
FALMOUTH, KY VOR/DME VIA E ALTER.	CINCINNATI, OH VORTAC VIA E ALTER.	2700
LEXINGTON, KY VORTAC VIA W ALTER.	GRATZ, KY FIX VIA W ALTER.	2800
GRATZ, KY FIX VIA W ALTER.	CINCINNATI, OH VORTAC VIA W ALTER.	2700
§95.6104 VOR FEDERAL AIRWAY 104		
IS AMENDED TO READ IN PART		
U.S. CANADIAN BORDER	MASSENA, NY VORTAC	1600
§95.6116 VOR FEDERAL AIRWAY 116		
IS AMENDED TO READ IN PART		
MACON, MO VORTAC *2000 - MOCA	QUINCY, IL VORTAC	*2700
§95.6120 VOR FEDERAL AIRWAY 120		
IS AMENDED TO DELETE		
MASON CITY, IA VORTAC VIA N ALTER.	WATERLOO, IA VORTAC VIA N ALTER.	3000
§95.6129 VOR FEDERAL AIRWAY 129		
IS AMENDED TO READ IN PART		
GENSO, IL FIX	DAVENPORT, IA VORTAC	3000
DUBUQUE, IA VORTAC *2600 - MOCA	QUEST, WI FIX	*3100
IS AMENDED TO DELETE		
DUBUQUE, IA VORTAC VIA W ALTER.	WAUKON, IA VORTAC VIA W ALTER.	3000
WAUKON, IA VORTAC VIA W ALTER.	RIDDLE, MN VORTAC VIA W ALTER.	3000

FROM	TO	MEA
§95.6132 VOR FEDERAL AIRWAY 132		
IS AMENDED TO READ IN PART		
NASHE, MO FIX *2400 - MOCA	SPRINGFIELD, MO VORTAC	*3000
FORNEY, MO VOR	LENOX, MO FIX	3000
§95.6140 VOR FEDERAL AIRWAY 140		
IS AMENDED TO DELETE		
NASHVILLE, TN VORTAC VIA S ALTER. *2400 - MOCA	GRILL, TN FIX VIA S ALTER.	*3000
GRILL, TN FIX VIA S ALTER.	LIVINGSTON, TN VORTAC VIA S ALTER.	3400
§95.6159 VOR FEDERAL AIRWAY 159		
IS AMENDED TO READ IN PART		
DOGWOOD, MO VORTAC	SPRINGFIELD, MO VORTAC	4000
IS AMENDED TO DELETE		
OMAHA, NE VORTAC VIA W ALTER.	SIOUX CITY, IA VORTAC VIA W ALTER.	3000
§95.6161 VOR FEDERAL AIRWAY 161		
IS AMENDED TO READ IN PART		
ROCHESTER, MN VOR/DME	GOPHER, MN VORTAC	4800
IS AMENDED TO DELETE		
MASON CITY, IA VORTAC VIA W ALTER.	ROCHESTER, MN VOR/DME VIA W ALTER.	3000
§95.6171 VOR FEDERAL AIRWAY 171		
IS AMENDED TO DELETE		
LOUISVILLE, KY VORTAC VIA E ALTER.	MAIZE, IN FIX VIA E ALTER.	3000
MAIZE, IN FIX VIA E ALTER. *2100 - MOCA	HONOS, IN FIX VIA E ALTER.	*2700
HONOS, IN FIX VIA E ALTER. *2200 - MOCA	BLOOMINGTON, IN VORTAC VIA E ALTER.	*2800
BLOOMINGTON, IN VORTAC VIA E ALTER. *2100 - MOCA	LEWIS, IN VORTAC VIA E ALTER.	*2800

FROM	TO	MEA
§95.6175 VOR FEDERAL AIRWAY 175		
IS AMENDED TO READ IN PART		
MALDEN, MO VORTAC *2700 - MOCA	BUNKS, MO FIX	*4000
BUNKS, MO FIX	VICHY, MO VORTAC	3000
IS AMENDED TO DELETE		
VICHY, MO VORTAC VIA W ALTER. *2300 - MOCA	JEFFERSON CITY, MO VOR VIA W ALTER.	*2900
JEFFERSON CITY, MO VOR VIA W ALTER.	HALLSVILLE, MO VORTAC VIA W ALTER.	2800
§95.6178 VOR FEDERAL AIRWAY 178		
IS AMENDED BY ADDING		
HALLSVILLE, MO VORTAC	JEFFERSON CITY, MO VOR	2800
JEFFERSON CITY, MO VOR *2300 - MOCA	VICHY, MO VORTAC	*2900
IS AMENDED TO DELETE		
FARMINGTON, MO VORTAC VIA N ALTER.	TAMMS, IL FIX VIA W ALTER.	3500
TAMMS, IL FIX VIA N ALTER.	CUNNINGHAM, KY VORTAC VIA N ALTER.	2300
FARMINGTON, MO VORTAC VIA S ALTER. *2400 - MOCA	CUNNINGHAM, KY VORTAC VIA S ALTER.	*3000
§95.6190 VOR FEDERAL AIRWAY 190		
IS AMENDED TO READ IN PART		
SPRINGFIELD, MO VORTAC	MAPLES, MO VORTAC	3000
§95.6192 VOR FEDERAL AIRWAY 192		
IS AMENDED TO READ IN PART		
TERRE HAUTE, IN VORTAC	INDIANAPOLIS, IN VORTAC	2700
§95.6203 VOR FEDERAL AIRWAY 203		
IS AMENDED TO READ IN PART		
MASSENA, NY VORTAC *1500 - MOCA	U.S. CANADIAN BORDER	*2000
§95.6218 VOR FEDERAL AIRWAY 218		
IS AMENDED TO READ IN PART		
GOPHER, MN VORTAC *2800 - MOCA	CHATS, MN FIX	*4500

FROM	TO	MEA
§95.6218 VOR FEDERAL AIRWAY 218—Continued		
IS AMENDED TO DELETE		
CAMFA, MN FIX *2800 - MOCA	CHATS, MN FIX	*4500
§95.6219 VOR FEDERAL AIRWAY 219		
IS AMENDED TO READ IN PART		
NORFOLK, NE VOR	SIOUX CITY, IA VORTAC	3600
§95.6234 VOR FEDERAL AIRWAY 234		
IS AMENDED TO READ IN PART		
DELMA, MO FIX *2200 - MOCA	GLASS, MO FIX	*3500
GLASS, MO FIX *2100 - MOCA	CENTRALIA, IL VORTAC	*3000
§95.6253 VOR FEDERAL AIRWAY 253		
IS AMENDED TO READ IN PART		
MC CALL, ID VORTAC	LEWISTON, ID VOR/DME SE BND	12000
	NW BND	7400
§95.6256 VOR FEDERAL AIRWAY 256		
IS AMENDED BY ADDING		
TULSA, OK VORTAC	PIONEER, OK VORTAC	3000
§95.6275 VOR FEDERAL AIRWAY 275		
IS AMENDED TO READ IN PART		
DAYTON, OH VORTAC *3000 - MOCA	SONIL, MI FIX	*6000
SONIL, MI FIX *2300 - MOCA	SALEM, MI VORTAC	*3000
§95.6289 VOR FEDERAL AIRWAY 289		
IS AMENDED TO READ IN PART		
HARRISON, AR VOR	DOGWOOD, MO VORTAC	3400
§95.6304 VOR FEDERAL AIRWAY 304		
IS AMENDED TO DELETE		
BORGER, TX VORTAC VIA W ALTER.	BRAKR, OK FIX VIA W ALTER.	4800
BRAKR, OK FIX VIA W ALTER. *4700 - MOCA	LIBERAL, KS VORTAC VIA W ALTER.	*5700

FROM	TO	MEA
§95.6307 VOR FEDERAL AIRWAY 307		
IS AMENDED TO READ IN PART		
OMAHA, NE VORTAC *2500 - MRA	*DECKA, NE FIX	3000
DECKA, NE FIX	SIOUX CITY, IA VORTAC	3000
§95.6313 VOR FEDERAL AIRWAY 313		
IS AMENDED TO READ IN PART		
MALDEN, MO VORTAC	CAPE GIRARDEAU, MO VOR	2300
§95.6316 VOR FEDERAL AIRWAY 316		
IS AMENDED TO READ IN PART		
SAULT STE MARIE, MI VORTAC *2800 - MOCA	U.S. CANADIAN BORDER	*5000
§95.6335 VOR FEDERAL AIRWAY 335		
IS AMENDED TO READ IN PART		
ARNOL, MO FIX *2100 - MOCA	GLASS, MO FIX	*3000
GLASS, MO FIX *2100 - MOCA	ENGEN, IL FIX	*3500
§95.6341 VOR FEDERAL AIRWAY 341		
IS AMENDED TO READ IN PART		
CEDAR RAPIDS, IA VORTAC	DUBUQUE, IA VORTAC	2900
§95.6362 VOR FEDERAL AIRWAY 362		
IS AMENDED TO READ IN PART		
MACON, GA VORTAC *3000 - MOCA	NORCROSS, GA VORTAC	*5000 MAA- 7000
NORCROSS, GA VORTAC *5000 - MRA	*NELLO, GA FIX	4900 MAA- 7000
§95.6410 VOR FEDERAL AIRWAY 410		
IS ADDED TO READ		
GOPHER, MN VORTAC	EAU CLAIRE, WI VORTAC	3400

FROM	TO	MEA
§95.6411 VOR FEDERAL AIRWAY 411		
IS ADDED TO READ		
FARMINGTON, MN VORTAC	ROCHESTER, MN VOR/DME	3000
§95.6412 VOR FEDERAL AIRWAY 412		
IS ADDED TO READ		
REDWOOD FALLS, MN VORTAC *2500 - MOCA	FLYING CLOUD, MN VOR/DME	*2800
§95.6413 VOR FEDERAL AIRWAY 413		
IS ADDED TO READ		
GOPHER, MN VORTAC	BRAINERD, MN VORTAC	3400
§95.6414 VOR FEDERAL AIRWAY 414		
IS ADDED TO READ		
ALEXANDRIA, MN VORTAC *2700 - MOCA	GOPHER, MN VORTAC	*8000
§95.6416 VOR FEDERAL AIRWAY 416		
IS ADDED TO READ		
ALEXANDRIA, MN VORTAC	GOPHER, MN VORTAC	5000
§95.6418 VOR FEDERAL AIRWAY 418		
IS ADDED TO READ		
GOPHER, MN VORTAC	DODJE, WI FIX	5500
§95.6424 VOR FEDERAL AIRWAY 424		
IS AMENDED TO READ IN PART		
NAPOLEON, MO VORTAC	MACON, MO VORTAC	2700
§95.6429 VOR FEDERAL AIRWAY 429		
IS AMENDED TO READ IN PART		
CAPE GIRARDEAU, MO VOR	MARION, IL VOR	3000

FROM	TO	MEA
§95.6505 VOR FEDERAL AIRWAY 505		
IS AMENDED TO READ IN PART		
DES MOINES, IA VORTAC	GUMBO, IA FIX	2700
GUMBO, IA FIX	FORT DODGE, IA VORTAC	3000
§95.6506 VOR FEDERAL AIRWAY 506		
IS AMENDED TO READ IN PART		
VINITA, OK FIX	NEOSHO, MO VORTAC	3000
§95.6510 VOR FEDERAL AIRWAY 510		
IS AMENDED BY ADDING		
DICKINSON, ND VORTAC	BISMARCK, ND VOR/DME	4300
BISMARCK, ND VOR/DME *4100 - MRA	*LAKES, ND FIX	3900
LAKES, ND FIX *4500 - MRA	*TOVAR, ND FIX	3900
TOVAR, ND FIX *3200 - MOCA	JAMESTOWN, ND VOR/DME	*2900
JAMESTOWN, ND VOR/DME	CHAFE, ND FIX	3300
CHAFE, ND FIX	FARGO, ND VORTAC W BND E BND	3300 2700
FARGO, ND VORTAC *2900 - MOCA	ALEXANDRIA, MN VORTAC	*3500
ALEXANDRIA, MN VORTAC	GOPHER, MN VORTAC	3000
GOPHER, MN VORTAC	DODJE, WI FIX	3500
DODJE, WI FIX	NODINE, MN VORTAC	3000
NODINE, MN VORTAC	LONE ROCK, WI VORTAC	#3000
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.		
MUSKEGON, MI VORTAC	JAKES, MI FIX	2600
JAKES, MI FIX	GRAND RAPIDS, MI VOR	2700
GRAND RAPIDS, MI VOR	LANSING, MI VORTAC	2700
LANSING, MI VORTAC	QUBEE, MI FIX	2900
QUBEE, MI FIX	SALEM, MI VORTAC	2800
BUFFALO, NY VORTAC	ROCHESTER, NY VORTAC	2500
§95.6512 VOR FEDERAL AIRWAY 512		
IS ADDED TO READ		
ROCKET CITY, IN VORTAC	HOLAN, IN FIX	2500
HOLAN, IN FIX *4000 - MRA **2000 - MOCA	*CODEY, IN FIX	**3500
CODEY, IN FIX *2000 - MOCA	SACKO, IN FIX	*3500

FROM	TO	MEA
§95.6512 VOR FEDERAL AIRWAY 512—Continued		
SACKO, IN FIX	LOUISVILLE, KY VORTAC	2700
LOUISVILLE, KY VORTAC	CLEGG, KY FIX	2900
CLEGG, KY FIX	LEXINGTON, KY VORTAC	2800
LEXINGTON, KY VORTAC	NEWCOMBE, KY VORTAC	3000
NEWCOMBE, KY VORTAC	CHARLESTON, WV VORTAC	3000
CHARLESTON, WV VORTAC	SWIFT, WV FIX	3000
SWIFT, WV FIX	ELKINS, WV VORTAC	5000
§95.6513 VOR FEDERAL AIRWAY 513		
IS ADDED TO READ		
LIVINGSTON, TN VORTAC	NEW HOPE, KY VORTAC	3000
NEW HOPE, KY VORTAC	LOUISVILLE, KY VORTAC	2700
§95.6514 VOR FEDERAL AIRWAY 514		
IS ADDED TO READ		
LOUISVILLE, KY VORTAC	MAIZE, IN FIX	3000
MAIZE, IN FIX *2100 - MOCA	HONOS, IN FIX	*2700
HONOS, IN FIX *2200 - MOCA	BLOOMINGTON, IN VORTAC	*2800
BLOOMINGTON, IN VORTAC *2100 - MOCA	LEWIS, IN VORTAC	*2800
§95.6515 VOR FEDERAL AIRWAY 515		
IS ADDED TO READ		
CHATTANOOGA, TN VORTAC	NASHVILLE, TN VORTAC	4000
NASHVILLE, TN VORTAC	BARRY, KY FIX	2700
BARRY, KY FIX *2300 - MOCA	NEW HOPE, KY VORTAC	*3000
NEW HOPE, KY VORTAC	LOUISVILLE, KY VORTAC	2700
§95.6517 VOR FEDERAL AIRWAY 517		
IS ADDED TO READ		
KNOXVILLE, TN VORTAC	MALIN, TN FIX	3800
MALIN, TN FIX	LONDON, KY VORTAC	5200
LONDON, KY VORTAC	LOGIC, KY FIX	3300
LOGIC, KY FIX	FALMOUTH, KY VOR/DME	2800
FALMOUTH, KY VOR/DME	CINCINNATI, OH VORTAC	2700
§95.6519 VOR FEDERAL AIRWAY 519		
IS ADDED TO READ		
KNOXVILLE, TN VORTAC	TAMPI, TN FIX	2500

FROM	TO	MEA
§95.6540 VOR FEDERAL AIRWAY 540—Continued		
TAMPI, TN FIX	YUMMY, VA FIX	4500
YUMMY, VA FIX	GLADE SPRING, VA VORTAC	6000
GLADE SPRING, VA VORTAC	BLUEFIELD, WV VORTAC	6600
§95.6527 VOR FEDERAL AIRWAY 527 IS ADDED TO READ		
HOT SPRINGS, AR VOR	HIDER, AR FIX	3000
HIDER, AR FIX	ROVER, AR FIX	*5500
*3200 - MOCA		
ROVER, AR FIX	DANIL, AR FIX	*9500
*2500 - MOCA		
DANIL, AR FIX	*SCRAN, AR FIX	**9500
*3300 - MRA		
**3800 - MOCA		
SCRAN, AR FIX	CASKS, AR FIX	*6500
*3500 - MOCA		
CASKS, AR FIX	RAZORBACK, AR VORTAC	*4000
*3500 - MOCA		
RAZORBACK, AR VORTAC	GAMPS, AR FIX	3000
GAMPS, AR FIX	BLUE, MO FIX	*3300
*2700 - MOCA		
BLUE, MO FIX	SPRINGFIELD, MO VORTAC	3000
§95.6532 VOR FEDERAL AIRWAY 532 IS ADDED TO READ		
LITTLE ROCK, AR VORTAC	*PARON, AR FIX	2500
*3500 - MRA		

FROM	TO	MEA
§95.6532 VOR FEDERAL AIRWAY 532—Continued		
PARON, AR FIX	BLIMP, AR FIX	*4500
*3600 - MOCA		
BLIMP, AR FIX	FORT SMITH, AR VORTAC	2700
FORT SMITH, AR VORTAC	AKINS, OK FIX	2500
AKINS, OK FIX	OKMULGEE, OK VOR	*2800
*2200 - MOCA		
OKMULGEE, OK VOR	PIONEER, OK VORTAC	3000
PIONEER, OK VORTAC	WICHITA, KS VORTAC	3400
WICHITA, KS VORTAC	WAIVE, KS FIX	3400
WAIVE, KS FIX	SALINA, KS VORTAC	3300
§95.6534 VOR FEDERAL AIRWAY 534 IS ADDED TO READ		
LITTLE ROCK, AR VORTAC	BIBBS, AR FIX	3500
BIBBS, AR FIX	*SCRAN, AR FIX	**4500
*3300 - MRA		
**3000 - MOCA		
SCRAN, AR FIX	FORT SMITH, AR VORTAC	2500
§95.6540 VOR FEDERAL AIRWAY 540 IS ADDED TO READ		
CUNNINGHAM, KY VORTAC	TAMMS, IL FIX	2300
TAMMS, IL FIX	FARMINGTON, MO VORTAC	3500

FROM	TO	MEA	MAA
§95.7030 JET ROUTE NO. 30			
IS AMENDED BY ADDING			
FARMINGTON, MN VORTAC	NODINE, MN VORTAC	18000	45000
§95.7058 JET ROUTE NO. 58			
IS AMENDED TO READ IN PART			
WILSON CREEK, NV VORTAC	MILFORD, UT VORTAC	18000	45000
MILFORD, UT VORTAC	FARMINGTON, NM VORTAC	18000	45000
§95.7107 JET ROUTE NO. 107			
IS AMENDED TO READ IN PART			
MILFORD, UT VORTAC	ROCK SPRINGS, WY VORTAC	18000	45000
ROCK SPRINGS, WY VORTAC	CASPER, WY VORTAC	#18000	45000
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.			
CASPER, WY VORTAC	DUPREE, SD VORTAC	18000	45000
DUPREE, SD VORTAC	PEMBINA, ND VORTAC	21000	45000
§95.7113 JET ROUTE NO. 113			
IS AMENDED TO READ IN PART			
DUBUQUE, IA VORTAC	GOPHER, MN VORTAC	18000	45000
§95.7149 JET ROUTE NO. 149			
IS AMENDED TO READ IN PART			
BICOL, WV FIX	HACKS, WV FIX	27000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
V-210			
IS AMENDED BY ADDING			
POMONA, CA VORTAC	HECTOR, CA VORTAC	16	POMONA

[FR Doc. 83-426 Filed 1-7-83; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 97

[Docket No. 23484; Amdt. No. 1233]

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.

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

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

For Examination

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

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

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

For Purchase

Individual SIAP copies may be obtained from:

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

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

By Subscription

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

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

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory descriptions 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. Material 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 amendments 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 amendment may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for

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

List of Subjects in 14 CFR Part 97

Standard instrument approaches, Aviation safety.

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 February 17, 1983

Camden, AR—Harrell Field, VOR/DME Rwy 18, Amdt. 3
Camden, AR—Harrell Field, VOR/DME Rwy 36, Amdt. 4
Needles, CA—Needles, VOR-A, Amdt. 2
Augusta, GA—Bush Field, VOR-A, Amdt. 20
Augusta, GA—Daniel Field, VOR-B, Amdt. 14
Thomson, GA—Thomson-McDuffie County, VOR/DME Rwy 27, Amdt. 1
Champaign-Urbana, IL—University of Illinois-Williard, VOR Rwy 4, Amdt. 8
Champaign-Urbana, IL—University of Illinois-Williard, VOR/DME Rwy 22, Amdt. 5
Chicago/Wheeling, IL—Pal-Waukee, VOR Rwy 16, Amdt. 18
Monmouth, IL—Monmouth Muni, VOR-A, Amdt. 2
Houma, LA—Houma-Terrebonne, VOR Rwy 12, Amdt. 1
Houma, LA—Houma-Terrebonne, VOR/DME Rwy 12, Amdt. 1, cancelled
Houma, LA—Houma-Terrebonne, VOR/DME Rwy 30, Amdt. 8
Ashtabula, OH—Ashtabula County, VOR Rwy 8, Amdt. 6
Ashtabula, OH—Ashtabula County, VOR/DME Rwy 26, Amdt. 5
Bucyrus, OH—Port Bucyrus-Crawford County, VOR Rwy 22, Amdt. 1
Elyria, OH—Elyria, VOR-A, Amdt. 7
Mansfield, OH—Mansfield Lahm Muni, VOR Rwy 14, Amdt. 9
Mansfield, OH—Mansfield Lahm Muni, VOR Rwy 32, Amdt. 2
Middlefield, OH—Geauga County, VOR-A, Amdt. 5
Mt. Gilead, OH—Morrow County, VOR-A, Amdt. 1
Norwalk, OH—Norwalk-Huron County, VOR-A, Amdt. 1
Sandusky, OH—Griffing Sandusky, VOR Rwy 27, Amdt. 4
Willard, OH—Willard, VOR-A, Amdt. 3
Knoxville, TN—Mc Ghee Tyson, VOR Rwy 22L, Amdt. 3
Knoxville, TN—Mc Ghee Tyson, VOR Rwy 22R, Amdt. 5
Knoxville, TN—Mc Ghee Tyson, VOR/DME Rwy 4R, Amdt. 3
Knoxville, TN—Knoxville Downtown Island, VOR/DME-B, Amdt. 2
Sevierville, TN—Sevier-Gatlinburg, VOR/DME Rwy 10, Amdt. 3
San Antonio, TX—Stinson Muni, VOR Rwy 32, Amdt. 12

Effective December 23, 1982

Pittsburgh, PA—Greater Pittsburgh Intl, VOR Rwy 28L/C, Amdt. 1

Effective December 22, 1982

St. Louis, MO—Weiss, VOR-A, Amdt. 3

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

Effective February 7, 1983

Anniston, AL—Anniston-Calhoun County, LOC Rwy 5, Amdt. 8
Petersburg, AK—Petersburg, LDA/DME-D, Amdt. 4
Kailua-Kona, HI—Ke-ahole, LOC BC Rwy 35, Amdt. 4
Champaign-Urbana, IL—University of Illinois-Willard, LOC BC Rwy 13, Amdt. 5
Somerset, KY—Somerset-Pulaski County, SDF Rwy 4, Amdt. 1
Mansfield, OH—Mansfield Lahm Muni, LOC BC Rwy 14, Amdt. 3
Duncan, OK—Halliburton Field, LOC BC Rwy 17, Original
Knoxville, TN—Knoxville Downtown Island, LOC Rwy 26, Amdt. 1
Morristown, TN—Moore-Murrell, SDF Rwy 5, Amdt. 1

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

Effective February 17, 1983

Anniston, AL—Anniston-Calhoun County, NDB Rwy 5, Amdt. 14
Camden, AR—Harrell Field, NDB Rwy 18, Amdt. 7
Malvern, AR—Malvern Muni, NDB Rwy 21, Original
Rialto, CA—Rialto Muni-Miro Field, NDB-A, Amdt. 3
Augusta, GA—Bush Field, NDB Rwy 17, Amdt. 12
Augusta, GA—Bush Field, NDB Rwy 35, Amdt. 25
Thomson, GA—Thomson-McDuffie County, NDB Rwy 27, Amdt 3
Champaign-Urbana, IL—University of Illinois-Willard, NDB Rwy 31, Amdt. 8
Savanna, IL—Franklin U. Stransky Memorial, NDB Rwy 14, Original, cancelled
Somerset, KY—Somerset-Pulaski County, NDB Rwy 4, Amdt. 1
Detroit, MI—Detroit-Metropolitan Wayne County, NDB Rwy 21R, Amdt. 9, cancelled
Detroit, MI—Detroit-Metropolitan Wayne County, NDB Rwy 21C, Amdt. 10, cancelled
Cleveland, OH—Cleveland-Hopkins Intl, NDB Rwy 23L, Amdt. 1

Cleveland, OH—Cleveland-Hopkins Intl, NDB Rwy 23R, Amdt. 1
Columbus, OH—Bolton Fld, NDB Rwy 4, Amdt. 5
Mansfield, OH—Mansfield Lahm Muni, NDB Rwy 32, Amdt. 7
Wauseon, OH—Fulton County, NDB Rwy 27, Amdt. 5
Aiken, SC—Aiken Muni, NDB Rwy 24, Amdt. 4
Jacksboro, TN—Campbell County, NDB Rwy 23, Amdt. 1
Knoxville, TN—McGhee Tyson, NDB Rwy 4L, Amdt. 2
Knoxville, TN—McGhee Tyson, NDB Rwy 4R, Amdt. 2
Morristown, TN—Moore-Murrell, NDB Rwy 5, Amdt. 1

Effective December 17, 1982

Madison, SD—Madison Muni, NDB Rwy 14, Amdt. 3

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

Effective February 17, 1983

Valdez, AK—Valdez No. 2, MLS/STOL-1 Rwy 6, Original
Miami, FL—Miami Intl, ILS Rwy 9R, Amdt. 5
Augusta, GA—Bush Field, ILS Rwy 17, Amdt. 4
Augusta, GA—Bush Field, ILS Rwy 35, Amdt. 24
Champaign-Urbana, IL—University of Illinois-Williard, ILS Rwy 31, Amdt. 9
Chicago/Wheeling, IL—Pal-Waukee, ILS Rwy 16, Amdt. 4
Detroit, MI—Detroit Metropolitan Wayne County, ILS Rwy 21R, Amdt. 18
Cleveland, OH—Cleveland-Hopkins Intl, ILS Rwy 23L, Amdt. 9
Columbus, OH—Bolton Fld, ILS Rwy 4, Amdt. 3
Mansfield, OH—Mansfield Lahm Muni, ILS Rwy 32, Amdt. 10
Knoxville, TN—McGhee Tyson, ILS Rwy 4L, Amdt. 5
Knoxville, TN—McGhee Tyson, ILS Rwy 22R, Amdt. 7

Effective December 23, 1982

Pittsburgh, PA—Greater Pittsburgh Intl, ILS Rwy 10L, Amdt. 20
Pittsburgh, PA—Greater Pittsburgh Intl, ILS Rwy 10R, Amdt. 1
Pittsburgh, PA—Greater Pittsburgh Intl, ILS Rwy 28L, Amdt. 1
Pittsburgh, PA—Greater Pittsburgh Intl, ILS Rwy 28R, Amdt. 2
Pittsburgh, PA—Greater Pittsburgh Intl, ILS Rwy 32, Amdt. 5
Norfolk, VA—Norfolk Intl, ILS Rwy 23, Amdt. 4

Effective December 21, 1982

Auburn-Lewiston, ME—Auburn-Lewiston Muni, ILS Rwy 4, Amdt. 1

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

Effective February 17, 1983

Augusta, GA—Bush Field, RADAR-1, Amdt. 5
Augusta, GA—Daniel Field, RADAR-1, Amdt. 4
Champaign-Urbana, IL—University of Illinois-Willard, RADAR-1, Amdt. 4
Mansfield, OH—Mansfield Lahm Muni, RADAR-1, Amdt. 1
Knoxville, TN—McGhee Tyson, RADAR-1, Amdt. 20

Note.—The FAA published an amendment in Docket No. 23456, Amdt. No. 1231 to Part 97 of the Federal Aviation Regulations (Vol. 47 FR No. 239 page 55661; dated December 13, 1982) under section 97.31 effective January 20, 1983, which is hereby amended as follows: St. Louis, Mo—Lambert-St. Louis Intl, RADAR-1, Amdt. 28 cancellation is rescinded. St. Louis, Mo—Lambert-St. Louis Intl, RADAR-1, Amdt. 28 remains in effect.

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

Effective February 17, 1983

Augusta, GA—Daniel Field, RNAV Rwy 10, Amdt. 4
Ashtabula, OH—Ashtabula County, RNAV Rwy 26, Amdt. 5
Mansfield, OH—Mansfield Lahm Muni, RNAV Rwy 23, Amdt. 3
Jacksboro, TN—Campbell County, RNAV-A, Amdt. 2

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

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

Issued in Washington, D.C. on December 31, 1982.

John M. Howard,

Manager, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

[FR Doc. 83-419 Filed 1-7-83; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 419

Games of Chance in the Food Retailing and Gasoline Industries; Petition for Partial Exemption From Advertising Disclosure Provision, 419.1(b)

AGENCY: Federal Trade Commission.

ACTION: Rule related notice.

SUMMARY: This document grants a temporary partial exemption from § 419.1(b), which prohibits certain acts or practices in connection with the advertising of games of chance. The Commission believes that it is in the public interest to grant a temporary industry-wide exemption from the operation of paragraph 1(b) and permit all marketers and users of games of chance to use broadcast media without the necessity of disclosing full prize and odds-of-winning information. The exemption will remain in effect pending Commission review of the Trade Regulation Rule Relating to Games of Chance to determine whether or not the Rule should be permanently amended.

DATE: The exemption shall become effective January 10, 1983.

FOR FURTHER INFORMATION CONTACT: Noble F. Jones, Consumer Protection Specialist, Federal Trade Commission, Cleveland Regional Office, Suite 500, The Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114. Telephone: (216) 522-4207.

SUPPLEMENTARY INFORMATION: On August 19, 1969, the Federal Trade Commission published, at 34 FR 13,302, the Trade Regulation Rule Relating to Games of Chance in the Food Retailing and Gasoline Industries. On August 10, 1981, the Commission received a petition from the American Advertising Federation, the National Association of Broadcasters, and Telecom Productions, Inc., requesting an exemption from the disclosure requirements of paragraph 1(b) of the Trade Regulation Rule for Games of Chance.

The Commission is temporarily exempting all marketers and users of games of chance subject to the Rule from the necessity of disclosing full prize and odds-of-winning information in radio and television advertising. The Trade Regulation Rule for Games of Chance in the Food Retailing and Gasoline Industries, 16 CFR Part 419, was promulgated in 1969. The advertising provision (16 CFR 419.1(b)) currently mandates that all advertisements clearly and conspicuously disclose:

(1) The exact number of prizes in each category or denomination to be made available during the game program and the odds of winning each such prize made available;

(2) The geographic area covered by the game;

(3) The total number of retail outlets participating in the game; and

(4) The scheduled termination date of the game.

The petition filed on behalf of the American Advertising Federation, the National Association of Broadcasters, and Telecom Productions, Inc., requests that marketers and users of games-of-chance promotions be exempted from the necessity of disclosing the full prize and odds-of-winning information in radio and television advertising. The petitioners believe that the Rule unfairly discriminates by requiring the full disclosures for games run by supermarkets and retail gasoline stations, yet other retail establishments involved in identical chance promotions are under no obligation to make such disclosures. Additionally, the petition argues that, because of the requirement to disclose visual and audio information simultaneously in a clear and conspicuous manner, the Commission's 1970 *Enforcement Policy Statement in Regard to Clear and Conspicuous Disclosure in Television Advertising* virtually forecloses the use of television as a medium for game advertising which is subject to the Trade Regulation Rule.

Based on arguments raised in the petition and an examination of the original rulemaking record, the Commission is at this time persuaded to grant a temporary industry-wide exemption from the advertising disclosure provisions of 16 CFR Part 419, and, further, to initiate a review of § 419.1(b) to determine whether or not it should be permanently amended. The Commission has also determined not to receive comments on the granting of the exemption under 5 U.S.C. 553(b) and 553(c) because to do so would require the companies involved to sustain the very delay and competitive injury from which they seek relief. The effective date of the exemption is the date of publication of this Notice. 5 U.S.C. 553(d).

Accordingly, all marketers and users of games of chance covered by the Rule are temporarily exempted from disclosing full odds-of-winning and prize information in broadcast media advertisements. The exemption is only for broadcast media, and all marketers and users are still bound by the disclosure requirements which apply to media other than broadcast media.

The petition requesting the exemption will be available for public inspection in the Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

List of Subjects in 16 CFR Part 419

Advertising, Foods, Games, Gasoline, Trade practices.

By direction of the Commission.

Issued: December 2, 1982.

Carol M. Thomas,

Secretary.

[FR Doc. 83-602 Filed 1-7-83; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 16

Commercial Categories for Option Traders

AGENCY: Commodity Futures Trading Commission.

ACTION: Rule related notice.

SUMMARY: On August 27, 1982, the Commission published in the **Federal Register** notification of the availability of a list of occupational categories. 47 FR 37880 (August 27, 1982). This list forms a basis from which the Commission will measure commercial participation in its pilot program for domestic exchange traded commodity options through marketwide surveys of option customers' accounts. Futures commission merchants and members of contract markets are required under Commission Rule 1.37(a), 17 CFR 1.37(a) (1982), to record for each option customer account which they carry an appropriate occupation category from a list of such categories set forth by the Commission and a symbol indicating whether the option customer is commercial or noncommercial. Due to the concerns of a number of FCMs, the Commission has determined to revise its list of occupational categories as originally promulgated.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Associate Director, Market Surveillance Section, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

SUPPLEMENTARY INFORMATION: The Commission has revised its list of occupational categories for determining commercial participation in its pilot program for options to be as follows:

Commodity	Occupational categories
Sugar	1. Producer. 2. Merchant or dealer. 3. Refiner. 4. Manufacturer or processor. 5. Other commercial.
Gold	6. Producer. 7. Refiner. 8. Dealer. 9. Commercial end user. 11. Other commercial.
Heating oil	12. Refiner. 13. Distributor. 14. End user.
Financial instruments	15. Other commercial. 16. Savings and loan, mortgage bank and thrift institutions. 17. Commercial Bank. 18. Insurance Company. 19. Pension and Retirement Fund. 20. Mutual Fund. 21. Broker/Dealer. 22. Foundation and Endowment. 23. Other Commercial.

This list reflects the following changes to the original list published by the Commission on August 27, 1982:

1. There are no longer separate categories for both options on bond futures and options on stock index futures. A single list of categories will apply to options traded on any financial instrument futures.

2. The occupation list for options on financial futures has been revised to include a category for savings and loans, mortgage banks and thrift institutions. In addition, the category "Bank" has been changed to "Commercial Bank," and the category "Government Entity" has been deleted.

3. For options on gold, the category "Miner" has been changed to "Producer," and the categories "Manufacturer" and "Retail Gold Merchant" combined into a single category entitled "Commercial End User."

Issued by the Commission in Washington, D.C., on January 4, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-626 Filed 1-7-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket Nos. 79-35, 79-37, and 80-10]

National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices; Corollary Amendment

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; Amendments to the Manual on Uniform Traffic Control Devices.

SUMMARY: This document contains amendments to the Manual on Uniform Traffic Control Devices (MUTCD) which are being adopted by the Federal Highway Administrator for inclusion therein and a corollary Code of Federal Regulations amendment. The MUTCD is

incorporated by reference in the design standards for Federal-aid highways in 23 CFR Part 625. It is also recognized in Part 655 as the national standard for traffic control devices on all public roads. The amendments affect various parts of the MUTCD and are intended to expedite traffic, improve safety and provide a more uniform application of highway signs, signals, and markings.

DATES: Effective February 9, 1983. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 1, 1982, and the amendments are approved as of February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Partlow, Office of Traffic Operations, (202) 426-0411, or Mr. Lee J. Burstyn, Office of the Chief Counsel, (202) 426-0754, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($20.00).

This document contains the dispositions of requests for changes in the MUTCD which were received or orignated by the FHWA and published as notices of proposed amendments on January 24, 1980, under FHWA Docket No. 79-35 (45 FR 5750) and on February 4, 1982, under FHWA Docket No. 79-37, Notice 2 (47 FR 5238). One request, No. IV-21 was published as an advance notice on June 19, 1980, under Docket No. 80-10 (45 FR 41600). The FHWA had previously reviewed the proposed amendments and provided recommendations for their disposition in the notices. Comments and recommendations from the National Advisory Committee on Uniform Traffic Control Devices (NACUTCD) were also included in the previous notices.

These amendments are being processed in accordance with the informal rulemaking procedure of the Administrative Procedure Act (5 U.S.C. 553) and the Department of Transportation's regulatory policies and procedures.

Each request is assigned an identification number which indicates, by Roman numeral, the primary organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received.

A total of 183 responses were received in the dockets for the two notices. All but four of the responses were from highway agencies, technical associations or business entities.

Based upon a review of the comments received in response to the notices, the FHWA is amending the MUTCD by adopting the following changes:

1. Request II-4—Placement of Warning Signs
2. Request II-12—CHANNEL 9 MONITORED Sign
3. Request II-26—Application of Advance Street Name Signs
4. Request II-27—Prioritized Listing of Basic Sign Groups
5. Request II-29—Application of Winding Road Sign
6. Request II-36—Advance Rest Area Signs
7. Request III-7—Object Markers
8. Request III-16—Permissive Use of Wrong-Way Pavement Marking Arrows
9. Request III-18—Mandatory Marking of Interchange Ramps
10. Request Sg-96—Pedestrian WALK Color
11. Request IV-21—Required Location of Traffic Signals
12. Request VI-11—Reflectorization of Signs
13. Request VI-12—Color of Reflectorized Material for Cones
14. Request VI-13—Advance Warning Flashing Arrow Panels
15. Request VI-15—Use of Street Name Signs With Detour Signs
16. Request VI-16—Use of DETOUR ENDS Sign
17. Request VIII-2—Warning Signs on Roads Parallel to Railroads
18. Request VIII-5—Use of STOP Signs at Railroad-Highway Grade Crossings
19. Request IX-2—Bike Parking Sign

Advanced copies of the actual text of the changes to the MUTCD for all of these requests will be distributed to everyone currently appearing on the FHWA mailing list for MUTCD matters. Those wishing to be added to the mailing list and receive copies of the text changes should write to the Federal Highway Administration, Office of Traffic Operations, 400 Seventh Street, SW., Washington, D.C. 20590. Subscribers to the MUTCD will receive loose leaf text changes automatically from the Government Printing Office as part of the subscription service for which they have already paid. The following summarizes each approved request and the comments received with respect thereto:

1. Request II-4—Placement of Warning Signs

This amendment revises Section 2C-3 of the MUTCD to provide more specific guidance on the placement of warning signs, relating the prevailing speed and conditions to warning sign location. Seventy-five percent of the respondents were opposed to adoption of this request. Reasons cited were: The possibility of increased liability, the table would restrict engineering judgment, or the table is not applicable to the urban situation. Those in favor of the amendment cite the proposal as providing better information and guidance for those agencies who have not developed their own guidance.

To mitigate the concerns of those in opposition, additional language has been added to indicate that the table and accompanying text is an aid for warning sign placement that should be used with engineering judgment.

This amendment will not impose any additional costs, but provides additional guidance in locating warning signs.

2. Request II-12—CHANNEL 9 MONITORED Sign

This amendment revises Section 2D-46 and 2F-33 of the MUTCD to standardize the sign used to inform motorists that the citizen band emergency channel is monitored by responsible agencies. The present use of various formats for this type of signing and the increasing use of signs for this purpose has demonstrated the need for standardization in order to heighten the recognition potential and increase the effectiveness of the message by establishing and maintaining sign uniformity.

Fifty percent of the respondents to this request opposed adoption, primarily because the need for such signing was questioned or that the proposed criterion for signing was too restrictive. The FHWA has changed the criterion to include monitoring agencies designated by an official governmental agency. This change will satisfy much of the expressed concern.

This amendment will impose some additional costs for nonconforming jurisdictions to come into compliance. A 5-year transition period is provided to minimize the impact of the cost by accommodating normal replacement schedules.

3. Request II-26—Application of Advance Street Name Signs

This amendment revises Section 2D-39 of the MUTCD to permit the installation of advance street name signs below the Stop Ahead, Yield Ahead, Signal Ahead, etc., signs on intersection approaches. It eliminates the need for independent sign supports in the applicable cases, thereby reducing costs and roadside hazards. Eighty-two

percent of the respondents to this request favored adoption. Most of those opposing the request commented that the proposed use might detract from the message of the warning sign.

This amendment will not impose any additional costs.

4. Request II-27—Prioritized Listing of Basic Sign Groups

This amendment revises Section 2A-4 of the MUTCD to provide guidance for establishing the priority of sign placement in areas where the number of signs that may practically be installed is limited. Additional guidance on prioritizing signs will be included in the Traffic Control Devices Handbook.[1] Over 80 percent of the respondents to this request favored adoption.

This amendment will not impose any additional costs and should improve efficiency in selection and effectiveness of signs.

5. Request II-29—Application of Winding Road Sign

This amendment revises Section 2C-8 of the MUTCD to permit the use of the Winding Road sign (W1-5) to warn of a series of three or more curves in lieu of installing a series of Reverse Curve or Reverse Turn signs. All of the responses to this proposal were favorable.

This amendment will not impose any additional costs, but will encourage cost reduction by decreasing the number of signs used on winding sections of road.

6. Request II-36—Advance Rest Area Signs

This amendment revises Sections 2E-38 and 2F-35 of the MUTCD to encourage and support the installation of informational signs in the interest of highway users, and provides guidance on advance signing for rest areas. All but two of the respondents to this proposal favored adoption.

This amendment will not impose any additional costs.

7. Request III-7—Object Markers

The MUTCD has permitted the use of both white and black, and yellow and black object markers since 1971. This amendment revises Sections 3C-1 and 3C-2 of the MUTCD to phase out the use of black and white object markers. Permitting two different warning signs for the same purpose is neither necessary nor desirable. The NACUTCD reviewed this issue and recommended that, since the Type 3 object marker is a warning device, it should conform to the standard color code of black and yellow established in the MUTCD for warning devices. The FHWA concurs with this recommendation. Uniformity of design and use of a warning device should lead to easier recognition by motorists thereby improving safety, and should reduce costs by reducing sign inventories.

Although 75 percent of the respondents to this request agreed with the recommendation to approve Request III-7—Object Markers, a number objected that the time allowed for compliance was not adequate. A compliance date of December 31, 1984, was recommended in the notice. The commenters pointed out that some highway agencies have large inventories of white and black object markers and that the useful service life of many white and black object markers now installed will extend beyond the recommended compliance date. In consideration of these comments, a 5-year period for compliance is provided.

This amendment will impose some additional costs; however, the extended date for compliance should provide ample mitigation.

8. Request III-16—Permissive Use of Wrong-Way Pavement Markings Arrows

Since research data concerning the effectiveness of wrong-way pavement marking arrows is inconclusive, the requirement for the use of the markings is being changed to an advisory use and Sections 2E-41 and 3B-11 of the MUTCD are revised accordingly. Almost 85 percent of the respondents favored the amendment. The three respondents opposing the change cited the inconclusiveness of the research and the severity of wrong-way accidents as justification for retaining the mandate. The FHWA believes further evidence of effectiveness is necessary to justify mandatory use.

This change will not impose any additional costs.

9. Request III-18—Mandatory Marking of Interchange Ramps

In order to adjust the pavement marking standards to current accepted practices in the field, this amendment revises Section 3B-11 of the MUTCD to provide for the use of channelizing lines and extension of the dashed lines for parallel deceleration lanes at exit ramps. About 70 percent of the respondents to this request favored adoption. Those opposing the request commented primarily that this type of marking is not needed at all exit ramps and that the proposal limits the use of engineering judgment.

This amendment will impose virtually no additional costs on highway agencies since most exit ramps are already marked in this manner. Exits not already so marked may be brought into conformity during routine pavement marking operations.

10. Request Sg-96—Pedestrian WALK Color

This amendment revises Sections 4D-4 and 7D-23 of the MUTCD to delete the word "lunar" from the color description "lunar white" in the MUTCD thereby allowing the colors lunar white, clear white, or white to be used for pedestrian WALK indications after appropriate standards for these colors have been adopted. The proposal also recommended deletion of the reference to the Institute of Transportation Engineers (ITE) Standard for Adjustable Face Pedestrian Signal Heads, 1975, which contains the standards for the color lunar white. All respondents to this request favored deleting the word "lunar". However, concern was expressed that deletion of the reference to the ITE standard would eliminate the only standard in the MUTCD for the WALK indication color until appropriate new standards for the three proposed colors are adopted. In its response to the docket, the ITE commented that it will incorporate standards for the necessary color limits in the next revision of the ITE Standard for Adjustable Face Pedestrian Signal Head if the proposed change, that is, deletion of the word "lunar", is adopted. As a result of these comments, the reference to the ITE standard is amended in the MUTCD to accommodate both the current standard and the revised ITE standard when adopted.

This amendment does not require any changes in existing pedestrian signal installations or impose any costs on highway agencies.

11. Request IV-21—Required Location of Traffic Signals

This amendment revising Sections 4B-8 and 4B-13 of the MUTCD was originally published in an advance notice of proposed amendments on June 19, 1980, under FHWA Docket No. 80-10 (45 FR 41600). FHWA has decided to publish the amendment in final form for the following reasons: (1) The proposal was published in sufficient detail in the advance notice to elicit specific comments, (2) the amendment to the MUTCD accurately reflects comments received, (3) the amendment is virtually unchanged from the proposal and (4) the proposal was reviewed in detail by the National Committee on Uniform Traffic

[1] To be available form purchase in 1983 from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Control Devices where it underwent considerable scrutiny. Most of the 31 comments in the public docket, including that of the National Transportation Safety Board were supportive and fully considered. It imposes no mandatory action, and several jurisdictions have already made investments in the installations which are permitted under this proposal, but which, in its absense would place those jurisdictions in technical nonconformity with the current standard. Other jurisdictions are prepared to make installations according to the now permitted standard, but have been delaying any action pending final adoption. This is causing unnecessary inconvenience, economic loss and hazard exposure. The amendment permits an alternative deployment of signals at intersections by providing for the use of 12-inch lenses in all signal installations between 120 and 150 feet beyond the stop line in lieu of the requirement of an additional near-side signal. The near-side signal may still be used, but is no longer required when the nearest signal face is more than 120 feet and less than 150 feet beyond the stop line.

12. Request VI-11—Reflectorization of Signs

This amendment revises Sections 6B-2 and 2A-18 of the MUTCD to prohibit the use of inferior methods of providing sign reflectorization by requiring the reflectorizing material, other than reflector buttons, or similar units, to have a smooth sealed outer surface. All but one respondent to this request favored adoption.

This amendment will impose some additional costs. A 5-year period for compliance is provided to reduce the transition cost.

13. Request VI-12—Color of Reflectorized Material for Cones

The MUTCD requires reflectorization of cones and tubular markers when used at night, but fails to specify the color of the reflectorized material. This amendment revises Section 6C-3 to correct this oversight by specifying white bands. Ninety-six percent of the responders to this request favored adoption.

Since this amendment will impose some additional costs on highway agencies, the FHWA is providing a 3-year compliance period to minimize the transition costs.

14. Request VI-13—Advance Warning Flashing Arrow Panels

This amendment adds Sections 6E-7, 6E-8, and 6E-9 to the MUTCD to provide better definitions of both the proper and improper use of arrow panels and establishes critieria for use of the different modes of displaying arrows and chevrons. Sixty-six percent of the respondents favored adoption. Generally, the comments against adoption disapproved the limitations on the use of the chevron mode. These limitations have been removed from the amended language.

This amendment will impose negligible costs and a 3-year compliance period is provided.

15. Request VI-15—Use of Street Name Signs With Detour Signs

In order to provide improved directional guidance for motorists using only a portion of a detour from an unnumbered route, this amendment revises Section 6B-38 of the MUTCD to recommend the use of street name signs with Detour signs enabling a highway agency to identify by name the street for which the detour was established. All responses were favorable.

This amendment will not impose any additional costs.

16. Request VI-16—Use of DETOUR ENDS Signs

This amendment adds to Section 6B-38 a DETOUR ENDS sign for recommended use in providing improved guidance to motorists along detours. All responses were favorable.

This amendment will not impose any additional costs.

17. Request VIII-2—Warning Signs on Roads Parallel to Railroads

This amendment substitutes a new Section 8B-3 to the MUTCD to add a standard sign for warning motorists on roads parallel to railroads that a specified turn from the parallel road will place the motorist on the approach to a railroad-highway grade crossing. All but four of the 36 respondents to this request favored adoption. The four opposing adoption commented that the MUTCD already provides signing combinations that are adequate for this purpose.

This amendment will impose some additional costs. A 5-year compliance period is provided to reduce the transition costs.

18. Request VIII-5—Use of STOP Signs at Railroad-Highway Grade Crossings

The MUTCD provides for the use of STOP signs at railroad highway grade crossings only where the need for the signs has been determined by a detailed traffic engineering study. This amendment revises Section 2B-5 and 8B-9 to provide additional guidelines for determining this need. Over 65 percent of the respondents to this request favor adoption. Most of those opposing the request indicated that STOP signs at railroad crossings are not generally obeyed; are, therefore, ineffective; and should not be permitted under any circumstances. A number of respondents in favor of the request noted that some of the terms used in the amendment are vague and should be defined. The amendment uses relative terms which describe characteristics, but not criteria.

This amendment will not impose any additional costs.

19. Request IX-2—Bike Parking Sign

This amendment adds Section 9B-23 to the MUTCD to provide for a standard sign to designate bicycle parking areas. Almost all respondents to the proposal concurred with the need for this sign. There were no objections to the design of the sign as described in the notice.

This amendment does not mandate any action or impose any costs.

For the reasons provided in the previous notices of proposed amendments, the following requests for changes are not being adopted:

1. Request II-16/Sn-241—Accessibility to Handicapped Persons for Logo Businesses
2. Request II-18—Use of Terms Parking, Standing and Stopping
3. Request II-19—Spacing of Chervon Alignment Sign
4. Request II-20—Symbol for Police Assistance
5. Request II-21,—Mortorcycle and/or Trail Bike Symbol
6. Request II-22—Noise Ordinance Sign
7. Request II-23—Signing for Bypass Lanes
8. Request II-24—Modified Parking Area Sign
9. Request II-28—911 Emergency Sign
10. Request II-39—Dead End Signs on Intersecting Streets
11. Request II-41—Grooved Pavement Sign
12. Request II-42—Use of the Color Coral for Mass Transit Signs
13. Request II-43—Anti-Litter Symbol Sign
14. Request III-14—Marking Bypass Lanes
15. Request III-17—Standard Markings for Angle Parking Spaces
16. Request IV-9/Sg-80—Flashing Red Signals Facing the Median Crossover
17. Request IV-10—Prohibit Straight Ahead Green Arrow
18. Request IV-11—Left-Turn Lane Signal Displays for Permissive Left Turn
19. Request IV-13—Dual Circular Indication Traffic Signals on Limited Use Roadways

20. Request IV–17—Flashing Signal Display for Fire Preemption
21. Request IV–18—No Turn On Walk
22. Request Sg–104—Pedestrian Indication at T-Intersection
23. Request VI–8—Orange Stop Ahead and Yield Ahead Symbol Signs
24. Request VI–9—Prohibit Use of Metal Drums
25. Request VI–10—Use of Yellow Background Signs in Work Zones
26. Request VIII–1—Lateral Clearance for Flashing Lights and Gates
27. Request IX–3—Hostel Signs

Although Requests Nos. II–23, III–14, and III–17 are not being adopted, some of the more pertinent material developed concerning these requests will be considered for inclusion as guidance in the Traffic Control Devices Handbook. The majority of the respondents concurred in the recommendations not to adopt these requests.

Action on the following requests is being deferred pending availability of additional research or study data:

1. Request II–5—Recreational and Cultural Interest Area Signs
2. Request II–33—Hazardous Material Routing Sign
3. Request II–37—YIELD Signs in Conjuction with STOP Signs
4. Request II–55—Symbolic PUSH BUTTON FOR WALK SIGNAL Sign
5. Request II–56—Symbolic CROSS ON WALK SIGNAL ONLY Sign
6. Request III–3—Reduced Edgeline Width to 2 Inches
7. Request III–5/M–46—No-Passing Zone Markings
8. Request III–9—Use and Spacing of Raised Pavement Marker
9. Request III–12—Mandatory Center Lines
10. Request III–13—Mandatory Lane Lines
11. Request IV–8—Alternative to Full Signalization at School Pedestrian Crossings
12. Request IV–15—Strobe Light Traffic Control Device
13. Request VI–1—Spacing of Channelization Devices
14. Request VI–3—Temporary Markings for Construction and Maintenance Areas
15. Request VI–14—Two-Way Traffic on Normally Divided Highway
16. Request VIII–3—Crossbuck Border

In consideration of the foregoing and under the authority of 23 U.S.C. 109(d), 315 and 402(a), and the delegation of authority in 49 CFR 1.48(b), the Federal Highway Administration hereby adopts the Manual on Uniform Traffic Control Devices as amended herein and amends Part 625 of title 23, Code of Federal Regulations, by revising § 625.3(c)(1) to read as set forth below.

The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the Department of Transportation's regulatory policies and procedures. As stated herein the economic impact of these amendments is so minimal as not to require preparation of a full regulatory evaluation. For the same reasons, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 23 CFR Parts 625 and 655

Design standards, Grant programs—transportation, Highways and roads, Signs, Traffic regulations, Incorporation by reference.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on December 29, 1982.

R. D. Morgan,

Executive Director, Federal Highway Administration.

PART 625—DESIGN STANDARDS FOR HIGHWAYS

The FHWA revises § 625.3(c)(1) to read as follows:

§ 625.3 Standards, specifications, policies, guides, and references.

* * * * *

(c) *Traffic Control.* (1) Manual on Uniform Traffic Control Devices for Streets and Highways, FHWA, 1978, as amended, 1983.[5]

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[FR Doc. 83-330 Filed 1-7-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 249

Off-Reservation Treaty Fishing; Extension of Deadline for Issuance of Fishing Identification Cards

December 14, 1982.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: Temporary off-reservation fishing identification cards may be issued to any member of a tribe whose tribal roll is not yet current and approved, providing the member submits appropriate evidence of entitlement to membership. Under the present regulations, the expiration date for issuance of identification cards is December 31, 1982. The BIA is amending its regulations to continue issuance of identification cards to members of tribes whose roll is not yet current and complete. This extension will allow the BIA to continue issuing the temporary identification fishing cards until further notice.

DATE: This regulation is effective January 10, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph R. Jojola, Division of Fish, Wildlife and Recreation, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

SUPPLEMENTARY INFORMATION: On January 19, 1981, the Bureau of Indian Affairs published a Final Rule (46 FR 4873) extending the issuance of temporary identification cards to tribal members in connection with treaty fishing rights. That expiration date for issuing temporary identification cards is currently December 31, 1982. This amendment extends that date for issuing temporary identification cards to tribal members to be used in connection with treaty fishing rights until further notice. Advance notice and public procedure for rulemaking documents would delay issuance of the identification cards to those entitled to receive them and this delay is deemed contrary to the public interest; therefore, advance notice and public procedure are dispensed with under the exception provided in 5 U.S.C. 553(b)(B)(1970). Furthermore, the only change made by this amendment is to extend the date of expiration for issuance of tribal identification cards in § 249.3(b) until further notice. This change is deemed to be minor and technical in nature. For the above reasons, the Department has also determined that this amendment will be effective upon publication.

The authority for issuing this amemdment is contained in 5 U.S.C. 301, and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 209 DM 8.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number

of small entities under the criteria established by the Regulatory Flexibility Act.

The primary author of this document is Joseph R. Jojola, Division of Fish, Wildlife and Recreation, Office of Trust Responsibilities, Bureau of Indian Affairs, telephone number (202) 343–6574.

List of Subjects in 25 CFR Part 249

Fisheries, Fishing, Indians, Reporting requirements.

PART 249—OFF-RESERVATION TREATY FISHING

Paragraph 249.3(b) of Subchapter J of Chapter I of title 25 of the Code of Federal Regulations is hereby revised to read as follows:

§ 249.3 Identification cards.

* * * * *

(b) No such card shall be issued to any Indian who is not on the official membership roll of the tribe which has been approved by the Secretary of the Interior. *Provided*, That until further notice, a temporary card may be issued to any member of a tribe not having an approved current membership roll who submits evidence of his/her entitlement thereto satisfactory to the issuing officer and, in the case of a tribally issued card, to the countersigning officer. Any Indian claiming to have been wrongfully denied a card may appeal the decision in accordance with Part 2 of this chapter.

* * * * *

Dated: December 14, 1982.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-558 Filed 1-7-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 35

[T.D. 7860]

Temporary Employment Tax Regulations Under the Tax Equity and Fiscal Responsibility Act of 1982; Reporting by Certain Large Food or Beverage Establishments With Respect to Tips

Correction

In FR Doc. 82-33458 beginning on page 55215 in the issue of Wednesday, December 8, 1982, make the following corrections:

(1) On page 55215, first columns, the third sentence of the **SUMMARY** paragraph should have read "These regulations affect employers at large food or beverage establishments and their food or beverage employees and provide them with guidance necessary to comply with the law."

(2) On page 55217, third column, in the last line of (5) under § 35.6053–1(b), "by employee's allocation" should have read "by such employee's allocation".

(3) On page 55220, middle column, the last sentence of (6) under § 35.6053–1(j) should have read "For example, a restaurant that records the gross receipts from its cafeteria style lunch operation separately from the gross receipts of its full service dinner operation may be treated as two separate food or beverage operations."

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 1

Demand for Repayment, Offset, Refund and Committee on Waivers and Compromises Authority

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is changing the procedures it uses to collect debts owed to it by beneficiaries of VA programs. These changes are necessary to comply with recent court decisions and legislation which afford greater procedural protections to these beneficiaries. Some of these changes have already been implemented in order to afford beneficiaries an opportunity to exercise their legal rights. These regulations will principally affect the manner and timing of recoupment of an overpayment from other VA benefits. In addition, the procedures for considering a request for waiver of an indebtedness are revised to comply with recent court decisions which require that an agency afford a beneficiary the right to request an oral hearing on their waiver request.

EFFECTIVE DATE: December 17, 1982.

FOR FURTHER INFORMATION CONTACT: Peter T. Mulhern (202) 389–3405, Office of Budget & Finance (047C5), 810 Vermont Avenue, N.W., Wash., D.C. 20420.

SUPPLEMENTARY INFORMATION: On page 62296 through 62298 of the Federal Register of December 23, 1981, there was published a notice of proposed rulemaking to issue regulations concerning demand for repayment, offset of indebtedness, refund of recouped indebtedness, and revision of Committee on Waivers and Compromises authority. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

We received one set of comments, submitted jointly by the Legal Aid Society of Cleveland and the National Veterans Law Center. Although the comments refer to specific subsections of proposed § 1.911, it is clear that the primary concern is with the impact of recovery by offset from a debtor's future benefit payments, which is covered in proposed section 1.912.

In analyzing and responding to the comments, we have borne in mind the need to assure fairness in our procedures as we carry out our obligation to collect debts owed to the Federal Government. As indicated below, we have revised and clarified certain parts of the proposed regulations in light of the comments, and we have also reorganized the proposed regulations to make them more coherent, to eliminate unnecessary duplication, and to assure consistency with our dual objectives of fairness and effectiveness.

The Veterans Administration believes that its procedures, as set forth in these regulations, will result in the avoidance of unnecessary delay and administrative expense as well as the means for full protection of these debtors' statutory rights.

Note.—The references that follow are to §§ 1.911 and 1.912 as originally proposed. A summary of the two sections as reorganized follows our discussion of the comments.

The comments begin by asserting that paragraph (a) of § 1.911 is misleading and inconsistent with the purpose and intent of 38 U.S.C. 3102(a) and 3114. The commentators contend that demand for payment should not be made until after there has been notice of the debt and notice of the various rights that may be exercised by the debtor. We do not agree that § 1.911(a) is misleading or inconsistent with the purpose and intent of 38 U.S.C. 3102(a) and 3114. As a reading of proposed § 1.911 in its entirety makes clear, we provide notice of the debt and notice of the debtor's various rights together with the first demand for payment as soon as possible after the debtor has been notified of the overpayment. To postpone the demand for payment until after the debtor has been notified of the debt and the various rights would be inconsistent with the VA's duty to collect debts owed to the Federal Government by reason of the debtor's participation in a VA benefits program. Moreover, unless the debtor is aware that a demand for payment has been made, he or she may not fully recognize the consequences of delay in

exercising the rights of dispute and request for waiver. Postponing the demand for payment could be confusing with respect to those who do not dispute the existence or amount of the debt and who have no grounds for requesting waiver. Finally, nothing in section 3102(a) or 3114 of title 38 United States Code, suggests that a written demand for payment of the debt should await the debtor's pursuit of rights provided for under those sections.

The comments also suggest that specific language be added to proposed § 1.911(b)(2) to the effect that the reason or reasons for the indebtedness be stated in the notice in simple language that is sufficiently specific to enable the debtor to marshal evidence in his or her behalf. Further, proposed § 1.911(b)(4) should specify that the notice explain in simple terms what "waiver" is and what the requirements for waiver are. We agree generally with these comments and have made pertinent revisions.

The comments urge that § 1.911(b)(5) be revised to provide authority for "a pre-hearing determination in cases where such a decision would be favorable to the claimant." This comment implies that an initial determination based on a "paper" review (that is, a review on the record prior to hearing) is necessary in all cases where a request for waiver is received, in order to determine whether the information of record is insufficient for a decision on the request or adverse to the debtor. Nothing in title 38, United States Code, mandates such a pre-hearing "paper" review as part of our procedures. Rather, we afford to a debtor who has requested waiver and a hearing on the request, a hearing opportunity as early as possible. Our procedures thus differ from those of the Social Security Administration (SSA), the agency involved in *Califano v. Yamasaki*, 442 U.S. 682 (1979); SSA procedures permit an initial "paper" review prior to an oral hearing and prior to an offset.

Under our procedures, if the debtor requests the hearing in timely fashion, no recovery will begin until after the hearing and after the decision on the waiver. If the debtor requests the hearing at a later point, recovery will begin as originally scheduled; if waiver is later granted, amounts recovered will be refunded in accordance with 38 CFR 1.967. The purpose of the hearing opportunity is not to provide debtors with a means of delaying the collection of debts legitimately owed, but rather to give those debtors who request waiver the opportunity to offer testimony and other evidence that bears on the issues involved in the waiver decision. A "paper review" that, if adverse, must be followed by a hearing opportunity prior to offset would provide no greater due process protection to the debtor than is already provided by affording the debtor a hearing opportunity on the waiver request as early as possible.

The comments also suggest that § 1.911(b)(7) is deficient, in terms of meeting the due process requirements of the Fifth Amendment and the requirements of section 3114 of title 38, in a case in which the debtor requests waiver within the allotted thirty-day period but does not request a hearing within that period. Under proposed § 1.911(b)(7), if the waiver is then denied, recovery by means of offset would begin thereafter. The comments urge that in such a case offset must be delayed until after the debtor has been afforded a further opportunity for a pre-recovery hearing. Neither the Due Process Clause nor section 3102(a) or 3114 of title 38 mandates multiple pre-recovery hearing opportunities. We do not believe that we are obligated to extend a further opportunity for hearing prior to offset when a decision against waiver has already been reached and the debtor had previously been extended the opportunity for a hearing prior to such decision. As previously indicated, our procedures grant the debtor a hearing opportunity as early as possible. Moreover, we notify the debtor that, if waiver is requested within thirty days and a hearing is requested on the waiver request, offset will not be initiated until after the hearing and after a decision is reached on the waiver request. We believe these procedures are adequate in the light of *Califano v. Yamasaki*, 442 U.S. 682 (1979) and the Due Process Clause, and consistent with the VA's duty to collect debts owed to the Federal Government, within the constraints imposed by section 3114 of title 38.

The comments urge further that § 1.911(b)(8) is deficient, in a situation in which the debtor disputes in timely fashion the existence or amount of the indebtedness but does not request waiver. The commentators argue that, if the decision on the dispute is adverse to the debtor, "he or she should be given additional notice of waiver and hearing rights, and a reasonable opportunity (i.e. thirty days) in which to exercise those rights."

In the event the claimant disputes the existence or amount of the debt, we would of course correct as soon as feasible an administrative error brought to our attention. In the case of a dispute that goes to a substantive issue of entitlement, the panoply of appellate rights is available to the claimant. Although we disagree with the commentators' suggestion, we have revised the proposed regulations to clarify that a claimant may dispute the existence or amount of the debt at the same time he or she requests waiver, and, as long as the claimant files his or her dispute and waiver request within thirty days of the initial notification, offset will not begin until after decisions are reached respecting both. We see no necessity to provide a second thirty-day period. Section 3114(b) of title 38 does not require successive efforts to notify a debtor of his or her rights to dispute the debt and to request waiver. We recognize, however, that some claimants may believe that pursuing their right to dispute the debt is inconsistent with pursuit of their right to request waiver. Thus, our revision requires that the notice spelling out these rights clearly state that a claimant may pursue both rights simultaneously without prejudice to either.

Finally, the comments contend that 38 U.S.C. 3115 does not authorize the initial notice to state that failure to repay the debt in full within thirty days will result in the charging of interest or administrative costs or both, as would be required by proposed § 1.911(b)(9). According to the commentators, section 3115 is "clearly not intended to penalize those who exercise their due process rights * * *", and they note that, in some cases, the charging of interest and administrative costs would hurt those least able to afford such burdens.

The commentators appear to be proposing that VA refrain from charging interest on debts in situations where the debtor has filed a waiver request or a substantive appeal as well as in situations where the debt is to be collected by offset. They suggest that the "reasonable period of time" set forth in section 3115(b)(1)(B) of title 38, during which interest is not to be charged if the amount due is paid within such period, should be expanded to cover the period during which a debtor is exercising his or her rights or during which recovery is taking place by offset.

The commentators overlook the fact that section 3115(b)(1) grants authority to the VA to determine what constitutes a "reasonable period of time." By amendment to 38 CFR 1.919, published for public comment on August 26, 1981 (46 FR 43058), and approved by the Administrator on December 3, 1981 (46 FR 62057, Dec. 22, 1981), the VA has established, in subsection (e) of section 1.919, 30 days as a "reasonable period of time."

Nothing in the legislative history materials cited by the commentators suggests that VA can, by reason of the debtor's hardship or for any other reason, ignore the statutory directive to assess interest and administrative costs on outstanding debts in accordance with the law and regulations. Of course, such amounts can be waived, in whole or in part, in accordance with procedures applicable to waivers of other debts. (38 CFR 1.919(f)).

We also disagree with the commentators' proposal that § 1.911(b)(9), to the extent that it refers to the assessment of administrative costs, should be rescinded. The commentators incorrectly suggest that the VA's authority to assess administrative costs is limited to the "costs of collection on delinquent amounts." Rather, section 3115(c) of title 38 grants authority to the VA determine, by regulation, reasonable and appropriate administrative costs to be assessed. 38 CFR 1.919, referred to above, provides in paragraph (g) for the assessment of administrative costs in situations involving repayment agreements only where the debtor becomes delinquent in meeting the terms of the agreement. Although that section does not specifically so state, VA has no plans to assess administrative costs in situations where collection is being made by offset. Nevertheless, to the extent that a debtor not subject to collection by offset may be assessed administrative costs in accordance with 38 CFR 1.919, the notice described in the proposed regulations would include information to that effect.

Preparations are currently underway to implement the statutory mandate to assess interest and, under certain circumstances, administrative costs. Assessment of simple interest at a specified annual rate on debts owed the Federal Government in connection with the educational assistance programs is scheduled for April 1983 and, in connection with the home loan and compensation and pension programs, for March 1984. Initial demand letters will be revised to assure adequate notice regarding interest and possible administrative costs. As described in 38 CFR 1.919, the annual rate of interest will be based on the Treasury's cost of borrowing and updated annually. Once established for a particular debt, however, the rate will not change thereafter. Payments, including payments by offset, will be applied first to interest for that year and then to principal. Debtors will be advised that no interest will be charged if the balance is paid in full within 30 days of the notification.

As noted above, we have reorganized the proposed regulations. As proposed, § 1.911 would have been captioned "Demand for repayment" and § 1.912, "Collection by offset." In the course of reviewing the proposed regulations preparatory to final publication, it became clear that the content of § 1.911 encompassed matters beyond the purview of "demand for repayment" and also that certain matters originally proposed to be included in that section more properly belonged to proposed § 1.912. Hence, both sections have been reorganized.

Reorganized § 1.911a would be captioned "Collection of debts owed by reason of participation in a benefits program." Paragraph (a) clarifies that the section does not apply to the Agency's other collection activities and gives cross-references to regulations governing such other activities.

Paragraph (b), subtitled "Written demands," sets forth the same matters contained in § 1.911(a) as originally proposed, but clarifies that follow-up demand letters will not be required if collection by offset under § 1.912a can be made.

Paragraph (c), subtitled "Rights and remedies," expressly sets forth rights and remedies available to debtors. Formerly, these were implied as necessary components of the written demand letters. This paragraph explicitly assures that a debtor can exercise the rights separately or simultaneously.

Paragraph (d), subtitled "Notification," expressly sets forth the content of the written notice which debtors have the right to receive and paragraph (e) provides a rule to govern sufficiency of such notification. Paragraph (f) sets forth important cross-references, including those pertinent to appellate rights, waiver requests, and the potential assessment of interest and administrative costs.

Reorganized § 1.912 retains the same caption, "Collection by offset," but is internally revised. Paragraph (a) enunciates the Agency's statutory obligation to collect debts owed to the Federal Government, by reason of an individual's participation in a VA benefits program, by offset against current or future VA benefits payments to that debtor. This paragraph also clarifies that offset shall commence promptly after proper notice to the debtor, with certain exceptions specifically provided for by the governing statute that are described in paragraphs (c) and (d). The first of those exceptions, in paragraph (c), is that offset can be deferred if the debtor exercises, in timely fashion, certain rights such as the right to dispute or the right to request a waiver. The remaining exceptions are described in paragraph (d): Offset is not subject to deferral if collection of the debt would be jeopardized; in such case, notification pursuant to § 1.911(d) (as reorganized) is proper at the time offset begins or as soon thereafter as possible. Notification in advance of offset is not required if the United States has already obtained a judgment against the debtors.

Sections 1.911 and 1.912, as reorganized, have been renumbered as §§ 1.911a and 1.912a. These two sections will eventually be applicable to all debts which are the result of a debtor's participation in a Veterans Administration benefit program. At this time, however, these sections apply only to those debts subject to collection by offset against the debtor's monthly compensation or pension benefits. Notice will be published in the Federal Register when these sections become applicable to debts not subject to collection by offset against compensation or pension benefits, and §§ 1.911a and 1.912a will be republished as §§ 1.911 and 1.912.

We believe that the reorganized regulations are adequate to achieve our dual objectives of fairness to the Agency's debtors and effective collection of debts.

The Administrator hereby certifies that these rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these rules are therefore exempt from the final regulatory flexibility analysis requirement of sections 603 and 604. The reason for this certification is that the rules affect only those individuals indebted to the U.S. Government as a result of participation in Veterans Administration benefit payment programs. These rules have been reviewed under E.O. 12291 and have been determined to be non-major because they only revise Veterans Administration debt collection, refund, and waiver procedures, and do not have any adverse economic impact on or increase costs to consumers, individual industries, Federal, State, and local government agencies geographic regions.

There is no Catalog of Federal Domestic Assistance Number.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Claims.

The proposed regulations, as amended, are hereby adopted as final and are set forth below.

Approved: December 17, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 1—[AMENDED]

38 CFR Part 1—General is amended as follows:

1. New § 1.911a is added to read as follows:

§ 1.911a Collection of debts owed by reason of participation in a benefits program

(a) *Scope.* This section applies to the collection of debts resulting from an individual's participation in a benefits program administered by the Veterans Administration. It does not apply to the Agency's other claims collection activities. (Note: School liability debts are governed by § 21.4009; financial institution debts are subject to Chapter II, Parts 209, 210, and 240 of title 31, Code of Federal Regulations; and other debts are governed by Chapter II of Title 4 of the Code of Federal Regulations.)

(b) *Written demands.* When the Veterans Administration has determined that a debt exists by reason of an administrative decision or by operation of law, the Veterans Administration shall promptly demand, in writing, payment of the debt. The Veterans Administration shall notify the debtor of his or her rights and remedies in connection with the debt and the consequences of failure to cooperate with collection efforts. Ordinarily, no more than three demand letters, at intervals of not more than thirty days, will be sent, but letters subsequent to the initial letter will not be necessary if:

(1) The Administrator determines that further demand would be futile;

(2) The debtor has indicated in writing that he or she does not intend to pay the debt;

(3) Judicial action to protect the Government's interest is indicated under the circumstances; or

(4) Collection by offset pursuant to § 1.912a can be made.

(c) *Rights and remedies.* Subject to limitations referred to in this paragraph, the debtor has the right to informally dispute the existence or amount of the debt, to request waiver of collection of the debt, to a hearing on the waiver request, and to appeal the Veterans Administration decision underlying the debt. These rights can be exercised separately or simultaneously. Except as provided in § 1.912a (collection by offset), the exercise of any of these rights will not stay any collection proceeding.

(1) *Informal dispute.* This means that the debtor writes to the Veterans Administration and questions whether he or she owes the debt or whether the amount is accurate. The Veterans Administration will, as expeditiously as possible, review the accuracy of the debt determination. If the resolution is adverse to the debtor, he or she may also request waiver of collection as indicated in paragraphs (c)(2) and (c)(3) of this section.

(2) *Request for waiver; hearing on request.* The debtor has the right to request waiver of collection, in accordance with § 1.963 or § 1.964, and the right to a hearing on the request. Requests for waivers must be filed in writing. A waiver request under § 1.963 must be filed within two years of the initial notification to the debtor. If waiver is granted, in whole or in part, the debtor has a right to refund of amounts already collected up to the amount waiver.

(3) *Appeal.* The debtor may appeal, in accordance with Part 19 of this title, the decision underlying the debt.

(d) *Notification.* The Veterans Administration shall notify the debtor in writing of the following:

(1) The exact amount of the debt;

(2) The specific reasons for the debt, in simple and concise language;

(3) The rights and remedies described in paragraph (a) of this section, including a brief explanation of the concept of, and requirements for, waiver;

(4) That collection may be made by offset from current or future Veterans Administration benefits, subject to § 1.912a; and

(5) That interest and administrative costs may be assessed, in accordance with § 1.919, as appropriate.

(e) *Sufficiency of notification.* Notification is sufficient when sent by ordinary mail directed to the debtor's last known address and not returned as undeliverable by postal authorities.

(f) *Further explanation.* Further explanation may be found for—

(1) Appellate rights, in Part 19 of this title;

(2) Notification of any decision affecting the payment of benefits or granting relief, in § 3.103(e);

(3) Right to appeal a waiver decision, in § 1.958;

(4) Refund to a successful waiver applicant of money already collected, in § 1.967; and

(5) The assessment of interest and administrative costs, in § 1.919. (38 U.S.C. 3102, 3114).

2. New § 1.912a is added to read as follows:

§ 1.912a Collection by offset.

(a) *Authority and scope.* The Veterans Administration shall collect debts governed by § 1.911a by offset against any current or future Veterans Administration benefit payments to the debtor. Unless paragraphs (c) or (d) of this section apply, offset shall commence promptly after notification to the debtor as provided in paragraph (b) of this section. The collection by offset of all other debts is governed by Part 102, Chapter II, of Title 4, Code of Federal Regulations.

(b) *Notification.* Unless paragraph (d) of this section applies, offset shall not commence until the debtor has been notified in writing of the matters described in § 1.911a(c) and (d) and paragraph (c) of this section.

(c) *Deferral of offset.* (1) If the debtor, within thirty days of the date of the notification required by paragraph (b) of this section, disputes, in writing, the existence or amount of the debt in accordance with § 1.911a(c)(1), offset shall not commence until the dispute is reviewed as provided in § 1.911a(c)(1) and unless the resolution is adverse to the debtor.

(2) If the debtor, within thirty days of the date of notification required by paragraph (b) of this section, requests, in writing, waiver of collection in accordance with §§ 1.963 or 1.964, as applicable, offset shall not commence until the Veterans Administration has made an initial decision on waiver.

(3) If the debtor, within thirty days of the notification required by paragraph (b) of this section, requests, in writing, a hearing on the waiver request, no decision shall be made on the waiver request until after the hearing has been held.

(d) *Exceptions.* (1) Offset may commence prior to the resolution of a dispute or a decision on a waiver request if collection of the debt would be jeopardized by deferral of offset. In such case, notification pursuant to § 1.911a(d) shall be made at the time offset begins or as soon thereafter as possible.

(2) If the United States has obtained a judgement against a debtor whose debt is governed by § 1.911a, offset may commence without the notification required by paragraph (b) of this section. However, a waiver request filed in accordance with the time limits and other requirements of §§ 1.963 and 1.964,

will be considered, even if filed after a judgement has been obtained against the debtor. If waiver is granted, in whole or in part, refund of amounts already collected will be made, in accordance with § 1.967, up to the amount waived. (38 U.S.C. 3114, Ch. 37).

§ 1.916 [Amended]

3. Section 1.916 is amended by changing the word "his" to the words "his/her".

§ 1.930 [Amended]

4. Section 1.930 is amended by changing the word "his" to the words "his/her."

5. In §1.955, paragraph (d) is revised to read as follows:

§ 1.955 Regional office committees on waivers and compromises.

* * * * *

(d) *Single signature authority.* Where a request is for waiver of collection of a debt of $1,000 or less, exclusive of interest, the Chairperson shall designate from members and/or alternates one person, with special competence in the program area where the debt arose, to consider the question. His/her signature alone to the decision will suffice. In compromise cases, however, three person panels are always required regardless of the amount of the debt. (38 U.S.C. 210(c)(1))

§ 1.966 [Amended]

6. In § 1.966, paragraph (b)(2)(ii) is removed.

7. Section 1.967 is revised to read as follows:

§ 1.967 Refunds.

(a) Except as provided in paragraph (c) of this section, any portion of an indebtedness resulting from participation in benefits programs administered by the Veterans Administration which has been recovered by the U.S. Government from the debtor may be considered for waiver, provided the debtor requests waiver in accordance with the time limits of § 1.963(b). If collection of an indebtness is waived as to the debtor, such portions of the indebtedness previously collected by the Veterans Administration will be refunded. In the event that waiver of collection is granted for either an education, loan guaranty, or direct loan debt, there will be a reduction in the debtor's entitlement to future benefits in the program in which the debt originated.

(b) The Veterans Administration may not waive collection of the indebtedness of an educational institution found liable under 38 U.S.C. 1785. Waiver of collection of educational benefit overpayments from all or a portion of the eligible persons attending an educational institution which has been found liable under 38 U.S.C. 1785 shall not relieve the institution of its assessed liability. (See 38 CFR 21.4009(f)).

(c) Any portions of indebtedness collected by the Veterans Administration arising from erroneous payment of pay or allowances shall be considered for waiver regardless of the date of request for waiver, as long as such request is filed timely in accordance with § 1.963a(c)(1). If collection is waived refund will be made to the employee provided that application for refund is made no later than two years following the date of waiver.

(d) Refund of the entire amount collected may not be made when only a part of the debt is waived or when collection of the balance of a loan guaranty indebtedness by the Veterans Administration from obligors, other than a husband or wife of the person requesting waiver, will be adversely affected. Only where the amount collected exceeds the balance of the indebtedness still in existence will a refund be made in the amount of the difference between the two. Otherwise, refunds will be made in accordance with paragraph (a) of this section. (38 U.S.C. 1785, 3102; 5 U.S.C. 5584).

[FR Doc. 83-461 Filed 1-6-83; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2070-6]

Standards of Performance for New Stationary Sources—Graphic Arts Industry: Publication Rotogravure Printing

Correction

In FR Doc. 82-30410 beginning on page 50644 in the issue of Monday, November 8, 1982, make the following corrections:

(1) On page 50644, third column, in the 17th line from the top of the page, "solvent-borne are" should have read "solvent-borne inks are".

(2) On page 50655, middle column, in paragraph 2.3 of **Method 24A** under Appendix A, in the sixth line, "D_o" should have read "$\overline{D}_o$".

(3) On the same page, in the third column, the equation at the top of the page should have been labeled "Equation 24A-1", and "Report the weight fraction VOC W_o" should have read "Report the weight fraction **VOC** $\overline{W}_o$".

(4) In the same column, the second equation should have been labeled "Equation 24A-2", and the plus sign should have been an equal sign.

BILLING CODE 1505-01-M

40 CFR Part 60

[AD-FRL-2070-7]

Standards of Performance for New Stationary Sources; Metal Coil Surface Coating Operations

Correction

In FR Doc. 82-29693 beginning on page 49606 in the issue of Monday, November 1, 1982, make the following corrections:

(1) On page 49606, first column, in the 12th and 13th lines of the **SUMMARY** paragraph, "to all pollution" should have read "to air pollution".

(2) On page 49615, in § 60.463(c)(4)(vii), in the seventh line from the bottom of the third column, "which is" should have read "whichever is".

(3) On page 49616, in § 60.463(c)(4)(ix), "which is greater" should have read "whichever is greater".

(4) In the same column, under § 60.464, in the ninth line of paragraph (c), "±2.5°" should have read "±2.5°C."

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

41 CFR Part 13-1

Procurement Regulation; Debarment, Suspension and Ineligibility of Government Contractors

AGENCY: Commerce Department.

ACTION: Final rule.

SUMMARY: This notice prescribes the Department of Commerce policy and procedures for: (1) Distribution, use, and maintenance of the General Services Administration's (GSA) consolidated Government-wide list of debarred, suspended and ineligible contractors, and (2) debarment and suspension of Government contractors. The intended effect of this stated policy and procedures is to ensure that Government contracts are awarded to responsible contractors.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: John H. Dammeyer (Chief, Procurement Policy Division), Office of Procurement Services, Room 6411, Herbert C. Hoover Building, 14th & Constitution Ave NW.,

Washington, D.C. 20230, Area Code 202–377–4248.

SUPPLEMENTARY INFORMATION: (a) FPR Temporary Regulation 65 requires agencies to establish procedures to provide for the effective use of GSA's consolidated list to ensure that agencies do not solicit offers from, award contracts to, or consent to subcontracts with listed contractors, except as provided in this subpart.

(b) The FPR Temporary Regulation requires the debarring official to make certain determinations relating to debarment and suspension actions. These procedures specify the designated official responsible for granting informal fact-finding discussions, and taking other actions related to the debarment or suspension of concerns and individuals.

(c) The Temporary Regulation also requires agencies to establish internal procedures for effecting the policies and procedures of the FPR regarding the debarment, suspension, and placement in ineligibility status of concerns and individuals. The policy and procedures set forth in 41 CFR Part 13–1.6 will implement the FPR debarment and suspension policies and procedures.

(d) The Agency has not invited public comments on these procedures since they relate to Government contracts. The Department's internal procedures are referenced to the pertinent sections of the FPR revision. However, references to FPR Temporary Regulation 65 shall be deemed to refer to the appropriate Superseding Parts and Subparts of the FPR Amendment when issued.

List of Subjects in 41 CFR Part 13-1

Government procurement.

41 CFR Part 13–1 is amended as follows:

PART 13–1—GENERAL

1. The table of contents for Subpart 13–1.6—Debarred, Suspended and Ineligible Bidders is revised to read as follows:

Subpart 13–1.6—Debarred, Suspended and Ineligible Bidders

Sec.
13–1.600 Scope of Subpart.
13–1.601 Policy.
13–1.602 Definitions.
13–1.603 Establishment, maintenance and distribution of the consolidated Government-wide list of debarred, suspended, and ineligible contractors, and maintenance of agency records.
13–1.603–1 Consolidated list of debarred, suspended and ineligible contractors.
13–1.603–2 Agency records.
13–1.604 Treatment to be accorded listed contractors.
13–1.604–1 General.
13–1.604–2 Review procedures.
13–1.604–3 Continuation of current contracts.
13–1.605 Debarment.
13–1.605–1 General
13–1.605–2 Causes for debarment.
13–1.605–3 Procedures.
13–1.605–4 Period of debarment.
13–1.605–5 Imputed conduct.
13–1.606 Suspension.
13–1.606–1 General.
13–1.606–2 Causes for suspension.
13–1.606–3 Procedures.
13–1.606–4 Period of suspension.
13–1.606–5 Scope of suspension.
13–1.607 Agency procedures.

Authority: Sec. 205(c), 63 Stat. 390 as amended (40 U.S.C. 486(c)), unless otherwise noted.

2. The text of revised Subpart 13–1.6 reads as follows:

Subpart 13–1.6—Debarred, Suspended and Ineligible Bidders

§ 13–1.600 Scope of subpart.

This subpart prescribes the Department of Commerce DOC) policy and procedures for: (a) Distribution, use, and maintenance of GSA's consolidated Government-wide list of debarred, suspended and ineligible contractors, and (b) debarment and suspension of Government contractors.

§ 13–1.601 Policy.

(a) It is the policy of DOC to solicit bids and proposals only from, award contracts to, and approve or consent to subcontracts with, responsible business concerns and individuals. Debarment and suspension are discretionary actions which, when accomplished in accordance with these procedures, are appropriate means to effectuate this policy.

(b) Due to the serious nature of debarment and suspension, they will be imposed only to protect the Government's interest (not for purposes of punishment), and only for the causes referenced in this subpart.

§ 13–1.602 Definitions.

Refer to § 1–1.602 of Temporary Regulation 65 which is incorporated into this subpart.

§ 13–1.603 Establishment, maintenance and distribution of the consolidated Government-wide list of debarred, suspended, and ineligible contractors, and maintenance of agency records.

§ 13–1.603–1 Consolidated list of debarred, suspended and ineligible contractors.

(a) Section 1–1.603–1 (a) of Temporary Regulation 65, which is incorporated into this subpart, requires GSA to compile and maintain a current, consolidated list of contractors debarred, suspended, or declared ineligible by agencies or by the General Accounting Office (GAO), and to revise and distribute the list to agencies and the GAO.

(b) For the purpose of the requirements of § 1–1.603–1 (b)(1) through (4) which are also incorporated into this subpart:

(1) The Executive Director for Operations (referred to as the Executive Director throughout the remainder of this subpart) is responsible for notifying GSA of any DOC imposed debarments or suspensions of a contractor, or modifications or rescissions of these actions.

(2) The consolidated list will be distributed to procurement activities by the Office of Small and Disadvantaged Business Utilization.

(3) Preliminary inquiries concerning additional information desired on contractors included on the consolidated list shall be made by the respective reviewing procurement official directly to the agency or other authority that took the action. Unique or complex situations should be elevated to the Department's Procurement Policy Division within the Office of Procurement Services (OPS), and eventually to the Executive Director, as felt necessary.

(4) All procurement officials are responsible for familiarity with, and review of, the consolidated Government-wide list of contractors debarred, suspended or declared ineligible. Review of the continuing updates of the list is necessary to ensure that DOC solicits bids or offers from, performs pre-award surveys of, continues existing contracts with, and renews contracts or approves subcontracts for, only responsible business concerns and individuals.

§ 13–1.603–2 Agency records.

The minimum record requirements pertaining to each contractor debarred or suspended by DOC are incorporated into this subpart as contained in § 1–1.603–2 of the Temporary Regulation. These records shall be maintained for the Executive Director by the Office of Procurement Services.

§ 13–1.604 Treatment to be accorded listed contractors.

§ 13–1.604–1 General.

(a) *Actions after August 30, 1982.* If a listed contractor has been debarred or suspended by another agency based on policies and procedures in effect after August 30, 1982, that contractor will be excluded from receiving DOC contracts,

and DOC procurement officials shall not knowingly solicit offers from, award contracts to, renew or otherwise extend the duration of an existing contract with, or consent to subcontracts (which require Government approval) with these contractors, unless the Executive Director determines, in writing, that there is a compelling reason for such action.

In the event a procurement official identifies a prospective contractor or subcontractor (involved with a subcontract subject to Government consent) as being debarred or suspended on the consolidated list, and initially determines that there are compelling reasons for soliciting offers from or awarding contracts to this firm, the specific reasons supporting this determination shall be prepared by the chief of the procurement activity, in writing, and, after review by the Office of the Assistant General Counsel for Administration, submitted to the Executive Director for a decision. The Executive Director shall make a decision on the request within 30 working days of receipt. No contract solicitation, award, renewal or extension action shall be initiated unless, and until, the Executive Director has determined in writing that compelling reasons warrant such action.

(b) *Actions prior to August 30, 1982.* If a contractor has been debarred or suspended by DOC in accordance with policies and procedures in effect prior to August 30, 1982, that contractor shall be afforded the same treatment as explained in § 13–1.604–1(a). If a contractor has been debarred or suspended by another agency in accordance with policies and procedures in effect prior to August 30, 1982, there is no accompanying requirement for Government-wide debarment or suspension. Nevertheless, procurement officials within the Department shall consider such actions in determining contractor responsibility, and may recommend that debarment or suspension procedures be initiated based on the original action in accordance with § 1–1.605–2(d) and 1–1.606–2(d) of the Temporary Regulation which are incorporated into this subpart.

(c) *Ineligible Contractors.* The identification of ineligible contractors on the consolidated list will include specific information concerning the treatment to be accorded these contractors. Contractors declared ineligible on the basis of statutory or other regulatory procedures shall be excluded from receiving contracts and, if applicable, subcontracts, under the conditions and for the period set forth in the statute or regulation. Procurement officials shall not solicit offers from, award contracts to, renew or otherwise extend the duration of an existing contract with, or consent to subcontracts with these contractors under those conditions and for that period. No waiver procedures exist which enable the Department to accord ineligible contractors treatment other than that specifically contained in the consolidated list.

§ 13–1.604–2 Review procedures.

Prior to initiating a pre-award survey or any procurement action set forth in § 13–1.604–1, the appropriate procurement officials shall review the consolidated list. If the prospective contractor or subcontractor is listed, it shall receive the treatment deemed proper according to the basis for its listing.

§ 13–1.604–3 Continuation of current contracts.

It is the responsibility of procurement officials, through the chief of the procurement activity, to notify the Executive Director, in writing, whenever it is determined that DOC has existing contracts or subcontracts with contractors which have been debarred or suspended. This notification shall contain recommendations and supporting information regarding whether or not existing contracts or subcontracts should continue, since these agreements may be continued unless the Executive Director determines that termination of the contract is in the Government's best interest. The Executive Director's resulting decision for continuation or termination of existing contracts or subcontracts shall be made within 30 working days of receipt of the recommendation data, and only after review by appropriate contracting and technical personnel and by legal counsel to assure the propriety of the proposed action. No termination actions shall be instituted by contracting personnel unless, and until, the Executive Director has formally determined in writing that termination is in the Government's best interest.

§ 13–1.605 Debarment.

§ 13–1.605–1 General.

Section 1–1.605–1 of Temporary Regulation 65, which is incorporated into this subpart, refers to the debarring official; references the causes for debarment; explains the necessity for determining whether business dealings should be continued with a firm even when a cause for debarment has been identified; discusses the extent and scope of debarment; and advises that debarment is effective throughout the executive branch of the Government unless the head of the agency taking the procurement action or an authorized representative states in writing the compelling reasons justifying continued business dealings between that agency and the contractor. Within DOC, the Executive Director is designated as the debarring official and the authorized representative for determining whether there are compelling reasons justifying continued business dealings with a debarred contractor.

§ 13–1.605–2 Causes for debarment.

Refer to § 1–1.605–2 of Temporary Regulation 65 which is incorporated into this subpart.

§ 13–1.605–3 Procedures.

(a) *Investigation and referral.* Procurement officials shall become familiar with the causes for debarment in § 1–1.605–2 of the Temporary Regulation, and shall be alert to information which indicates that a contractor (to which the Department routinely awards, or plans to award, contracts) has committed an action which is properly includable as a cause for debarment. If it is learned (through dealings with the Office of the Inspector General, Departmental program or finance personnel, etc.) that an appropriately described contractor, not already on the consolidated list, has committed an action which can be identified as a cause for debarment, procurement officials shall determine to the extent possible which other agencies award contracts to this firm, and if any of these agencies have initiated, or plan to initiate, debarment actions.

(1) If debarment is being considered by another agency, the specific circumstances shall be promptly reported by the chief of the procurement activity, in writing, after review by the Office of the Assistant General Counsel for Administration, to the Executive Director, with an explanation as to why debarment actions may be considered by DOC, but are not being recommended. Within 30 working days of receipt of this information, the Executive Director shall make a decision regarding the necessity for additional action, which may involve further coordination with the lead agency which is pursuing debarment, or the preference for DOC to act as the lead agency in imposing debarment. If the decision is made that DOC debarment action is unnecessary, at a minimum, the Executive Director shall advise the Procurement Policy Division of the Office of Procurement Services of the specifics of the case to ensure

Department-wide dissemination for consideration in current responsibility determinations.

(2) If debarment actions are not being considered by another agency, the chief of the procurement activity shall advise the Executive Director, in writing, after review by the Office of the Assistant General Counsel for Administration, of the debarment considerations and shall provide a specific recommendation for debarment of the reasons for not recommending debarment, and all available documentary evidence for supporting the recommendation. It is emphasized that the mere existence of a cause for debarment does not require that a contractor be debarred. The seriousness of the contractor's acts or omissions and any mitigating factors shall be considered in making any debarment decision.

(b) *Decisionmaking process.* Upon receipt of a debarment consideration request, the Executive Director shall review all available documentary evidence and shall promptly make a decision as to whether debarment actions shall be pursued. The matter may be referred to the Department's Inspector General for further investigation if determined necessary. However, after completion of this additional review or investigation, the Executive Director shall make a written determination as to whether debarment procedures are to be initiated. A copy of this determination shall be promptly sent to the initiating procurement activity.

(c) *Notice of proposal to debar.* If the Executive Director determines that formal debarment procedures are to be initiated, he shall promptly notify the contractor and any specifically named affiliates, by certified mail, return receipt requested, of the proposal to debar. The notification shall be reviewed by the Office of the Assistant General Counsel for Administration prior to submittal to the contractor. Section 1–1.605–3(c) of the Temporary Regulation, which is incorporated into this subpart, contains a list of information which shall be included in this notice. The contractor shall be provided 30 calendar days to submit information and argument in opposition to the proposed debarment, and shall also be advised that pending a debarment decision, no contracts will be awarded to, and no subcontracts will be consented to or approved for, the contractor.

(d) *Debarring official's decision.* (1) For debarment actions proposed as a result of conviction or civil judgment, or debarment by another agency based on policies and procedures in effect prior to August 30, 1982, or as a result of other actions for which there is no dispute over material facts, the Executive Director shall make the final debarment decision on the basis of all information in the administrative record, including any response to the notification of the proposal to debar. If a suspension is not already in effect, the decision shall be made within 30 working days after receipt of information or argument submitted in response to the proposed debarment notification. This decision time requirement may be extended by the Executive Director for good cause.

(2) For proposed debarment actions which are not based upon a conviction, judgment, or debarment by another agency based on policies and procedures in effect prior to August 30, 1982, if the Executive Director determines that the contractor's response to the proposed debarment raises a genuine dispute over facts material to the proposed debarment, fact-finding shall be conducted. The Executive Director shall ensure that such fact-finding shall: (i) Afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any person presented by the Department, and (ii) include a transcribing of the fact-finding discussions which shall be made available at cost to the contractor upon request, unless the contractor and the Department mutually agree to waive the requirement for a transcript. The Executive Director shall also ensure that written findings of fact are prepared, and shall base his debarment decision on the facts as found, after considering information and argument submitted by the contractor and any other information in the administrative record.

(A) The Executive Director may refer debarment matters involving disputed material facts to another official for findings of fact. The Executive Director may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(B) Fact-finding meetings shall be conducted as soon as practicable after a determination that there is a genuine dispute over material facts. The Executive Director's final debarment decision shall be made within 30 working days (unless extended for good cause) after the conclusion of the fact-finding meetings held to discuss disputed facts.

(C) The Office of the Assistant General Counsel for Administration shall represent the Department at any fact-finding proceedings under this paragraph (d)(2), and may present witnesses for the Department and may confront any witnesses presented by the contractor.

(3) In any action in which the proposed debarment is not based upon a conviction, civil judgment or debarment by another agency, the cause for debarment must be established by a preponderance of the evidence.

(e) *Notice of debarring official's decision.* (1) A decision to impose debarment also requires prompt notice (within 5 working days after the decision is made) by the Executive Director to the contractor and any affiliates involved by certified mail, return receipt requested. This notice shall contain the elements identified in § 1–1.605–3(e)(1) of the Temporary Regulation which is incorporated into this subpart.

(2) If the decision is not to impose debarment, the Executive Director shall promptly (again, within 5 working days) notify the contractor and any affiliates involved of the decision by certified mail, return receipt requested.

(3) Prompt notice of the debarment decision should additionally be made to the procurement activity which initiated the debarment action.

§ 13–1.605–4 Period of debarment.

At the time a decision is made to impose debarment, the Executive Director shall also determine the period of debarment. This period shall be commensurate with the seriousness of the cause, but generally should not exceed 3 years. If suspension precedes debarment, the suspension period shall be considered in determining the debarment period. Additional guidance regarding extension or termination of the debarment period is contained in § 1–1.605–4 of Temporary Regulation 65 which is incorporated into this subpart.

§ 13–1.605–5 Imputed conduct.

Refer to § 1–1.605–5 of the Temporary Regulation, which is incorporated into this subpart, for an explanation as to the extent to which: improper acts of individuals may be imputed to the contractor (including affiliates and subsidiaries), improper acts of a contractor may be imputed to individuals, and the improper acts of a joint venture may be imputed to participating contractors.

§ 13–1.606 Suspension.

§ 13–1.606–1 General.

Section 1–1.606–1 of Temporary Regulation 65, which is incorporated into this subpart, refers to the suspending official; references the causes for suspension; discusses the

information to be considered in determining whether suspension is appropriate and the scope of the suspension; and advises that a contractor's suspension is effective throughout the executive branch of the Government, unless the head of the agency taking the procurement action, or an authorized representative, states in writing the compelling reasons justifying continued business dealings between that agency and the contractor. Within DOC, the Executive Director is designated as the suspending official and the authorized representative for determining whether there are compelling reasons justifying continued business dealings with a suspended contractor.

§ 13-1.606-2 Causes for suspension.

Refer to § 1-1.606-2 of Temporary Regulation 65 which is incorporated into this subpart.

§ 13-1.606-3 Procedures.

(a) *Investigation and referral.* Any procurement official, based on information gained on his own or on recommendations or information gained from other sources, may recommend suspension of a firm or individual for the causes set forth in § 1-1.606-2 of the Temporary Regulation. The procedures to be followed are the same as those contained in § 13-1.605-3(a), after substituting the word "suspension" for "debarment" and the causes for suspension instead of debarment. Any preliminary determination for recommending suspension should also consider the information presented in § 1-1.606-1 (b) and (c) of the Temporary Regulation which are also incorporated into this subpart.

(b) *Decision-making process.* (1) The procedures to be followed in the suspension decision-making process are again similar to those for debarment, as contained in § 13-1.605-3(b). One major difference between the processes is that an initial decision by the Executive Director regarding debarment results in a proposal to debar, whereas the initial decision for suspension purposes results in immediate suspension.

(2) In actions not based on an indictment, or actions based on a suspension by another agency based on policies and procedures in effect prior to August 30, 1982, if the Executive Director determines that the contractor's submission in opposition (refer to § 13-1.606-3(c)) raises a dispute over facts material to the suspension, and if the Department of Justice or a state prosecuting official advises that substantial interests of the Government in pending or contemplated legal proceedings, based on the same facts as the suspension, would not be prejudiced, fact-finding shall be conducted. Where the advice of the Department of Justice or state prosecuting officials is to be solicited, requests shall be made through the Department's Assistant General Counsel for Administration. Fact-finding shall be conducted in accordance with the procedures contained in § 13-1.605-3(d)(2).

(c) *Notice of suspension.* When the Executive Director decides to impose suspension of a firm or individual, the Executive Director shall immediately notify the contractor or person and affected affiliates by certified mail, return receipt requested. The notice shall contain the information included in § 1-1.606-3(c) of the Temporary Regulation which is incorporated into this subpart. The information includes advising the contractor that it has 30 days after receipt of the notice to submit information and argument in opposition to the suspension, and that fact-finding to determine disputed material facts will be conducted unless the action is based on an indictment or another agency's suspension based on policies and procedures in effect prior to August 30, 1982, or that substantial interests of the Government or a state in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced. The initiating procurement activity shall also be promptly notified of the suspension decision.

(d) *Suspending official's decision.* (1) In actions: (i) Based on an indictment or a suspension by another agency based on policies and procedures in effect prior to August 30, 1982; (ii) in which the contractor's submission in response to the suspension notice does not raise a dispute over material facts; or (iii) in which fact-finding to determine disputed material facts has been denied on the basis of the advice of the Department of Justice or a state prosecuting official, the Executive Director's decision shall consider the information in the administrative record, including any submission made by the contractor. The decision shall be made within 30 working days after receipt of information or argument submitted in response to the notice of suspension, unless extended for good cause by the Executive Director.

(2) In actions in which fact-finding is determined appropriate, the Executive Director shall ensure that a fact-finding meeting is held and that written findings of fact are prepared. The Executive Director shall base the decision of continuing suspension on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record.

(i) The Executive Director may refer suspension matters involving disputed material facts to another official for findings of fact. The Executive Director may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(ii) Fact-finding meetings shall be conducted as soon as practicable after a determination is made that such meetings are appropriate. The Executive Director shall make the ultimate decision to continue or discontinue imposition of suspension within 30 working days (unless extended for good cause) after the conclusion of the meetings held to discuss disputed facts.

(iii) The Office of the Assistant General Counsel for Administration shall represent the Department at any fact-finding proceedings under this paragraph (d)(2), and may present witnesses for the Department and may confront any witnesses presented by the contractor.

(3) The Executive Director may modify or terminate the initially imposed suspension or leave it in force for the same reasons for terminating or reducing the period or extent of department, (refer to § 1-1.605-4(c) of the Temporary Regulation which is incorporated into this subpart). However, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of suspension by any other agency or the imposition of debarment by any agency.

(4) After the Executive Director has received and reviewed the contractor's response to the initially imposed suspension, ensured that fact-finding discussions, as appropriate, were held, and made a decision as to the appropriateness of continuing the suspension, he shall promptly notify the contractor of his decision by certified mail, return receipt requested.

§ 13-1.606-4 Period of suspension.

The Executive Director shall establish the period of suspension when he determines that continuation of the initially imposed suspension is appropriate. Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal proceedings, unless sooner terminated by the Executive Director or as provided in § 1-1.606-4 (b) and (c) of the Temporary Regulation which are incorporated into this subpart.

§ 13-1.606-5 Scope of suspension.

The scope of suspension shall be the same as that for debarment, (see §1-1.605-5 of the Temporary Regulation which is incorporated into this subpart).

§ 13-1.607 Agency procedures.

The Executive Director is responsible for complying with the provisions of Temporary Regulations 65 and this subpart. Coordination with the Office of Procurement Services, Office of General Counsel, Office of Inspector General and the Office of Security and Investigations shall be made as deemed appropriate.

Thomas M. Schultz,

Procurement Analyst.

[FR Doc. 83-298 Filed 1-7-83; 8:45 am]

BILLING CODE 3510-03-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

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

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

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0237.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opporunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Mendocino County (unincorporated areas) FEMA-6401.	Russian River	At the center of intersection of Howell St. and Hopland Road.	*496
			100 feet upstream from the center of Vicky Springs Road.	*597
			100 feet upstream from the center of School Way	*707
		Forsythe Creek	50 feet upstream from the center of Uva Drive	*711
		Mill Creek (at Redwood Valley)	450 feet upstream from confluence with Forsythe Creek.	*794
		York Creek	At the center of U.S. Highway 101 and stream crossing.	*640
		Hensley Creek	100 feet upstream from the center of U.S. Highway 101.	*629
		Ackerman Creek	50 feet upstream from the center of North state Street	*623
		East Fork Russian River	At the center of Main Street and stream crossing	*934
		Eel River	100 feet upstream of Cape Horn Dam	*1,514
		Anderson Creek	50 feet upstream from the center of State Highway 128.	*347
		Mill Creek (near Talmage)	30 feet upstream from the center of Park Lane	*646
		North Fork Mill Creek	50 feet upstream from the center of Guidiville Reservation Road.	*722
		Robinson Creek	At the center of State Highway 253 and stream crossing.	*627
		Feliz Creek	At the center of Old Hopland Yorkville Road and stream crossing.	*522
		Tenmile Creek	At the center of Branscomb Road and stream crossing	*1,610
		Town Creek	At the State Highway 162 and stream crossing	*1,391
		Davis Creek	75 feet upstream from the center of Hearst-Willits Road.	*1,360
		Orrs Creek	At the center of intersection of Orrs Street and Brush Street.	*610
		Doolin Creek	At center of Betty Street and stream crossing	*601

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Haehl/Baechtel Creek	50 feet upstream from the center of Hearst/Willits Road.	*1,353
		Mill Creek (near Willits)	At the City of Willits corporate limit at the stream crossing.	*1,348
Maps available for inspection at County Planning Office, 880 N. Bush, Ukiah, California.				
	Woodlake (city) Tulare County FEMA-6401	St. Johns River	50 feet upstream from center of Valencia Boulevard.	*426
		Antelope Creek	Center of intersection of Pine Street and Kaweah Avenue.	*448
		East Overflow Antelope Creek	Center of intersection of Sevillano Street and Antelope Avenue.	*435
		West Overflow Antelope Creek	Center of intersection of Palm Street and Sierra Avenue.	*441
Maps available for inspection at City Department of Public Works, 350 North Valencia Boulevard, Woodlake, California.				
Florida	Clearwater (City), Pinellas County, FEMA-6333	Alligator Creek	Intersection of Beachwood Avenue and Park Trail	*21
			Center of Logan Street, 100 feet west of its intersection with Belcher Road.	*44
		Gulf of Mexico	Intersection of Mandalay Avenue and Baymont Street	*11
			Intersection of Engman Street and Fairburn Avenue	*11
			Intersection of Edgewater Drive and Sunset Point Road.	*14
		Tampa Bay	Intersection of Bayshore Boulevard (County Road 30) and San Mateo Street.	*10
			Intersection of Perry Drive and Shinto Drive	*10
		Alligator Lake	Intersection of Arlie Avenue and Rose Road	*10
Maps available for inspection at Public Works Department, 10 S. Missouri Avenue, Clearwater, Florida.				
Florida	Oldsmar (City), Pinellas County FEMA-6333	Old Tampa Bay	Intersection of Lake Way and Dolphin Drive South	*10
			Intersection of Buckingham Avenue and Lafayette Boulevard.	*10
		Lake Tarpon	Intersection of Lake Tarpon Outfall Canal and McMullen Booth Road (State Highway 593 and County Road 77).	*7
Maps available for inspection at Planning Department, 150 Sellers Lane, Oldsmar, Florida.				
Florida	Pinellas County (unincorporated areas), FEMA-6333	Alligator Creek	50 feet downstream from the center of McMullen-Booth Road (State Highway 593) over the channel.	*21
			50 feet upstream from the center of Northeast Coachman Road (State Highway 590) over the channel.	*29
		Joe Creek	Intersection of Westchester Boulevard and Ashford Court.	*12
			Intersection of creek and 62nd Street North	*18
		Boca Ciega Bay	Intersection of Heron Drive and 94th Street	*11
			Intersection of Oakhurst Drive and Walker Avenue	*11
			Intersection of Pinehurst Drive and Burning Tree Drive	*11
			Intersection of Seagull Drive South and Debbie Lane South.	*12
		Gulf of Mexico	Intersection of Harbor View Lane and Royal Drive	*10
			Intersection of Bay Shore Drive and 61st Avenue North.	*10
			Intersection of Monte Cristo Boulevard and Desoto Drive.	*11
			Intersection of Seaford Street and Iowa Avenue	*12
		Tampa Bay	Intersection of Snug Harbor Road and Gandy Crest Drive.	*9
			Intersection of Shore Boulevard and Phoenix Avenue	*10
			Intersection of Roberta Lane and Summerdale Drive	*10
			Intersection of Evergreen Avenue and Ulmerton Road (State Highway 688).	*10
		Anclote River	Intersection of Salt Lake Drive and Bayou Drive	*10
			Intersection of Anclote Road (County Road 47) and Brady Road (County Road 84).	*11
		Lake Tarpon	Intersection of Cypress Drive and Freshwater Drive	*7
			Intersection of Sandy Point Road and Anchorage Lane	*7
		Alligator Lake	Intersection of Seaboard Coast Line Railroad and a tributary to Alligator Lake, approximately 1500 feet northeast along the railroad from its intersection with McMullen-Booth Road (State Highway 593).	*10
Maps available for inspection at Zoning Department, 440 Court Street, Clearwater, Florida.				
Florida	Safety Harbor (City), Pinellas County, FEMA-6333	Old Tampa Bay	Intersection of Birch Creek Drive and Honeysuckle Court.	*10
			Intersection of Hamilton Avenue and Spring Boulevard	*10
		Alligator Lake	Intersection of Division Street and Rome Avenue	*10
Maps available for inspection at Engineering Department, 750 Main Street, Safety Harbor, Florida.				
Florida	Tarpon Springs (City), Pinellas County, FEMA-6333	Gulf of Mexico	Intersection of Holiday Drive and Pinecrest Circle	*12
			Intersection of Ventor Avenue and Beach Drive	*16
		Lake Tarpon	Intersection of Jasmine Avenue and Oakwood Street	*7
		Anclote River	Intersection of Safford Avenue and Cedar Street	*10
Maps available for inspection at Building Department, South Pinellas and Court Street, Tarpon Springs, Florida.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(Unincorporated areas), Peoria County (Docket No. FEMA-6384).	Illinois River	At downstream county boundary	*455
			At upstream county boundary	*460
		Kickapoo Creek	About 2.2 miles downstream of State Route 116	*501
			About 0.6 mile downstream of Taylor Road	*501
			Just upstream of Interstate 74	*529
			Just downstream of Grange Hall Road	*555
		Spoon River	About 1,700 feet downstream of Township Road	*608
			At upstream county boundary	*626
		Dry Run Creek	Just downstream of Swords Avenue	*480
			About 0.27 mile upstream of West Farmington Road	*511
		Boyds Hollow Creek	About 750 feet downstream of Chicago, Rock Island and Pacific Railroad.	*460
			At upstream corporate limits of the City of Peoria	*544
		Springdale Creek	At downstream corporate limits of the City of Peoria	*526
			At upstream corporate limits of the City of Peoria	*573
		North Fork Tributary Big Hollow Creek.	At downstream corporate limits of the City of Peoria	*669
			Just upstream of West Willow Knolls Drive	*701
			About 100 feet upstream of West Willow Knolls Drive	* 712
			At upstream corporate limits of the City of Peoria	* 731
		Big Hollow Creek	About 1,200 feet downstream of Old Big Hollow Road	* 569
			At upstream corporate limits of the City of Peoria (About 600 feet upstream of Chicago and North Western railroad).	* 588
		Poppet Hollow Creek	About 900 feet downstream of Chicago, Rock Island and Pacific Railroad.	* 460
			At upstream corporate limits of the City of Peoria (0.6 mile upstream of State Route 29).	* 525
		Unnamed Tributary to Kickapoo Creek.	At downstream corporate limits of the City of Bartonsville.	* 474
			At upstream of corporate limits of the City of Bartonsville.	* 501
Maps available for inspection at the County Zoning Department, Peoria County Courthouse, 300 Main Street, Room 504, Peoria, Illinois.				
Indiana	(Unincorporated), Wells County (Docket No. FEMA-6401).	Wasbash River	At western county boundary	* 800
			At the confluence of Fleming Ditch	* 801
			About 5,000 feet above Six Mile Creek	* 814
		Griffin Ditch	At mouth	* 800
			Just downstream of 100 West Road	* 800
Maps available for inspection at the County City Area Planning Office, Wells County courthouse, 4th Floor, Bluffton, Indiana.				
Iowa	(C), Algona, Kossuth County (Docket No. FEMA-6401).	East Fork Des Moines River	About 200 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	* 1,122
			About 3,780 feet upstream of U.S. Highway 18	* 1,124
Maps available for inspection at City Clerk's Office, City Hall, Algona, Iowa.				
Iowa	(Unincorporated), Story County (Docket No. FEMA-6431).	Skunk River	About 2.05 miles downstream of U.S. Highway 30 Bypass.	*872
			About 700 feet downstream of 13th Street	*890
			Just downstream of State Highway 221	*958
			At upstream county boundary	*981
		Fourmile Creek	Just upstream of Northwest 166th Avenue	*1,005
			About 0.28 mile upstream of County Highway R38	*1,013
		Indian Creek	Downstream county boundary	*855
			Just upstream of County Road (About 5.3 miles upstream of county boundary).	*879
		West Branch Indian Creek	Just downstream of County Road (About 5.05 miles downstream of City of Nevada corporate limit).	*914
			About 0.55 mile upstream of Chicago and Northwestern Railroad.	*967
		Walnut Creek	About 550 feet downstream of County Highway R63	*889
			About 3830 feet upstream of U.S. Highway 69	*928
		Ballard Creek	About 500 feet downstream of Interstate 35	*878
			Just downstream of U.S. Highway 69	*947
			About 200 feet downstream of County Road (About 1.43 miles upstream of U.S. Highway 69).	*983
			About 200 feet upstream of County Road (About 1.49 miles upstream of U.S. Highway 69).	*986
		Worle Creek	About 0.65 mile downstream of U.S. Highway 30	*905
			About 250 feet downstream of County Road	*935
			About 450 feet upstream of County Road	*942
			Just downstream of County Highway R38	*978
			About 150 feet upstream of County Highway R38	*983
			At upstream county boundary	*1,018
		Onion Creek	Mouth at Squaw Creek	*907
			Just upstream of County Road (About 1.7 miles upstream of mouth).	*935
			About 650 feet downstream of county boundary	*969
		Squaw Creek	Mouth at Skunk River	*863
			About 0.69 mile downstream of confluence of Onion Creek.	*906
			About 0.61 mile upstream of County Road (About 3.5 miles upstream of confluence of Onion Creek).	*919
		Bear Creek	About 600 feet downstream of Interstate 35	*932

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1.08 miles downstream of County Highway R77	*1,017
			About 600 feet upstream of County Highway E15	*1,037
		Long Dick Creek	Mouth at Skunk river	*960
			About 0.20 mile upstream of County Road	*994
		Rock Creek	At confluence with Indian Creek	*862
			About 1000 feet downstream of County Highway E63	*879
			Just downstream of County Road (About 1.7 miles upstream of County Highway E63).	*906
		Rock Creek Tributary	About 900 feet upstream of mouth	*876
			About 0.94 mile upstream of mouth	*902
		Keigley Branch	Mouth at Skunk River	*926
			About 600 feet upstream of County Road	*942
		Lateral A	About 0.77 mile upstream of mouth	*887
			About 1.85 miles upstream of mouth	*927
Maps available for inspection at the Planning and Zoning Office, Story County Courthouse, Nevada, Iowa.				
Massachusetts	Uxbridge, Town, Worcester County (Docket No. FEMA-6286).	Blackstone River	Downstream corporate limits	*216
			Downstream South Main Street	*224
			At confluence of West River	*226
			Upstream of Mendon Street	*229
			Downstream Hartford Avenue	*233
			Upstream corporate limits	*241
		Mumford River	Confluence with Blackstone River	*227
			Upstream of Caprons Pond Dam	*236
			Downstream of Factory Dam	*247
			Upstream corporate limits (first crossing)	*259
			Upstream corporate limits (second crossing)	*318
			Upstream corporate limits	*321
		West River	Confluence with Blackstone River	*226
			Upstream of Mendon Street Dam	*236
			Upstream of Hartford Avenue	*238
			Upstream West Hill Dam	*241
Maps available for inspection at the Office of the Selectman, Uxbridge Town Hall, Uxbridge, Massachusetts.				
Michigan	(Twp.), Emmett, Calhoun County (Docket No. FEMA-6384).	Kalamazoo River	At downstream corporate limit	*832
			Just upstream of Interstate 94	*848
		Minges Brook	At confluence with Kalamazoo River	*833
			About 2,600 feet upstream of Golden Avenue	*837
			About 150 feet upstream of Interstate 194	*864
		Harper Creek	Mouth at Minges Brook	*844
			Just upstream of Beadle Lake Road (downstream crossing).	*853
			Just upstream of E Drive South	*860
			Just upstream of D Drive North (Hoover Drive)	*867
			About 1,880 feet upstream of D Drive North (Hoover Drive).	*871
		Beadle Lake	Within the community	*891
Maps available for inspection at the Township Hall, 620 Cliff Street, Battle Creek, Michigan.				
Minnesota	(C), Canby, Yellow Medicine County (Docket No. FEMA-6333).	Canby Creek	At downstream corporate limit	*1,200
			Just downstream of U.S. Highway 75	*1,230
			Just upstream of U.S. Highway 75	*1,235
			At upstream corporate limit	*1,237
		Shallow Flooding (overflow from Canby Creek).	Area Southeast of the intersection of State Highway 3 and St. Olaf Avenue, North, North of Canby Creek.	#3
Maps available for inspection at the Administrative Assistant's Office, City Hall, 110 Oscar Avenue, North, Canby, Minnesota.				
New Jersey	South Amboy, City Middlesex County (Docket No. FEMA-6401).	Raritan Bay	Shoreline from southern coporate limits to confluence of Raritan River.	*19
		Raritan River	Shoreline from confluence with Raritan Bay to approximately 2,000 feet downstream of Conrail bridge.	*16
			Shoreline from 2,000 feet downstream of Conrail bridge to downstream side of Conrail bridge.	*17
			Shoreline from downstream side of Conrail bridge to upstream corporate limits.	*16
Maps available for inspection at the City Hall, 140 North Broadway, South Amboy, New Jersey.				
New York	Brookhaven, Town, Suffolk County (Docket No. FEMA-6401).	Atlantic Ocean	Entire shoreline within community	*14
		Great South Bay	Entire shoreline within community	*6
			Carmans River at Long Island Railroad crossing	*5
			Swan River downstream of Swezey Street	*5
			Beaver Dam Creek at Beaver Dam Road crossing	*5
		Narrow Bay	Shoreline at Bay Fair Drive (extended)	*8
			At Pattersquash Island	*9
			Shoreline approximately .50 mile southwest of Pattersquash Island.	*11
			Shoreline at Floyd Point	*9
		Moriches Bay	Entire northern shoreline within community	*9
			Entire southern shoreline within community	*11
			Forge River shoreline at Island Point	*8
			Seatuck Creek at Long Island Railroad crossing	*8
		Long Island Sound	Shoreline at Cedar Beach	*15
			Shoreline at eastern corporate limits	*15
			Shoreline at confluence with Mount Sinai Harbor	*16

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Shoreline north of McAllister County Park	*16
		Smithtown Bay	Entire shoreline within community	*16
		Conscience Bay	Shoreline at Conscience Bay Road (extended)	*14
			Shoreline at Four Winds Road (extended)	*12
			Shoreline at Oak Road (extended)	*14
		Port Jefferson Harbor	Shoreline at Preston Lane (extended)	*14
			Little Bay shoreline at Youngs Lane (extended)	*13
			Setauket Harbor shoreline south of Abandoned Bridge Road.	*13
			Shoreline south of McAllister County Park	*11
		Mount Sinai Harbor	Shoreline east of Sandy Path	*16
			Shoreline north of intersection of Cedar Drive and Pipe Stave Hollow Avenue.	*12
			Shoreline at Harbor Beach Road (extended)	*16
Maps available for inspection at the Town Hall, 205 South Ocean Avenue, Patchogue, New York.				
New York	East Hampton, Village Suffolk County (Docket No. FEMA-6401).	Atlantic Ocean	Entire shoreline	*14
		Georgica Pond	From the southern corporate limits to Daniels Hole Road extended.	*12
			From Daniels Hole Road extended to Montauk Highway.	*11
Maps available for inspection at the Village Hall, 27 Main Street, East Hampton, New York.				
New York	Manorhaven, Village, Nassau County, (Docket No. FEMA-6401).	Manhasset Bay	Entire shoreline	*13
Maps available for inspection at the Village Hall, 33 Manorhaven Boulevard, Port Washington, New York.				
New York	Southampton, Town, Suffolk County, (Docket No. FEMA-6401).	Atlantic Ocean	Entire shoreline within community	*14
			Shoreline of Sagaponack Pond at Bridge Lane crossing.	*10
		Noyack Bay	Entire shoreline within community	*11
		Little Peconic Bay	Entire shoreline within community	*11
			Entire shoreline of North Sea Harbor	*10
			Entire shoreline of Fish Cove	*9
			Entire shoreline of Scallop Pond	*10
		Great Peconic Bay	Entire shoreline within community	*11
			Entire shoreline of Little Sebonic Creek	*10
			Entire shoreline of Bullhead Bay	*10
			Entire shoreline of Cold Spring Pond	*10
			Entire shoreline of Red Creek Pond	*10
		Flanders Bay	Entire shoreline within community	*11
			Shoreline of Hubbard Creek at confluence with Flanders Bay.	*10
			Shoreline of Hubbard Creek at Red Creek Road crossing.	*9
			Peconic River shoreline at Cross River Drive crossing	*9
		Mecox Bay	Entire shoreline within community	*8
			Entire shoreline of Mill Creek	*7
			Entire shoreline of Hayground Cove	*7
		Heady Creek	Shoreline at East Point Road (extended)	*8
		Shinnecock Bay	Entire southern shoreline within community	*10
			Entire northern shoreline within community	*9
			Entire shoreline of Middle Pond	*8
		Quantuck Bay	Entire shoreline within community	*9
			Shoreline of Aspatuck River just north of Main Street crossing.	*8
			Shoreline of Aspatuck River at Brook Road crossing	*7
			Shoreline of Quantuck Creek at Alden Lane (extended).	*8
			Shoreline of Quantuck Creek at Long Island Railroad crossing.	*7
		Moriches Bay	Entire northern shoreline within community	*9
			Seatuck Creek shoreline at Long Island Railroad crossing.	*8
			Shoreline at Gunning Point	*10
			Shoreline south of Swan Island	*11
Maps available for inspection at the Town Hall, 116 Hampden Road, Southampton, New York.				
New York	Woodsburgh, Village, Nassau County, (Docket No. FEMA-6247).	Brosewere Bay	Entire coastline within community	*8
		Woodmere Channel	Entire shoreline within community	*8
Maps available for inspection at the Village Hall, 30 Piermont Avenue, Hewlett, New York.				
New York	Yorkville, Village, Oneida County, (Docket No. FEMA-6401).	Mohawk River	Downstream corporate limits	*414
			Upstream corporate limits	*414
		Sauquoit Creek	Upstream of Conrail	*417
			Upstream corporate limits	*422
Maps available for inspection at the Village Hall located between Calder and Sixth Streets, Yorkville, New York.				
Pennsylvania	East Fallowfield, Township, Chester County (Docket No. FEMA-6252).	West Branch of Brandywine Creek	Downstream corporate limits	*250
			Upstream of Strasburg Road	*253
			Approximately 4,600' upstream of Strasburg Road	*266
			Upstream corporate limits	*270
		Buck Run	Upstream of State Route 82	*326

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Corporate limits (1st crossing)	*337
			Corporate limits (2nd crossing)	*344
			Upstream of Conrail (downstream crossing)	*358
			Upstream of Buck Run Road	*364
			Upstream of Conrail (3rd crossing)	*391
			Upstream of West Glenrose Road	*404
			Upstream of Timacula Road	*413
			Upstream of Conrail (7th crossing)	*427
			Upstream of Conrail (9th crossing)	*446
Maps available for inspection at the East Fallowfield Township Municipal Building, R. D. 1, Coatesville, Pennsylvania.				
Pennsylvania	Parkesburg, Borough, Chester County (Docket No. FEMA-6254).	Little Buck Run	Approximately 200' downstream corporate limits	*470
			Downstream corporate limits	*471
			Upstream Church Street (Route 10) first crossing	*486
			Approximately 1,400' upstream of Church Street first crossing.	*502
			Upstream CONRAIL	*520
			Approximately 750' upstream of CONRAIL	*538
			Upstream Church Street third crossing	*559
			Approximately 900' upstream of Church Street third crossing.	*576
			Upstream corporate limits	*592
Maps available for inspection at the Borough Hall, 329 West First Avenue, Parkesburg, Pennsylvania.				
Pennsylvania	West Pikeland, Township, Chester County (Docket No. FEMA-6262).	Pickering Creek	Upstream of Pikeland Road	*245
			Upstream of Chester Springs Road	*262
			Upstream of 2d Private Road	*280
			Upstream of Conestoga Road	*311
			Upstream of Private Road	*324
			At upstream corporate limits	*337
		Pine Creek	Downstream of Conestoga Road	*346
			Approximately 1,845' upstream of Conestoga Road	*359
			Approximately 400' upstream of downstream corporate limits.	*386
Maps available for inspection at the residence of the Township Secretary, Routes 113 and 401, Chester Springs, Pennsylvania. Please call (215) 827-9218.				
Pennsylvania	Windsor, Township, York County (Docket No. FEMA-6401).	Kreutz Creek	Meadow Road (upstream)	*467
			State Route 124 (Orchard Road) upstream	*484
			Riddle Road (upstream)	*493
			Miller's Mill Road (upstream)	*514
			At Dietz Road	*528
			Windsor Road (upstream)	*553
			Ruppert Road (upstream)	*575
		Fishing Creek	Bahns Mill Road (upstream)	*578
			Private Road (upstream)	*600
			Gebhart Road (upstream)	*608
			Maryland Avenue (downstream)	*620
		North Branch Muddy Creek	Confluence of North Branch Muddy Creek Tributary No. 1.	*559
			Township Route 658 (Grove Road) (upstream)	*603
			Grimm Hollow Road (upstream)	*625
		North Branch Muddy Creek Tributary No. 1.	Confluence with North Branch Muddy Creek	*559
			Husson Road—2nd crossing (downstream)	*580
			Husson Road—3rd crossing	*626
			Dull Road—upstream	*690
Maps available for inspection at the Windsor Township Building, R.D. 3, Red Lion, Pennsylvania.				
Rhode Island	Bristol, Town, Bristol County (Docket No. FEMA-6401).	Walker Brook	Upstream Word Street	*14
			Upstream Richmond Street	*25
			Upstream Mount Hope Avenue	*31
		East Branch Silver Creek	At confluence with Silver Creek	*14
			Upstream Chestnut Street	*43
			Downstream Gooding Avenue	*63
		West Branch Silver Creek	At confluence with Silver Creek	*14
			Upstream Chestnut Street	*31
			Downstream Verndale Avenue (extended)	*65
		Narragansett Bay	From Mount Hope bridge to Curtis Road extended	*18
			From Curtis Road to Warren/Bristol corporate limits	*19
		Mount Hope Bay	Entire shoreline within community	*18
		Kickamuit River	Approximately 2,125' upstream of Bristol Narrows Road extended to Smith Avenue (extended).	*5
			Smith Avenue (extended) to northern corporate limits	*16
Maps available for inspection at the Town Clerk's Office, Town Hall, 10 Court Street, Bristol, Rhode Island.				
Rhode Island	East Providence, City, Providence County (Docket No. FEMA-6401).	Ten Mile River	At Omega Pond Dam	*16
			Upstream Pawtucket Avenue	*20
			Upstream Hunts Mill Dam	*37
			Upstream Newman Avenue	*52
			Upstream corporate limits	*52
		Runnins River	At Mobile Company Dam	*10
			Upstream Highland Avenue	*13
			Upstream Leonard Street	*17
		Willett Pond Brook	Upstream Francis Avenue (extended)	*16
			Upstream Willett Pond Dam	*28
		Seekonk River	Norfolk Avenue (extended) to Henderson Bridge	*19

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Henderson Bridge to Waterman Avenue	*18
		Providence River	Bold Point to Wilkesbarre Pier	*18
			Wilkesbarre Pier to Watchemoket Cove	*19
			Watchemoket Cove to Bullock Cove	*20
Maps available for inspection at the City Clerk's Office, City Hall, 145 Taunton Avenue, East Providence, Rhode Island.				
Rhode Island	Warren, Town, Bristol County (Docket No. FEMA-6401).	Palmer River	Entire shoreline within community	*12
		Warren River	Shoreline from North Main Street to School Street (extended).	*18
			Shoreline from School Street extended to approximately 530 feet south of Locust Terrace.	*19
			Shoreline from approximately 530 feet south of Locust Terrace to downstream corporate limits.	*20
		Kickamuit River	From approximately 1,100 feet south of Child Street to Chase Cove.	*17
			Chase Cove to Bristol Narrows	*18
		Warren Reservoir	Entire shoreline	*10
		Mount Hope Bay	Shoreline from northeastern corporate limits to approximately 1,700 feet north of Calder Drive (extended).	*18
			Shoreline from approximately 1,700 feet north of Calden Drive (extended) to Calden Drive (extended).	*19
			Shoreline from Calden Drive (extended) to southern corporate limits.	*18
Maps available for inspection at the Town Clerk's Office, Town Hall, 514 Main Street, Warren, Rhode Island.				
Texas	Unincorporated Areas of Jefferson County (FEMA-6384).	Mayhaw Bayou	Just upstream of State Highway 124	* 15
		Walker Branch Tributary	Just upstream of Tram Road	* 22
		Hillebrandt Bayou	At Hillebrandt Road	* 9
			At the corporate limits of the City of Beaumont	* 10
		Willow Marsh Bayou	Just upstream of Walden Road	* 19
		Pine Island Bayou	At the confluence of Hughes Gully	* 23
		Rhodair Gully	Just upstream of Port Arthur Road	* 10
		Taylor Bayou	Just downstream of La Belle Road	* 11
		Bayou Din	Just upstream of Interstate Highway 10	* 26
			Just upstream of the First Dirt Road located approximately 4000 feet upstream of Mack Road.	* 27
		Bayou Din Tributary	Approximately 300 feet upstream of Timber Bridge	* 18
		Kid Gully	Just upstream of state Highway 124	* 19
		Cotton Creek	Approximately 1000 feet upstream of 3rd Street	* 42
		Crane Bayou (Ponding)	At the intersection of Trft Avenue and State Highway 73.	* 3
		Gulf of Mexico	Intersection of West Basin Intracoastal Waterway and Sabine Neches Canal.	* 10
			The intersection of Big Hill Road and a Private Drive 1.2 miles North of Big Hill.	* 11
			South of the intersection of Taylor and Hillebrandt Bayous.	* 12
			Just north of the intersection of the Intercoastal Waterway with Salt Bayou.	* 15
			South of the Clam Lake Shoreline	* 17
			Along State Highway 87 near the Jefferson Chambers County Line.	* 18
		Gulf of Mexico/Neches River	Approximately 200 feet upstream of State Highway 73, at a point where State Highway 81 joins Highway 73 before crossing the river.	* 8
			At McFadden Bend Cutoff and Smith Bluff Cutoff	* 8
			At the Horseshoe Bend located at 3,500 feet downstream of Interstate Highway 10 and U.S. Highway 90.	* 10
		Gulf of Mexico/Hillebrandt Bayou	North of Good Hope Chapell, along the right bank	* 9
		Gulf of Mexico/Rhodair Gully	Just upstream of State Highway 365	* 9
		Gulf of Mexico/Taylor Bayou	Just south of the confluence of Hillebrandt Bayou, along the Right Bank.	* 12
Maps available for inspection at County Clerk's Office, Jefferson County Courthouse, 1149 Pearl Street, Beaumont, Texas 77704.				
Vermont	Berkshire, Town, Franklin County (Docket No. FEMA-6401).	Missisquoi river	Downstream corporate limits	*409
			Upstream State Route 118	413
			Approximately 100' upstream of State Route 105	*420
			Upstream corporate limits	*429
Maps available for inspection at the Berkshire Town Clerk's Office, Enosburg Falls, Vermont.				
Vermont	Cambridge, Village, Lamoille County (Docket No. FEMA-6401).	Lamoille River	Downstream corporate limits	*446
			Upstream of State Route 15	*447
		Seymour River	Abandoned Covered Bridge	*447
			Upstream of Town Highway 1	*451
			Upstream corporate limits	*467
Maps available for inspection at the Cambridge Village Offices, Jeffersonville, Vermont.				
Washington	Ferndale (City), Whatcom County, FEMA-6401	Nooksack River	100 feet upstream from center of Interstate 5	*34
Maps available for inspection at City Hall, 936 Ferndale Street, Ferndale, Washington.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(Unincorporated) Portage County, (Docket No. FEMA-6401).	Wisconsin River	At downstream county boundary	*1037
			Just downstream of Whiting Plover Dam	*1047
			Just upstream of Whiting Plover Dam	*1054
			Just downstream of Wisconsin River Division Dam	*1054
			Just upstream of Wisconsin River Division Dam	*1069
			At upstream City of Stevens Point corporate limit	*1089
			Just downstream of Lake Dubay Dam	*1104
		Rocky Run	Mouth at Wisconsin River	*1041
			About 1.3 miles upstream of West River Drive	*1048
			About 0.5 mile downstream of County Highway P	*1071
			Just downstream of Soo Line Railroad	*1086
Maps available for inspection at the Zoning Administrator's Office, 1513 Church Street, Stevens Point, Wisconsin.				
Wisconsin	(C) Stevens Point, Portage County (Docket No. FEMA-6401).	Wisconsin River	At downstream corporate limit	*1072
			Just downstream of Stevens Point Dam	*1080
			Just upstream of Stevens Point Dam	*1087
			At upstream corporate limit	*1089
		Rocky Run	About 2.0 miles downstream of County Highway C	*1076
			About 0.3 mile upstream of County Highway C	*1085
Maps available for inspection at the City Administrator's Office, 1515 Strongs Avenue, Stevens Point, Wisconsin.				

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

Issued: December 16, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 83-323 Filed 1-7-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 6

[OST Docket No. 71]

Implementation of the Equal Access to Justice Act

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation (DOT) is publishing this final regulation to implement the Equal Access to Justice Act (EAJA) (Pub. L. 96–481, 94 Stat. 2325). The Act, which took effect October 1, 1981, provides for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings under section 554 of the Administrative Procedure Act (APA). It requires agencies conducting proceedings under section 554 to establish uniform procedures for making awards after consultation with the Chairman of the Administrative Conference of the United States (ACUS).

These final regulations, generally, will set uniform procedures under the EAJA for any adversary adjudications conducted pursuant to section 554 by this Department or any of its operating administrations. They will presently apply to Coast Guard license, certificate or document suspension and revocation proceedings, National Highway Traffic Safety Administration (NHTSA) fuel economy enforcement proceedings, and the Federal Highway Administration (FHWA) driver qualification and compliance order proceedings.

EFFECTIVE DATE: January 10, 1983.

FOR FURTHER INFORMATION CONTACT: Lynne Adams-Whitaker, Office of General Counsel, C–50, Department of Transportation, 400 Seventh Street, SW., Room 10421, Washington, D.C. 20590, (202) 426–4723.

SUPPLEMENTARY INFORMATION:

Background

The Equal Access to Justice Act (EAJA), authority for these rules, was enacted by the 96th Congress (Pub. L. 96–481, 94 Stat. 2325, 5 U.S.C. 504 et seq.). It provides for the award of attorney fees and other expenses to eligible individuals and entities that are parties to certain administrative proceedings (proceedings conducted under section 554 of the APA before government agencies) and prevail over the government. Eligible prevailing parties are entitled to awards of fees and expenses, unless the presiding officer or judge of the proceeding finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

Under the EAJA, eligible parties include individuals with a net worth of no more than $1 millon; sole owners of unincorporated businesses, partnerships, corporations, associations, or organizations with a net worth of no more than $5 million and no more than 500 employees; and tax-exempt charitable, educational or religious organizations and cooperative associations as defined by the Agricultural Marketing Act with no more than 500 employees regardless of net worth. The Act directs agencies to establish uniform procedures for the submission and consideration of fee and expense applications. Section 554 of the APA applies in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing.

In the Department of Transportation, at this time, three operating administrations are statutorily required to conduct certain proceedings to which § 554 of the APA applies. The Coast Guard conducts hearings in all cases involving acts of incompetency or

misconduct committed by any licensed officer or holder of a certificate of service (46 U.S.C. 239; 46 CFR Part 5). These hearings are conducted in order to investigate the alleged acts of misconduct or incompetency and to determine if a licensee or certificate holder should have the license or certificate revoked. NHTSA conducts hearings in cases involving the enforcement of automotive fuel economy standards, gas mileage guide availability, reporting and other requirements of Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001 et seq.; 49 CFR Part 511). FHWA conducts driver qualification and compliance order proceedings authorized by the Interstate Commerce Act (49 U.S.C. 1655(e)(6), (f)(2), 11701(a); 49 CFR Part 386).

The Department of Transportation published an interim final rule on this subject on October 8, 1981 (46 FR 49878). The rule was published on an interim final basis, without publication of a prior notice, so that we might meet the statutory deadline of October 1, 1981. Comments from the public were solicited in the interim rule. However, no comments were received.

Shortly before the statutory deadline the DOT became aware that the Department of Justice (DOJ) had prepared a draft rule to implement the EAJA which differed in some respects from the DOT interim rule. DOT, therefore, stated, in the preamble to the interim rule, that it would consider these differences carefully and, where it believed it best to defer to DOJ's expertise and interpretation of the EAJA's provisions, would adopt changes to the interim rule. On April 13, 1982, DOJ issued its final rules governing the implementation of the EAJA in DOJ Administrative Proceedings, 47 FR 15774. DOT has accordingly, modified its regulations in several areas.

§ 6.5 Proceedings covered.

DOT has added two types of proceedings to its listing of those covered under the EAJA in § 6.5(a). These are: NHTSA fuel economy enforcement proceedings under 15 U.S.C. 2000 et seq. (49 CFR Part 511); FHWA driver qualification and compliance order proceedings authorized by the Interstate Commerce Act (49 CFR Part 386). Each of the above constitutes an adjudication under 5 U.S.C. 554 in which the position of an operating administration of the Department of Transportation is represented by an attorney or other representative who enters an appearance and participates in the proceeding.

§ 6.9 Standards for awards.

The Department has added a sentence in § 6.9 stating that the fact that an applicant prevails does not create a presumption that the agency's position was not substantially justified. This language is also contained in the DOJ regulations, and was derived directly from the House and Senate Committee Reports, in which the following language appears:

> (t)he standard, however, should not be read to raise a presumption that the government position was not substantially justified, simply because it lost the case. "See Rep. No. 96–253, 96th Cong. 1st Sess., at 7; H.R. Rep. No. 96–1418, 96th Cong. 2d Sess., at 11.

This language has been restated in the regulations in order to make perfectly clear that the test is not whether the government lost the case, but whether the government can show that its case had a reasonable basis both in law and in fact.

§ 6.19 Information required from applicants.

DOT has added a requirement that, unless the applicant is an individual, the application shall state that the applicant did not have more than 500 employees at the time the proceeding was initiated. This provision is suggested by the EAJA and is included in the DOJ final rule.

§ 6.21 Net worth exhibit.

DOT has added a sentence to § 6.21(a) requiring that an applicant's net worth exhibit must include a showing of the net worth of all individuals, corporations, or other entities who directly or indirectly control or own a majority of the voting shares or other interest of the applicant. Or, if the applicant directly or indirectly owns or controls a majority of the voting shares or other interest of any corporation or other entity, the exhibit must include a showing of the net worth of the applicant including the affiliates. This requirement will ensure full disclosure of the applicant's and any affiliates' assets and liabilities and a correct determination as to whether the applicant qualifies under the standards of 5 U.S.C. 504(b)(1)(B)(i).

DOT has also added a new § 6.21(b) which requires that the net worth exhibit shall describe any transfers of assets from, or obligations incurred by, the applicant or any affiliate, occurring in the one-year period prior to the date on which the proceeding was initiated, that reduced the net worth of the applicant and its affiliates below the applicable net worth ceiling. This requirement has been added in order to facilitate a close examination by the administrative law judge to determine whether such transfers were made for legitimate business or other purpose. A similar provision is contained in the DOJ final rule.

Finally, DOT has added § 6.21(c), which requires that the net worth exhibit be included in the public record of the proceeding.

Section 6.21(b) of the DOT interim final rule provided applicants with the opportunity to demonstrate that their net worth information is entitled to confidential treatment. A similar provision was included in the model rules issued by ACUS to ensure that applicants who could make a showing that their net worth information was entitled to confidential treatment would not be deterred from applying for Equal Access to Justice awards.

The confidentiality has been omitted from the DOT final rule since it is neither required nor suggested by EAJA. DOJ believes, and we agree, that a confidentiality provision would have a restrictive effect on the activities of Department attorneys in investigating the truth of the information included in the net worth statement.

Further, we believe that an applicant's knowledge that its net worth statement may become public should discourage false statements. In addition, the courts have not adopted any kind of confidentiality procedure for applications, regardless of whether the proceeding involves an action originally initiated in the courts or an appeal from an agency adjudication. Thus, different treatment at the administrative level is not warranted.

§ 6.23 Documentation of fees and expenses.

In lieu of the itemized statement showing hours spent, specific services performed, and rate at which fees are computed by professional firms or individuals required under the interim final rule, DOT has modified its final rule to require that such information be supplied in the form of an affidavit. Thus, applicants will have sworn to the truth of the documentation of their fees and expenses. In addition, a section has been added that requires an attorney or agent, to whom no hourly rate is paid by the majority of his or her other clients, to provide information about rates paid to attorneys or agents with similar experience, who perform similar work. This would primarily affect those attorneys or agents who represent clients on a contingency basis.

§ 6.29 Answer to application.

Section 6.29(b) was not in the interim final rule. It provides for the filing of a statement of intent to negotiate by Department counsel where Department counsel and applicant believe a settlement can be reached concerning the award. Filing such a statement will extend the time for filing an answer an additional 30 days. This provision has been included in the DOJ final rule implementing the EAJA and is intended to promote negotiated settlements of awards.

§ 6.31 Reply.

DOT's reply provision has been deleted from the final rule. The provision would have permitted the applicant to file a reply within 15 days after service of an answer. Instead, DOT has provided at § 6.37 that the administrative law judge may sua sponte or on the motion of any party require further proceedings. We do not believe it is necessary to specifically provide for reply pleadings since they frequently will not be necessary.

§ 6.45 Payment of award.

DOT has deleted the 60 day time limit set out in the interim final rule within which it was to have paid the amount awarded to the applicant. We believe it would be inappropriate to bind the Department to an inflexible time period without first having some experience in this area.

Regulatory Flexibility Act Determination

Notwithstanding that the Regulatory Flexibility Act (RFA) does not require an analysis of the economic impact on small entities for final rules issued without prior notices, it is certified that this final regulation will not have a significant economic impact on a substantial number of small entities. In that connection, it should be noted that these rules have been specially developed to implement an Act which has as its primary purpose a reduction in the financial burden of Federal litigation on small partnerships, corporations, associations and public and private organizations as well as individuals. While the rule will create an impact on these small entities, the impact will be positive. The impact will not be significant since the volume of covered Departmental proceedings is small and, thus, there is no expectation that small entities will have a need to invoke these procedures often, if at all. Further, because of the expectation that few entities will file claims under these procedures, the Department expects to be required to reimburse few, if any; small entities under these procedures.

Regulatory Evaluation

This regulation is classified as a "nonmajor" regulation under Executive Order 12291. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures; the regulation is not significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Environmental Impact

This regulation will have no environmental impact.

List of Subjects in 49 CFR Part 6

Claims, Equal access to justice, Lawyers.

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

Andrew L. Lewis,

Secretary of Transportation.

49 CFR Part 6 is revised to read as follows:

PART 6—IMPLEMENTATION OF EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Subpart A—General Provisions

Sec.
6.1 Purpose of these rules.
6.3 When the Act applies.
6.5 Proceedings covered.
6.7 Eligibility of applications.
6.9 Standards for awards.
6.11 Allowable fees and expenses.
6.13 Delegations of authority.
6.15 [Reserved]

Subpart B—Information Required from Applicants

6.17 Contents of application.
6.19 Net worth exhibit.
6.21 Documentation of fees and expenses.

Subpart C—Procedures for Considering Applications

6.23 Filing and service of documents.
6.25 Answer to application.
6.27 Comments by other parties.
6.29 Settlement.
6.31 Further proceedings.
6.33 Decision.
6.35 Agency review.
6.37 Judicial review.
6.39 Payment of award.

Authority: Pub. L. 96-481, 94 Stat. 2325.

Subpart A—General Provisions

§ 6.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before government agencies, such as the Department of Transportation or any of its operating administrations. An eligible party may receive an award when it prevails over the Department of Transportation or any of its operating administrations unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that this agency will use to make them. The use of the term "Department", in this rule, will be understood to mean the Department of Transportation or any of its operating administrations, unless otherwise specified. The term "agency counsel" will be understood to mean counsel for the Department of Transportation or any of its operating administrations.

§ 6.3 When the Act applies.

The Act applies to any adversary adjudication pending before this agency at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final agency action has not been taken before that date, and proceedings pending on September 30, 1984.

§ 6.5 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Department of Transportation. These are adjudications under 5 U.S.C. 554 in which the position of the Department is represented by an attorney or other representative who enters an appearance and participates in the proceeding. Coverage of the Act begins at designation of a proceeding or issuance of a charge sheet. Any proceeding in which the Department may prescribe or establish a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." For the Department of Transportation, the types of proceedings generally covered include: Coast Guard suspension or revocation of licenses, certificates or documents under 46 U.S.C. 239; 46 CFR Part 5; National Highway Traffic Safety Administration (NHTSA) fuel economy enforcement under 15 U.S.C. 2001; (49 CFR Part 511); Federal Highway Administration

(FHWA) driver qualification and compliance order proceedings under 49 U.S.C. 655; (49 CFR Part 386).

(b) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 6.7 Eligibility of applications.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to an adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in paragraph (b) of this section.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees.

(3) A charitable or other tax-exempt organization as described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with a net worth of not more than $5 million and not more than 500 employees.

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was designated.

(d) An applicant who owns an unincorporated business will be considered an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The number of employees of an applicant includes all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the administrative law judge determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the administrative law judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

(h) An applicant who appears *pro se* in a proceeding is ineligible for award of attorney fees. However, eligibility for other expenses is not affected by *pro se* representation.

§ 6.9 Standards for awards.

(a) An eligible applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified or special circumstances make the award sought unjust. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Department of Transportation, where it has initiated the proceeding, or on the appropriate operating administration, such as Coast Guard. No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding.

§ 6.11 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents or expert witnesses.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. This amount shall include all other expenses incurred by the attorney or agent in connection with the case. No award to compensate an expert witness may exceed the highest market rate at which the Department pays expert witnesses, or $24.09 per hour, whichever is less.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the administrative law judge shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(e) Fees may be awarded only for work performed after designation of a proceeding.

§ 6.13 Delegations of authority.

The Secretary of Transportation delegates to the head of each operating administration of this Department the authority to take final action, other than rulemaking, on matters pertaining to the Act in actions that require section 554 proceedings. The head of each operating administration may redelegate this authority.

§ 6.15 [Reserved]

Subpart B—Information Required From Applicants

§ 6.17 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state that it did not have more than 500 employees at the time the proceeding was initiated, giving the number of employees of the applicant and describing briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net

worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if—

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 114j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this agency to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

(f) If the applicant is a partnership, corporation, association, or organization, or a sole owner of an unincorporated business, the application shall state that it did not have more than 500 employees at the time the proceeding was initiated, giving the number of its employees and describing briefly the type and purpose of its organization or business.

§ 6.19 Net worth exhibit

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in this part) when the proceeding was designated. If any individual, corporation, or other entity directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or if the applicant directly or indirectly owns or controls a majority of the voting shares or other interest of any corporation or other entity, the exhibit must include a showing of the net worth of all such affiliates or of the applicant including the affiliates. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The administrative law judge may require an applicant to file additional information to determine its eligibility for an award.

(b) The net worth exhibit shall describe any transfers of assets from, or obligations incurred by, the applicant or any affiliate, occurring in the one-year period prior to the date on which the proceeding was initiated, that reduced the net worth of the applicant and its affiliates below the applicable net worth ceiling. If there were no such transactions, the applicant shall so state.

(c) The net worth exhibit shall be included in the public record of the proceeding.

§ 6.21 Documentation of fees and expenses.

(a) The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought.

(b) The documentation shall include an affidavit from any attorney, agent, or expert witness representing or appearing in behalf of the party, stating the actual time expended and the rate at which fees and other expenses were computed and describing the specific services performed.

(1) The affidavit shall state the services performed. In order to establish the hourly rate, the affidavit shall state the hourly rate which is billed and paid by the majority of clients during the relevant time periods.

(2) If no hourly rate is paid by the majority of clients because, for instance, the attorney or agent represents most clients on a contingency basis, the attorney or agent shall provide information about two attorneys or agents with similar experience, who perform similar work, stating their hourly rate.

(c) The documentation shall also include a description of any expenses for which reimbursement is sought and a statement of the amounts paid and payable by the applicant or by any other person or entity for the services provided.

(d) The administrative law judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

(e) The administrative law judge may, within his or her discretion, make a determination as to whether a study, conducted by the applicant, was necessary to the preparation of the applicant's case.

Subpart C—Procedures for Considering Applications

§ 6.23 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding.

§ 6.25 Answer to application.

(a) Within 30 calendar days after service of an application, the agency counsel may file an answer to the application. Unless the agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award request.

(b) If agency counsel and applicant believe that they can reach a settlement concerning the award, the agency counsel may file a statement of intent to negotiate. The filing of such a statement shall extend the time for filing an answer an additional 30 days.

(c) The answer shall explain in detail any objections to the award requested an identify the facts relied on in support of the Department's position. If the answer is based on any alleged facts not already in the record of the proceeding, the Department shall include with the answer either supporting affidavits or a request for further proceedings under § 6.3.

§ 6.27 Comments by other parties.

Any party to a proceeding, other than the applicant and the Department may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application.

§ 6.29 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the agency's standard settlement procedure. If a prevailing party and the agency counsel agree on a proposed settlement of an award before an application has been filed the application shall be filed with the proposed settlement.

§ 6.31 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on his or her own initiative, the administrative law judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing.

Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the administrative law judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 6.33 Decision.

The administrative law judge shall issue an initial decision on the application as soon as possible after completion of proceedings on the application. The decision shall also include, if at issue, findings on whether the Department's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment or any award made among the agencies, and shall explain the reasons for the allocation made.

§ 6.35 Agency review.

Where Department review of the underlying decision is permitted, either the applicant or agency counsel, may seek review of the initial decision on the fee application, or the Department may decide to review the decision on its own initiative. If neither the applicant nor the agency counsel seeks review within 30 days after the decision is issued, it shall become final.

§ 6.37 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 6.39 Payment of award.

An applicant seeking payment of an award from the Department of Transportation or any of its operating administrations under this part shall submit a copy of the Department of Transportation's or any of its operating administration's final decisions granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. The copy of the decision and the statement should be submitted to the head of the affected operating administration or the Secretary of Transportation, where the Department of Transportation, Office of the Secretary, has initiated the proceedings.

[FR Doc. 83-632 Filed 1-7-83; 8:45 am]

BILLING CODE 4910-62-M

Proposed Rules

Federal Register
Vol. 48, No. 6
Monday, January 10, 1983

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.

FEDERAL LABOR RELATIONS AUTHORITY; GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY; AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Part 2423

Informal Resolution of Unfair Labor Practice Allegations

AGENCY: Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority.

ACTION: Proposed amendment of rules and regulations.

SUMMARY: These proposed amendments would, in pertinent part: (1) Reaffirm the existing policy of the Authority and the General Counsel to encourage the informal resolution of unfair labor practice allegations both prior and subsequent to the filing of an unfair labor practice charge; and (2) reinforce this policy by affording the parties an opportunity to resolve among themselves unfair labor practice allegations after the filing of an unfair labor practice charge but prior to the commencement of an investigation of the charge.

DATE: Written comments will be considered if received by February 25, 1983.

ADDRESS: Send written comments to the Office of the General Counsel, Federal Labor Relations Authority, 500 C Street, SW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: David L. Feder, Assistant General Counsel, Office of the General Counsel, (202) 382-0834.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, the General Counsel of the Authority and the Federal Service Impasses Panel published, beginning at 45 FR 3482, final rules and regulations principally to govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code (5 CFR Part 2400 et. seq. (1982)). The rules and regulations are required by 5 U.S.C. 7134. The part of the final rules and regulations affected by the amendments here proposed is Part 2423 which governs the processing of unfair labor practice cases.

Section 2423.2(a) of the rules and regulations sets forth the policy of the Authority and of the General Counsel "to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges with the Authority." Noting the six (6) month period of limitation in 5 U.S.C. 7118(a)(4), paragraph (b) of § 2423.2 of the rules and regulations further sets forth the "policy of the Authority and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the issuance of a complaint by the Regional Director." Section 2423.11 of the rules and regulations reiterates the above noted general settlement policy and established informal and formal settlement procedures at various stages of the processing of a charge: *i.e.*, pre-complaint, post complaint—prehearing, post complaint—after the opening of the hearing.

Although recognizing the current settlement policy of the Authority and the General Counsel, the General Accounting Office in its November 5, 1982, Report (GAO/FPCD-83-5) entitled *Steps Can Be Taken To Improve Federal Labor-Management Relations And Reduce The Number And Costs Of Unfair Labor Practice Charges* recommends that the Authority "require the parties involved in alleged ULPs to hold discussions to try to informally resolve issues before having a formal ULP charge investigated by FLRA."

In order to afford the parties an opportunity to attempt to informally resolve an unfair labor practice allegation among themselves without the intervention of an Authority agent occasioned by the commencement of an investigation, these amendments propose that normally, an unfair labor practice investigation will not commence until the parties have had a reasonable period of time *after* the filing of a charge, not to exceed fifteen (15) days, to informally resolve their dispute. It was determined that a fifteen (15) day time period would provide a reasonable opportunity for the parties to explore settlement while not unduly delaying the investigation and disposition of an unfair labor practice charge. In this regard, as noted by the General Accounting Office, the number of unfair labor practice charge filings in Fiscal Year 1982 has declined somewhat from previous levels. This has allowed Regional Offices, in many instances, to commence their investigations approximately fifteen (15) days after the filing of an unfair labor practice charge. Moreover, as indicated above, parties are still strongly encouraged by the Authority and the General Counsel to attempt to resolve their dispute *prior* to the filing of a charge and to continue settlement efforts at all stages of the processing of a charge.

List of Subjects in 5 CFR Part 2423

Administrative practice and procedure, Government employees, Labor management relations.

PART 2423—UNFAIR LABOR PRACTICE PROCEEDINGS

Accordingly, it is proposed that the final rules and regulations of the Authority and the General Counsel of the Authority be amended as follows:

Section 2423.2 is amended by adding a new paragraph (c) as follows:

§ 2423.2 Informal proceedings.

* * * * *

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the Regional Director will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation

2. Section 2423.7(a) is revised to read as follows:

§ 2423.7 Investigation of charges.

(a) The Regional Director, on behalf of the General Counsel, shall conduct such investigation of the charge as the Regional Director deems necessary. Consistent with the policy set forth in section 2423.2, the investigation will normally not commence until the parties

have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

* * * * *

(5 U.S.C. 7134)

Note.—In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, the Federal Labor Relations Authority and the Acting General Counsel of the Federal Labor Relations Authority have determined that this document does not require preparation of a Regulatory Flexibility Analysis.

Dated January 4, 1983.

Federal Labor Relations Authority:

Ronald W. Haughton,

Chairman.

Henry B. Frazier III,

Member.

Leon B. Applewhaite,

Member.

S. Jesse Reuben,

Acting General Counsel.

[FR Doc. 83-556 Filed 1-7-83; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ASO-29]

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

Correction

In FR Doc. 82-34235 beginning on page 56655 in the issue of Monday, December 20, 1982, make the following changes on page 56656:

1. In the first column, the second complete paragraph, after the fourteenth line, add the following language: "and Orlando, FL; V-492 north alternate between LaBelle, FL, and Palm Beach, FL;".

2. In the second column, under the amendments to § 71.123, in the third line of *V-267 [Amended]*, "Biscayne Bay 40°" should have read "Biscayne Bay 340°".

BILLING CODE 1505-01-M

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket No. 82-15]

National Standards for Traffic Control Devices; Request for Comments on Proposed Amendments to the Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed amendments to the Manual on Uniform Traffic Control Devices; request for comments.

SUMMARY: The FHWA is inviting comments on proposed amendments to the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD is incorporated by reference in the design standards for Federal-aid highways found in Part 625 of Title 23, Code of Federal Regulations. It is also recognized in 23 CFR Part 655 as the national standard for traffic control devices on all public roads.

DATE: Comments must be received on or before March 11, 1983.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 82-15, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard. The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($20.00).

FOR FURTHER INFORMATION CONTACT: Mr. James C. Partlow, Office of Traffic Operations, (202) 426-0411, or Mr. Lee J. Burstyn, Office of the Chief Counsel, (202) 426-0754, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA both receives and initiates requests for changes (i.e. amendments) to the MUTCD. Each request is assigned an identification number which indicates, by Roman numeral, the organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received.

This notice is being issued to provide the public an opportunity to participate in the processing of proposed amendments to the MUTCD. Based upon comments received in response to this notice and upon its own experience, the FHWA will consider final amendments for inclusion in the MUTCD which will be published in the **Federal Register** and incorporated by reference in the CFR.

Forty-six of the requests for amendments contained in this notice were published in advance notices of proposed amendments on June 19, 1980, under FHWA Docket No. 80-10 (45 FR 41600), on January 7, 1981, under FHWA Docket No. 81-2 (46 FR 2020), and on June 25, 1981, under FHWA Docket No. 81-5 (46 FR 32880).

Request III-4 is being published initially in this notice of proposed amendments, but the subject was addressed in Request III-5 published under FHWA Docket No. 79-35 (45 FR 5750). Request II-20 also appeared in Docket No. 79-35.

Discussion of Requests and Major Comments

A total of 4,892 comments were received in the docket for the three advance notices. About 4,700 of these responded solely to Request II-50, which concerned the use of NO PASSING ZONE pennant signs. Nearly all of the 200 other responses were from State and local highway agencies, related industries and technical associations. Except for Request II-50, which is discussed below in the Requests Deferred for Later Action section of this notice, there were no more than 44 responses to any one request.

After a review of the comments received in response to the advance notices, the FHWA proposes to amend the MUTCD by adopting the following requests for changes.

1. *Request II-7—Signing Public Median Crossovers.* (80-10, 45 FR 41600) Many divided highways have crossovers (openings) in the median for public use. These crossovers enable motorists to reverse their direction of travel via a U-turn without proceeding an undue distance to the next interchange or intersection. The MUTCD does not provide guidance on standard signs for public crossovers. The FHWA originated this request and suggested that highway safety could be improved by providing signing for those public median crossovers that are inconspicuous to the motorist.

A majority of the 32 responders to this request agree that there is a need for signing at some public crossovers. A few commenters suggested that signing would encourage U-turns at both public crossovers and crossovers limited to official and emergency vehicles. Two commenters said that the crossovers should be marked with reflectors (delineators) instead of signs, as visibility is a problem only at night. Most commenters agreed that any proposed signing should not be mandatory.

Since public crossovers are constructed specifically to permit motorists to make U-turns, the FHWA believes that problems with excessive turns at a particular location should be resolved by methods other than

allowing the crossover to remain inconspicuous. Additionally, signing for public crossovers should help motorists distinguish between public crossovers and a crossover restricted (by regulatory signs) to the use of official or emergency vehicles.

Section 3D-4 of the MUTCD provides for the use of double yellow delineators to identify official/emergency vehicle crossovers. In a previous review of an earlier request concerning this subject (Request M-49), the FHWA determined that delineation alone is too subtle a method to inform motorists of the difference between a public crossover and an official/emergency vehicle crossover. As a result of this previous determination, the FHWA originated Request II-7.

The FHWA proposes to adopt this request and amend the MUTCD by adding a new section entitled "Crossover Signs" as follows:

The CROSSOVER sign may be erected on divided highways to mark median openings not otherwise marked by Warning or Guide signs. It shall not be used to mark median openings that are restricted to the use of official or authorized vehicles. The sign shall be a horizontal rectangle of appropriate size to carry the word CROSSOVER and a horizontal directional arrow. If used, it should be erected immediately beyond the median opening either on the right side of the roadway or in the median.

The Advance Crossover sign may be erected in advance of the CROSSOVER sign to provide advance information of the crossover. The sign shall be a horizontal rectangle of appropriate size to carry the word CROSSOVER and a distance. The distance shown should be either 1, ½, or ¼ mile, unless unsual conditions require some other distance. If used, the sign should be erected on the right side of the roadway at approximately the distance shown.

CROSSOVER signs shall have a white reflectorized legend and border on a green background.

This proposed change would not impose any additional costs, but provides highway agencies with a voluntary method of providing guidance for public median crossovers.

2. *Request II-10—Signing at Signalized Intersections.* (80-10, 45 FR 41600)

Several separate requests have been made to clarify the MUTCD on the placement of signs at intersections. Since these requests are interrelated and primarily concern changes in the MUTCD, they were combined into one request.

Many of the responders to this request commented separately on one or more of the individual parts of the request. In general, the majority of responders favor clarification of the MUTCD concerning ONE WAY sign location, elimination of the mandatory provision for the location of No Right Turn signs, and placement of signs near the appropriate signal faces. Adoption of these parts of the request would clarify the use of Turn Prohibition signs at signalized and nonsignalized intersections. Most of the responders did not favor adoption of the part of the request concerning the location of No Left Turn signs. A number of responders also commented that too many signs near a signal head would reduce the effectiveness of a signal.

After careful consideration of the comments, FHWA believes that clarification of sign placement at intersections, particularly signalized intersections, is required, but that sufficient flexibility should be afforded to permit the use of options based on sound engineering judgment in special circumstances. Consequently, the FHWA proposes to adopt portions of this request as indicated above and to amend the MUTCD as follows:

a. Section 2B-29: Replace the first two sentences of the second paragraph with the following:

One Way signs shall be placed on the near right-hand and the far left-hand corners of the intersection at nonsignalized intersections so as to face traffic entering or crossing the one-way street (Fig. 2-3, page 2A-11). Where the intersection is signalized the signs shall be placed either near the appropriate signal faces or at the locations specified for nonsignalized intersections.

b. Section 2B-15: Delete the third paragraph and replace it with the following two paragraphs:

Turn Prohibition signs should be placed where they will be most easily seen by drivers intending to turn. Where No Right Turn signs are needed, at least one should be placed either over the roadway or at a right-hand corner of the intersection. If signals are present, the sign may be installed adjacent to a signal face viewed by motorists in the right lane.

Where No Left Turn signs are needed, at least one should be placed over the roadway or at a left-hand corner of the intersection where viewing motorists are approaching on a one-way street. If signals are present, the sign may be installed adjacent to a signal face viewed by motorists in the left lane. Where No Turns signs are needed, two should be used, one at a location specified for a No Left Turn sign and one at a location specified for a No Right Turn sign. If signals are present, the sign may be placed adjacent to a signal face viewed by all motorists on that approach.

c. Section 2B-15: Replace the words "with a one-way street" in the second sentence of the fourth paragraph with the words "where one or more approaches to the intersection are limited to one-way traffic."

These proposed changes would not impose any additional costs and should benefit both highway agencies and highway users.

3. *Request II-20—Symbol for Police Assistance.* (79-35, 45 FR 5750)

This request was for the development of a standard symbol for police assistance to replace the different terms used in sign legends for police agencies such as trooper, patrol, police, etc.

Only one of the 22 responders supported the request for a symbol. A variety of word messages are currently being used for the police assistance sign, but the most appropriate message is the word POLICE. Therefore, the word POLICE is being proposed for the following reasons:

1. The Symbol Task Force of the National Advisory Committee on Uniform Traffic Control Devices (NACUTCD) and the International Association of Chiefs of Police reviewed several different symbols, but determined that the word message POLICE is the most appropriate legend to use.

2. The word POLICE is fairly well understood in any language.

3. The letters of the word POLICE are recognizable in whatever language used.

Since it is desirable to standarize signs that have a widespread use, FHWA is proposing that a police assistance sign with the word legend POLICE be added to the MUTCD.

This proposed addition imposes no additional costs, but should encourage uniformity in the use of this type of sign.

4. *Request II-31—Mandatory Use of LEFT TURN PROTECTED ON ARROW ONLY SIGN (Revised).* (80-10, 45 FR 41600)

The City of Baton Rouge, Louisana, requested a revision of the MUTCD that would require the installation of signs with the legend LEFT TURN PROTECTED ON ARROW ONLY at those intersections that have both protected and permitted left turns.

The green arrow signal has been used for a number years, yet its use in conjunction with the circular green indication still creates uncertainty for some motorists. Because of this, more and more jurisdictions have already developed special signs for the purpose suggested by the City of Baton Rouge. Although the MUTCD provides for the use of special signs for special situations, signing for protected/permitted left turns appears to have become sufficiently widespread to warrant the development of a standard sign. As many responders expressed concern about possible confusion with the proposal as presently constituted,

the FHWA is revising Request II–31, Mandatory Use of LEFT TURN PROTECTED ON ARROW ONLY Sign to Request II–31, Signing for Left turns Protected on Arrow Signal.

The FHWA proposes adoption of the revised request and that Section 2B–37 be amended to permit, but not require, the use of a sign with the legend LEFT TURN YIELD ON GREEN BALL (symbolic green ball).

This proposed change would not mandate any direct action or impose immediate additional costs on highway agencies. The FHWA proposes a 5-year period for implementation to reduce transition costs to a negligible amount.

5. *Request II–38—Identifying Left-Hand Exit on Interchange Sequence Signs.* (81–2, 46 FR 2020)

The Michigan Department of Transportation requested a change in the MUTCD to provide a method of identifying left-hand exits on Interchange Sequence signs for urban freeways.

All 23 responders to this request agree that there is a need to identify left-hand exits on urban freeways and expressways. Although some responders suggested that modifications should be made in overhead guide signs, most responders suggested modifying the interchange sequence signs. Approximately one-half of the responders recommended that a separate panel with the legend LEFT in black letters on a yellow background be used on sequence signs adjacent to the exit name to indicate a left-hand exit.

Since left-hand exits are infrequent on freeways and expressways, it is at times desirable to use unique signing to alert motorists to this unusual condition. The MUTCD recommends the use of diagrammatic signs for left-hand exits at the advance guide sign locations which are normally ½, 1, and 2, miles in advance of the exit. These recommended distances are not available at closely spaced interchanges in urban areas. Typically, there is only one advance guide sign per exit (at the ½-mile location) and the additional advance information for the exit is shown on a series of three interchange sequence signs. In order to display the left exit designation a suitable number of times, especially at locations where diagrammatic signs are not used, it is reasonable to display this information on the sequence signs. The format suggested by the responders is simple, reasonable in cost, and in many instances may be accomplished by affixing a supplementary plate to an existing sign.

The FHWA proposes to amend the MUTCD by adding the following paragraph after the last paragraph of Section 2E–34:

> Where appropriate, interchange names or route numbers shown on such signs may be followed by the legend LEFT in black letters on a yellow rectangular background when the exit direction is to the left. Separate panels may be attached to the sign panels for this purpose.

This proposed amendment would not impose any additional costs, but provides highway agencies with a voluntary and standard method of identifying left-hand exits on urban expressways and freeways.

6. *Request II–45—School Trip Safety.* (80–10, 45 FR 41600) Based on completed research,[1] the FHWA believes that additional language should be provided in the MUTCD concerning school speed zones and protective clothing for school crossing guards and patrols. The NACUTCD recommended denial of this request on the basis that school speed limit signing is already adequately provided for in the MUTCD and that the MUTCD is not the place to incorporate traffic safety messages.

Section 2B–13 of the MUTCD requires the posting of Speed Limit signs at the points of change from one speed limit to another. Although this provision applies to the signing for speed limits at school zones, the FHWA believes that for emphasis, specific provisions for this requirement should also be included in Section 7B–12 of Part VII of the MUTCD, Traffic Controls for School Areas. The FHWA also believes that emphasis for the need for protective clothing and devices for school crossing guards and patrols similar to that provided for construction zone flaggers in Section 6F–3, should be added to Sections 7E–5 and 7E–11.

Most responders to this request commented separately on each item. The majority agreed with the need to add to the MUTCD additional language on end of school zones, reflective clothing, and flagging devices, although some responders believe that the latter two items might better be presented in a handbook. However, other responders favoring these latter two items commented that this material is appropriate since the MUTCD already includes provisions concerning clothing and flags used in construction and maintenance areas.

A number of responders noted that the suggested change in Section 2B–13 from "speed limits" to "permanent speed limit" could cause confusion in the posting of Speed Limit signs in construction zones since speed limits in such areas may not be permanent. The FHWA agrees that more appropriate wording is desirable.

The FHWA proposes that Request II–45 be adopted and the MUTCD be amended to include a standard rectangular sign with a black legend END SCHOOL ZONE and border on a white reflectorized background and that the MUTCD be further amended as follows:

a. Add to Section 2B–13 at the end of the second paragraph: In school areas, the END SCHOOL ZONE sign may be used as an alternate to the Speed Limit sign.

b. Replace the last paragraph of the Section 7B–12 with the following paragraph:

> The end of an authorized and posted school speed zone shall be marked with an END SCHOOL ZONE sign or a standard Speed Limit sign showing the speed limit for the section of highway which follows.

c. Add to Section 7E–5 a new paragraph:

> During periods of twilight or darkness, adult guards and student patrols should wear either reflective material or reflective clothing.

d. Add to Section 7E–11 after the last sentence:

> Flagging devices used during periods of twilight or darkness shall be reflective or illuminated.

These proposed changes would not impose any significant costs on highway agencies. Any existing applicable Speed Limit signs may continue to be used. At the end of the normal replacement interval, the END SCHOOL ZONE sign may replace the existing Speed Limit sign. The cost of reflectorizing or illuminating flagging devices is not substantial.

7. *Request II–46—Emergency Medical Services Symbol.* (80–10, 45 FR 41600)

Section 2F–33 of the MUTCD provides for the legend HOSPITAL or the symbol H to be used on general service signs to indicate the availability of medical services at a hospital facility.

Since hospitals may be widely dispersed, motorists seeking emergency medical assistance sometimes must go or be taken excessive distances to reach the facility indicated on the HOSPITAL service sign. Available data [2] indicate

[1] "School Trip Safety and Urban Play Areas," Volumes I through VII, Reports No. FHWA-RD-75-104 through 110, November 1975. Available for inspection and copying in accordance with procedures prescribed in 49 CFR Part 7, Appendix D. May be purchased from the National Technical Information Service, Springfield, Virginia 22161.

[2] Emergency Medical Services Highway Sign Evaluation, 1980; Pabon, Sims, Smith and Associates, Inc. Available for inspection and copying at the Federal Highway Administration, Office of Traffic Operations, Room 3419, 400 Seventh Street, SW., Washington, D.C. 20590.

that a significant number of fatalities due to automobile accidents may have been prevented with prompt or proper emergency medical attention. Report findings [3] point out that a substantial number of deaths could have been prevented if standardized information and identification aids, indicating the location and methods for obtaining adequate medical care at or near the onset of need, had been available. The nationwide Emergency Medical Service (EMS) system was established to provide emergency medical aid to accident victims. The EMS system is comprised of pre-hospital, hospital (with emergency department), critical care, and recuperative elements that provide the capability to intervene in life-threatening medical emergencies.

Some of the essential elements of the EMS system are:

1. Hospitals with Emergency Departments or Trauma Centers.
2. A network of ambulance stations which provide immediate emergency medical treatment both at emergency incident sites and during transit to definitive care.
3. A developing network of qualified free-standing emergency medical treatment centers.
4. The emergency response network provided by fire, police and other units that assist in the delivery of medical and other aid in emergency situations.
5. Access points where motorists can obtain information on how to get access to the medical response network in an emergency including telephones and Citizens Band (CB) radios.

Under the present provisions of the MUTCD, hospitals (meeting the MUTCD criteria) are the only element of the EMS system eligible for signing. Although many States have developed and are utilizing various highway signs to advise motorists of the EMS system, these signs are inconsistent, and no design criteria have been established. In response to this problem, the National Highway Traffic Safety Administration (NHTSA) developed a "Star of Life" design and later requested an amendment to the MUTCD to designate this design as the standard symbol for signs providing information for access to the EMS system. The symbol consists of a stylized, six-pointed star with the snake symbol associated with the medical profession. The symbol is presently displayed on all emergency medical response vehicles purchased with participating Federal funds and/or meeting Federal Specifications. It also may be worn by qualified emergency medical technicians.

[3] *Ibid.*

Almost 70 percent of the responders to this request favor adoption of the "Star of Life" design as a standard symbol for use with signing for the EMS system. Many responders stated that a system to promote rapid response to emergencies is very much needed and that the signing system should be standardized.

Some of the responders opposed to the request commented that the proposed symbol is not widely known. Others suggested that it would be unnecessarily costly to replace a similar signing system that is already in place. One-fourth of those opposed to the request commented that a study should be made of HOSPITAL service signing and the proposed EMS signing and a complete uniform signing system be developed.

After reviewing the responses, the FHWA, with the cooperation of the NHTSA, reviewed the basic purposes of this request and the effect an integrated signing system would have on those purposes. It was concluded that the intended goals could be achieved by using the proposed symbol as a supplement to the existing service signing system. In this manner, the EMS symbol (Star of Life) could be used on a separate panel supplementing the standard HOSPITAL or H symbol signs for qualified facilities. The EMS symbol could also be used on separate signs identifying ambulance stations, and free-standing emergency treatment centers. It would be necessary to identify telephone, CB monitoring, or POLICE signs with the symbol.

The FHWA proposed the adoption of this request and that the following new paragraph be added at the end of Section 2D–46:

> The Emergency Medical Services (EMS) Symbol sign (D9–13) may be used to identify medical service facilities that have been included in the EMS system under criteria established by the National Highway Traffic Safety Administration. The EMS Symbol sign shall not be used to identify services other than qualified hospitals, ambulance stations, and qualified free standing emergency medical treatment centers. The EMS Symbol sign may be used above the HOSPITAL or H symbol sign or above a panel with either the legend AMBULANCE STATION or EMERGENCY MEDICAL CARE. The legend EMERGENCY MEDICAL CARE shall not be used for services other than qualified free standing emergency medical treatment centers.

This proposed change would not impose any substantial additional costs or require immediate direct action by highway agencies. It would provide for a gradual, inexpensive and voluntary transition from the present hospital service signing system to uniform signing for a comprehensive, integrated, and easily recognized EMS system.

8. *Request II–48—Application of Warrants for STOP Signs.* (80–10, 45 FR 41600)

The MUTCD provides general warrants (conditions) for the use of STOP signs. However, the FHWA believes that application of these warrants has resulted in a proliferation of unnecessary STOP signs, and proposed revising Section 2B–5 of the MUTCD.

Approximately 75 percent of the responders to this request favor adoption. Many agree that more restrictive warrants for STOP signs are needed to discourage the installation of unnecessary STOP signs. A few responders commented that the proposed recommendations could impose additional legal liabilities on the highway agencies, such as present proof of periodic reviews of all existing installations. Most of those approving the proposal concurred without comment.

In view of the comments received, the FHWA has modified the proposal. The FHWA proposes to amend Section 2B–5 of the MUTCD by adding the following to the end of the first paragraph:

> Prior to the application of these warrants, consideration should be given to less restrictive measures, such as the YIELD sign (2B–7) where a full stop is not necessary at all times. Periodic reviews of existing installations may be desirable to determine whether, because of changed conditions, the use of a less restrictive control or no control could accommodate traffic demands safely and more effectively.

This proposed change would not impose any additional costs and should result in the installation of fewer new STOP signs with potential savings for both highway agencies and motorists.

9. *Request II–54—Add Percent Grade Within Hill Signs.* (81–2, 46 FR 2020)

The Utah Department of Transportation (UDOT) requested an amendment to the MUTCD to permit the display of the percent of grade within the Hill so that when supplemental signs such as NEXT 5 MILES or 5 MILES AHEAD are installed a more complete message will be conveyed. The UDOT suggested that this usage of the proposed sign and supplementary signs would encourage motorists to maintain a slower speed in the short level section.

Almost 70 percent of the responders to this request favor adoption of an amendment to the MUTCD to permit the optional display of the percent of grade within the Hill symbol sign.

Contrary to the view of several commenters, the FHWA believes that the proposed sign will serve a useful purpose, that the existing sign sizes can accommodate the proposed additional legend, and that any adverse effect on sign legibility will be more than offset by the improved message and the reduction in number of signs needed to convey the message.

The FHWA proposes to amend Section 2C-26 of the MUTCD by adding the following sentence after the first sentence in the first paragraph:

A sign with the same symbol accompanied by a number indicating the percent of grade (W7-1b) may be used as an alternate to the Hill sign.

This proposed amendment would not impose any additional costs. It would enable highway agencies at their option to provide additional warning information without using additional signs.

10. *Request II-63—Use of the Chevron Alignment Sign on Conventional Roads.* (81-5, 46 FR 32880)

This request was developed in order to clarify the use of the Chevron Alignment sign in conjunction with the use of the standard delineators of Section 3D of the MUTCD and with pavement markings, which are a type of standard delineation. Since Section 2C-10 does not provide for the use of the Chevron Alignment sign an an alternate to standard delineation treatments, use of the sign is severely restricted on highways which have neither pavement markings nor delineators. Additionally, when used in conjunction with delineators, both the delineators, at uniform spacing, and the signs, must be used.

Twenty four of the 28 responders to this request commented that the MUTCD should be amended to permit the independent use of the Chevron Alignment sign. Many of these responders stated that since the sign is very effective, broader application would be beneficial to motorists. Two responders believe that standard delineators are better than the sign for defining the edge of the roadway and two commented that since the sign is so effective, its use should be reserved for problem areas.

The FHWA agrees that the Chevron Alignment sign is a very effective device and believes that its independent use should be permitted. This would allow its use on roads with neither pavement markings nor delineators, and would eliminate the requirement to use both the sign and standard delineators when defining the edge of certain roadway alignment changes.

The FHWA proposes to amend Section 2C-10 of the MUTCD by deleting the word "additional" from the second sentence of the second paragraph and by deleting the first sentence of the second paragraph and substituting the following:

A Chevron Alignment sign may be used as an alternate or supplement to standard delineators and to the Large Arrow sign.

This proposed amendment would not impose any additional costs, but provide for improved delineation of alignment changes and eliminate some duplication of delineation treatment.

11. *Request III-4—Reduced Eye Height Dimensions from 3.75 feet to 3.50 feet.* (79-35, 45 FR 5750)

This proposal would lower eye height dimensions in Section 3B-5 from the current 3.75 feet to 3.50 feet to accommodate the influx of smaller cars on the passenger vehicle fleet. Two requests proposed reducing the eye height to 3.0 and 3.28 feet (1 meter) respectively.

The present height criteria were established in 1965 shortly after there was a drastic change in vehicle characteristics. At that time, the eye height changed from 4.5 feet to 3.75 feet. Since 1962 only a slight decrease in eye height and vehicle height has occurred. Recent studies show that the average eye height is approximately 3.5 feet and the vehicle height is 4.3 feet. Studies also indicate that about 85 percent of all drivers would have an eye height above 3.5 feet.

To determine the impact reduced eye height would have on no passing zones and marking requirements, the FHWA analyzed approximately 100 miles of highway in each of three classifications (level, rolling, mountainous) at eye heights of 3.75 feet, 3.50 feet, and 3.28 feet. The following table shows the results of that analysis.

Terrain	Level 109.89 mi			Rolling 109.13 mi			Mountainous 102.25 mi		
Eye height	3.75	3.50	3.28	3.75	3.50	3.28	3.75	3.50	3.28
Total feet of solid line (no passing)	241,869	252,338	263,950	507,472	534,066	562,295	496,709	506,226	519,137
Increase in solid line (feet)		10,469	21,612		26,594	54,823		9,517	22,428
Increase in solid line (percent)		4	8		5	10		2	4
Total feet of broken line (passing)	524,324	523,027	519,984	428,984	419,194	406,133	387,330	384,394	380,157
Decrease in broken line (feet)		−1,297	−4,340		−9,790	−22,851		−2,936	−7,173
Decrease in broken line (percent)		−1	−1		−2	−5		−1	−2
Average percent of passing	79	78	77	55	52	49	53	52	51
Decrease in percent of passing		−1	−2		−3	−6		−1	−2
Total gallons of paint	1,350	1,378	1,404	1,943	1,996	2,057	1,862	1,888	1,913
Change in paint (gallon)		28	54		55	114		22	51
Change in paint (percent)		2	4		3	5		1	3

As expected the greatest changes occur in rolling terrain where vertical curves are most predominant. Rolling terrain frequently produces hidden dips or sag vertical curves that are sufficiently deep to conceal the presence of an opposing vehicle. Rolling terrain represents the most hazardous for a passing driver because in many cases the roadway geometry is not apparent to the driver. It is this same type of terrain that produces a hazardous situation for vehicles of lower heights.

The analysis shows that there are only minor changes in the effect on the percentage of opportunities to pass. Also, the increase in the amount of paint that would be required for lower eye heights is similarly small.

Based upon the current documented results of vehicle and driver eye heights, and the analysis of impact of eye height on no passing zone markings, the FHWA proposes that the MUTCD eye height/object height criteria for establishing no passing zones be changed to 3.50 feet.

This change will impose some additional costs. No passing zone markings would increase slightly with an approximate 3 percent increase in cost to stripe a two-lane, two-way roadway using an eye height/object height of 3.50 feet. The FHWA proposes a 5-year period of implementation to minimize transition costs.

12. *Request III-10—Lane Drop Marking.* (80-10, 45 FR 41600)

The California Department of Transportation (CALTRANS) found that lane drops may present a traffic operational problem and requested a change in the MUTCD to adopt a special pavement marking pattern as a national standard.

Observations have shown that with the use of normal lane lines on lane drops, many motorists involuntarily exit or make a last second lane change to avoid exiting. Because interchange lane drops are unexpected conditions, it is essential to get the driver's attention and to provide advance information of a potentially hazardous situation. The task group that worked on lane drop provisions of the MUTCD believed that

a special pavement marking for lane drops could be helpful to the motorist at these locations and, therefore, other jurisdictions should be alerted to the possible benefits.

Almost 90 percent of the responders to this request agree that the CALTRANS system of marking lane drops is not inconsistent with the requirements of the MUTCD. Certainly the primary information is provided to the driver by the lane drop signing. The FHWA believes however, that a special marking pattern can reinforce the signing at these locations and that inclusion of this special marking pattern in the MUTCD will encourage its use, and is, therefore, seeking further comment on a specific amendment.

Based on this information, the FHWA proposes to include an illustration in the MUTCD and to add a paragraph to Section 3B-11 as follows:

In advance of lane drops at off ramps a special marking pattern may be used to distinguish the lane drop situation from a normal exiting ramp or an auxiliary lane. A typical special marking for lane drops consists of 8-inch wide by 3-foot long white stripes separated by 12-foot gaps. If used, this special marking should begin ½ mile in advance of the theoretical gore point. Where last minute lane changes may cause conflicts, an 8-inch wide solid white channelizing line should extend approximately 300 feet upstream from the theoretical gore point.

This proposed change would not impose any significant costs and will provide highway agencies with a voluntary method of identifying lane drop situations to motorists.

13. *Request III-21—Lateral Placement of Delineators.* (80-10, 45 FR 41600)

Based upon extensive damage to delineators on narrower highways, the Idaho Transportation Department (ITD) requested that the lateral placement requirement of the MUTCD for delineators either be: (1) Changed from a requirement to a recommendation, or (2) changed to require placement from 2 feet to 8 feet outside the outer edge of the shoulder.

Over 95 percent of the reponders to this request agree that a change should be made in the MUTCD to remedy the condition reported by the ITD. Most responders did not identify which of the proposed options was preferred. Of those indicating a preference, a slight majority favored changing the MUTCD to require delineators to be placed between 2 and 8 feet from the outer edge of the roadway shoulder.

The FHWA believes that a change in the MUTCD is necessary. Changing the presently "required" location to a "recommended" location would go beyond the needs described by the ITD and would permit a wide variance from what is presently accepted practice.

The FHWA proposes that the second sentence of Section 3D-5 of the MUTCD be amended to read:

They shall be placed not less than 2 nor more than 8 feet outside the outer edge of the shoulder or, if appropriate, in the line of the guardrails.

This proposed change would not impose any additional costs, and in Idaho and other States having a similar problem, the proposed change should reduce highway maintenance costs.

14. *Request III-23—Mounting Height of Object Markers.* (81-2, 46 FR 2020)

The MUTCD presently does not specify mounting heights for object markers adjacent to the roadway. The FHWA suggested a height of 4 feet above the pavement edge to the bottom of the object marker when used within the roadway or within 6 feet of the shoulder or curb, and a height of 4 feet above the ground when used 6 feet or more from the shoulder or curb.

All except two of the 24 responders to this request agree that additional guidance on the mounting heights of object markers is needed in the MUTCD. Two respondents opposed the request on the basis that it would be too restrictive.

Additional guidance on object markers will be beneficial and 4 feet is the optimum mounting height based on available information. Latitude should be provided in the standards to accommodate a wide variety of objects. The lateral offset referred to in the proposal should be changed from 6 feet to 8 feet to be consistent with Request III-21 regarding roadway delineators.

The FHWA proposes to amend Section 3C of the MUTCD as follows:

1. Add the following after Section 3C-1:

Section 3C-1.1 Mounting Height

When used for marking objects in the roadway or within 8 feet of the shoulder or curb, the mounting height to the bottom of the object marker should normally be 4 feet above the pavement edge. When used to mark objects 8 feet or more from the shoulder or curb, the mounting height to the bottom of the object marker may be 4 feet above the ground.

When object markers or markings are applied to a hazardous object which by its nature requires a lower or higher mounting, the vertical mounting height may vary according to need.

2. Delete the last sentence in the second paragraph of Section 3C-2.

This proposed amendment would not impose any additional costs.

15. *Request III-24—Delineators on Truck Escape Ramps.* (81-2, 46 FR 2020)

The Institute of Transportation Engineers (ITE) requested an amendment to the MUTCD to provide a standard for the color and spacing of delineators used to indicate the edge of truck escape ramps. The ITE stated that different States are using a variety of colors on delineators to identify the edge of the ramps and that it is important that a standard color be established for this function.

All of the 22 responders to this request agree that there is a need to standardize the delineation of truck escape ramps. Most responders concurred that the delineation should be neither white nor yellow. About 50 percent of the responders suggested the use of red for the proposed delineation. Although one-half of the responders intimated that delineation solely along the truck ramp would be sufficient, others suggested that some treatment with signs and delineators would be necessary along the main roadway.

The FHWA agrees that the delineation of truck ramps should be standardized and that colors other than white and yellow should be used if possible. The FHWA proposes to revise the MUTCD by adding the following sentence to the end of the seventh paragraph of Section 3D-4.

Red delineators should be used to delineate the roadway of truck escape ramps.

This proposed change would impose some additional costs on those agencies using other color delineators. To minimize these costs the FHWA proposes a 5-year period for implementation.

16. *Request IV-27—Rules for Phasing and Sequencing of Traffic Signals.* (81-2, 46 FR 2020)

The Signals Technical Committee of the National Committee on Uniform Traffic Control Devices (NCUTCD) requested that the MUTCD be revised to incorporate the results of its comprehensive review of Part 4B so as to meet the need for a well defined set of parameters and improved uniformity relative to the phasing and sequencing of traffic signals.

All but one of the 25 responders generally concur with most of the recommended changes outlined by the NCUTCD. Incorporating some of the exceptions raised by the commenters, the FHWA proposes to adopt this request, as revised, and to amend Part IV as follows:

a. Revise paragraph 5 of Section 4B-6 by deleting subparagraph (a); By renumbering subparagraphs (b) through (f) as (a) Through (e) respectively; by adding the words "or yellow" between

the words "green" and "indication" in renumbered subparagraph (d); and by substituting a new subparagraph (a) in place of former subparagraph (b) and adding a new subparagraph (f). New subparagraphs (a) and (f) read as follows:

(a) A steady YELLOW ARROW indication shall be used following a GREEN ARROW indication which has been displayed simultaneously with a CIRCULAR RED indication in the same signal face. A GREEN ARROW need not be terminated by a displayed interval if a CIRCULAR GREEN permitting the turn to continue on a permissive basis is displayed in the same signal face simultaneously with the GREEN ARROW or immediately following the GREEN ARROW termination.

(f) A YELLOW ARROW shall not be displayed when any conflicting movement has a CIRCULAR GREEN or CIRCULAR YELLOW.

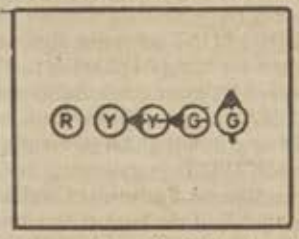
b. Revise paragraph 6 of Section 4B–6 by deleting "(e) CIRCULAR GREEN with RED ARROW," and by adding the following at the end of paragraph 6:

The following signal indications shall not be displayed on any signal face, either alone, or in combination with any other indication:

(a) Straight-through RED ARROW

(b) Straight-through YELLOW ARROW

c. Revise Section 4BN–9 by deleting from paragraphs 1 and 2 the words "Straight-through YELLOW ARROW," and changing Arrangement "t" in Figure 4–1 on Page 4B–9 to show the following:



d. Revise section 4B–12 by inserting, after paragraph 12, paragraph 13 to read as follows:

13. If a signal face(s) displays control for a particular vehicular movement during any interval of a sequence, it must display control for that same movement during all intervals of the sequence.

e. Revise Section 4B–15 by adding a new paragraph at the end to read as follows:

A YELLOW ARROW shall not be terminated by a GREEN ARROW. It may be terminated by a CIRCULAR GREEN if the movement controlled by the arrow is to continue on a permissive basis, or by a CIRCULAR YELLOW, CIRCULAR RED or RED ARROW.

f. Revise Section 4B–16 by changing the title to Unexpected Conflicts During Green or Yellow Interval, and adding to the first paragraph the words "or yellow" after "green." In paragraph 2 of Section 4B–7, add the words "or Yellow" after the word "Green" to reflect the change in title of Section 4B–16.

g. Revise Section 4B–18 by adding a new paragraph at the end to read as follow:

The initiation of flashing displays which are a part of a stop and go operation shall be as follows:

1. Flashing yellow may follow any steady or flashing indication.

2. Flashing red may follow any steady yellow or red indication.

The termination of flashing displays which are a part of a stop and go operation shall be as follows:

1. Flashing yellow shall not be terminated with a steady or flashing red indication.

2. Flashing red may be terminated with an allowable steady or flashing indication.

h. Revise Section 4B–19, in the third paragraph, by deleting the words "in the usual (stop-and-go) manner" and amending the first paragraph to read as follows:

A traffic signal installation, except as provided below, shall be operated as a stop and go device, as a flashing device, or as a combination stop and go and flashing device.

i. Revise Section 4B–22 by adding a new paragraph at the end to read as follows:

When a priority sequence is initiated, the display may proceed from steady yellow to steady green. This exception does not apply to the termination of priority or to any display during priority operation.

This proposed amendment provides for fewer restrictions in the operation of traffic signals and would not impose any additional costs.

17. *Request IV–29—Warrants for Freeway Entrance Ramp Control Signals (Interim).* (81–5, 46 FR 32880)

Several years ago the Transportation Research Board (TRB) Committee on Freeway Operations prepared material on Warrants for Freeway Ramp Control Signals. These were incorporated into the MUTCD. The Committee has subsequently reviewed these warrants in the light of continuing, broader experience, and has recommended revisions to 4E–23 as a result of the review.

All of the 20 responders favor adoption of the proposed changes. The NCUTCD and three other responders commented that since no specific numerical values are proposed and considerable judgment will be needed in using this section, the term "Warrants" should be changed to "Guidelines."

The FHWA proposes to adopt this request as modified and to amend the MUTCD by revising Section 4E–23 to read as follows:

Section 4E–23, Application of Freeway Entrance Ramp Control Signals (Interim).

There are too may variables that influence freeway capacity (number of lanes, trucks, gradients, merging, weather, etc.) to permit developing numerical volume warrants that are applicable to the wide variety of conditions found in practice. However, general guidlines have been identified for successful application of ramp control.

The installation of ramp control signals should be preceded by an engineering analysis of the physical and traffic conditions on the highway facilities likely to be affected. The study should include the ramps and ramp connections and the surface streets which would *be affected by the ramp control,* as well as the freeway section concerned. Types of traffic data which should be obtained include but are not limited to traffic volumes, traffic accidents, *freeway operating speeds,* travel time and delay on the freeway and on alternate surface route.

Capacties *and demand/capacity relationships* should be determined *for each freeway section.* The locations and causes of capacity restrictions *and those sections where demand exceeds capacity* should be identified. From these and other data, estimates can be made of desirable metering rates, probable reductions in delay of freeway traffic, likely increases in delay to traffic on ramps, and *the potential impact on* surface streets. *The analysis should include an evaluation of storage capacities on the ramp for vehicles delayed at the signal, the impact of queued traffic on the local street intersection, and the availability of suitable alternate surface routes having adequate capacity to accommodate any additional traffic volume.*

Before installing ramp control signals, consideration should be given to *public acceptance potential and enforcement requirements or ramp control, as well as* alternate means of increasing the capacity, *reducing the demand,* or improving characteristics of the freeway.

Installation of freeway entrance ramp control signals may be justified in the following instances:

1. *The total expected delay to traffic in the freeway corridor, including freeway ramps and local streets, is expected to be reduced with ramp control signals.*

2. There is recurring congestion on the freeway due to traffic demand in excess of the capacity; or there is recurring congestion or a severe accident hazard at the freeway entrance because of inadequate ramp merging area. *A good measure of recurring freeway congestion is freeway operating speed. An early indication of a developing congestion pattern would be freeway operating speeds less than 50 mph, occurring regularly for a period of half an hour. Freeway operating speeds less than 30 mph for a half-hour period would be an indication of severe congestion.*

3. *The signals are needed to accomplish transportation system management objectives identified locally for freeway traffic flow, such as: (a) maintenance of a specified freeway level of sevices, or (b) priority treatments with higher levels of service, for mass transit and carpools.*

4. *The signals are needed to reduce (predictable) sporadic congestion on isolated sections of freeway caused by short-period peak traffic loads from special events or from servere peak loads of recreational traffic.*

This proposed amendment would not impose any additional costs.

18. *Request VI–17—Simulated Drums.* (80–10, 45 FR 41600)

This request, which originated within the FHWA, was for an amendment to the MUTCD permitting the use of simulated drums as an alternative to standard channelizing devices.

Over 65 percent of the responders to this request favor adoption. The consensus of those favoring the proposal is that simulated drums cost less than actual drums, have better visibility when properly placed, and will cause less damage to vehicles if hit. Those opposing the request generally commented that (1) simulated drums are really a nonstandard version of a vertical panel, (2) the MUTCD already permits a sufficient variety of devices for channelization in work zones, and (3) simulated drums do not look as formidable as drums and, presumably, would not be as effective.

The FHWA believes that the advantages of simulated drums are sufficient to authorize their voluntary use by highway agencies. The FHWA proposes to adopt Request VI–17 and to amend the MUTCD by adding a third paragraph to Section 6C–6as follows:

Simulated drums may be used as an alternate for drums for all purposes specified for drums in this Manual. Simulated drums shall be flat and rectangular in shape with the long side vertical, and shall be approximately 36 inches in height and 18 inches in width. They shall have alternating, horizontal, reflectorized orange and white stripes of the material specified for drums. The stripes shalll be 4 inches to 8 inches wide and shall completely cover at least one side of the simulated drum. If used for traffic in two directions, back to back simulated drums shall be used. Breakaway type supports should be used. The use of warning lights should be in accordance with Section 6C–7.

This proposed change would not impose any additional costs and would permit highway agencies an option to reduce construction costs and decrease the potential for damage to vehicles.

19. *Request VI–18—Standards for Flashing and Steady Burn Warning Lights.* (80–10, 45 FR 41600)

The Institute of Transportation Engineers (ITE) and American Traffic Services Association (ATSA) jointly proposed changes to Part VI of the MUTCD dealing with flashing and steady burn warning lights. This request consists of two separate parts: (1) Modify Section 6E–5 so that it will be a purchase specification, and (2) add a field performance specification using the distance and visibility criteria.

Eighty percent of the responders favor modifying Section 6E–5 to refer to the ITE Purchase Specification for Flashing and Steady Burn Warning Lights and deleting Table VI–2.

Almost 90 percent of the responders to this request favor adoption of performance specifications for warning lights. Forty percent of those favoring this part of the request object to the proposed wording on the basis that it is subjective and/or that the specified viewing distances may not always be available in hilly terrain. The FHWA acknowledges that the proposed performance specifications are needed and that objective specifications will not be feasible until such time as inexpensive light intensity measuring devices are sufficiently available to verify quantitative specifications accurately in the field. Similar subjective performance specifications are presently used for delineators (Section 3D–2) and illuminated arrow panels (Section 6E–7). In regard to the suggested viewing distances, the devices may be moved to locations with adequate viewing distances for testing. The purpose of the proposed specifications is to eliminate the need for sophisticated measuring devices.

The FHWA proposes to adopt Request VI–18 and amend the MUTCD as follows:

a. Section 6E–5. Revise the fourth sentence of the first paragraph to read: Warning lights shall be in accordance with the current ITE Purchase Specification for Flashing and Steady Burn Warning Lights.

b. Delete Table VI–2.

c. Add a new paragraph at the end of Section 6E–5:

Type A Low Intensity Flashing Warning Lights and Type C Steady Burn Warning Lights shall be maintained so as to be capable of being visible on a clear night from a distance of 3000 feet. Type B High Intensity Flashing Warning Lights shall be maintained so as to be capable of being visible on a sunny day when viewed without the sun directly on or behind the device from a distance of 1000 feet.

These proposed amendments would mandate a procedural change for highway agencies, but the required physical characteristics of warning lights would not be modified. There would be no additional costs for the manufacture or purchase of these devices. The field performance specifications are intended primarily to provide a simple method to verify that the devices are kept clean when in operation and that an adequate power source is maintained. Providing for adequate maintenance and power are not new requirements.

Requests Deferred for Later Action

The following requests are being deferred at the present time pending further study or research, or the receipt of additional data.

1. Request II–57—Non-Illuminated Opaque Background Overhead Guide Signs (81–5, 46 FR 32880)

2. Request II–58—Median Mounted One-Way Signs (81–5, 46 FR 32880)

3. Request II–60—Preferential Lane Signing and Marking (81–5, 46 FR 32880)

4. Request II–61—Traffic Control for Reversible/Two-Way Left Turn Lanes (81–5, 46 FR 32880) 81–26

5. Request IV–25—Speed Limit Sign Beacon (81–2, 46 FR 2020)

6. Request VIII–8—Modification of the Railroad Crossing Pavement Marking Symbol (80–10, 45 FR 41600)

7. Request II–50—Mandatory Use of NO PASSING ZONE PENNANT SIGN (80–10, 45 FR 41600)

Of the large volume (4700) of comments on request II–50, well over 95 percent were in the form of postcards indicating an organized campaign in favor of its adoption. The MUTCD currently recommends the use of the NO PASSING ZONE pennant sign as advance warning of passing restriction identified by pavement markings or DO NOT PASS signs or both. This proposal would upgrade the use to mandatory.

The NCUTCD is gathering additional information on this matter and has requested that no final action be taken until its effort is completed. There is also research under way on issues related to no passing zones that may bear upon recommended final action. Because of this, the FHWA is deferring any decision on this request at this time.

Withdrawn Requests

The FHWA has determined that the following requests for changes should not be adopted and is withdrawing these requests without further action.

1. *Request II–44—Addition of Language for Handicapped Parking Sign.* (80–10, 45 FR 41600)

2. *Request II–51—Additional Warrants for Multiway STOP Signs.* (80–10, 45 FR 46100)

3. *Request II–52—Beginning of Pavement Width Transition Sign.* (81–2, 46 FR 2020)

4. *Request II–53—Mandatory Movement Signs.* (81–2, 46 FR 2020)
5. *Request II–59—Temporary Attention Getting Devices.* (81–5, 46 FR 32880)
6. *Request II–62—Alternate NEXT RIGHT Legend for ½ Mile Advance Guide Sign.* (81–5, 46 FR 32880)
7. *Request II–64—Symbol Sign for NOAA Weather Information.* (81–5, 46 FR 32880)
8. *Request III–20—Pavement Markings for a Standardized System of Highway Speed Control.* (80–10, 45 FR 41600)
9. *Request III–22—Pavement Marking Symbol for School Crossing.* (81–2, 46 FR 2020)
10. *Request III–25—Marking of Pedestrian Curb Ramps.* (81–5, 46 FR 32880)
11. *Request IV–22—Single Portable Traffic Light.* (81–2, 46 FR 2020)
12. *Request IV–31—Periodic Darkening of Hazard Identification Beacons.* (81–5, 46 FR 32880)
13. *Request IV–32—Flashing Operation of Newly Installed Traffic Signals.* (81–5, 46 FR 32880)
14. *Request VI–2—Minimum Reflectivity Requirements.* (80–10, 45 FR 41600)
15. *Request VI–6—Detour Design Criteria.* (80–10, 45 FR 41600)
16. *Request VI–7—Maintained Visibility Level for Channelizing Devices.* (80–10, 45 FR 41660)
17. *Request VIII–6—Details on Railroad Bells.* (80–10, 45 FR 41600)
18. *Request VIII–7—Required Use of Crossbucks on Bikeways.* (80–10, 45 FR 41600)
19. *Request VIII–9—Elevation of Top of Foundation for Flashing Lights and Gates.* (81–2, 46 FR 2020)

These requests for being withdrawn for one or more of the following reasons.

(a) The provisions of the MUTCD adequately cover the request or there is sufficient latitude within the MUTCD to permit the requested change without modifying the national standards.

(b) The problem identified is not significant enough or of such a widespread nature as to warrant changing the national standards.

(c) The request is not conducive to improved traffic operations.

(d) The design of the traffic control device does not communicate its intended message.

(e) The request proposes information inappropriate for inclusion in the national standards.

Editorial Amendments

Request I–1—Legal Authority (81–5, 46 FR 32880) is also being withdrawn as it involves no substantive change in the MUTCD. The requirement that traffic control devices be placed only under the authority of a public body or official having jurisdiction presently appears in Parts II, V, VII, and IX of the MUTCD. Although it is intended that authority for the placement of all traffic control devices be required, no specific reference to it is included in Parts III, IV, VI, and VIII. This request was to make such requirements applicable to all parts. The FHWA will delete Sections 2A–3, 5A–2, 7A–8, and 9A–6, and add a consolidated "Placement Authority" Section (1A–3.1) in Part I.

Request IV–33—Lane Use Control Signals (81–5, 46 FR 32880) is withdrawn because it also is merely an editorial change which cross-references two requirements of the Manual respecting the control of reversible lanes. It was never intended that the overhead signals provided in Section 4E–8 be used in lieu of markings provided in Section 3B–12. Therefore, no substantive change is contemplated. A cross-reference will be incorporated in Section 4E–8.

These changes will be accomplished in routine publication of editorial amendments.

This notice of proposed amendments to the MUTCD is issued under the authority of 23 U.S.C. 109(d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b).

The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant proposal under the regulatory policies and procedures of the Department of Transportation. For the reasons stated herein, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities. Due to the preliminary nature of this inquiry, a full regulatory evaluation has not been prepared at this time. For the reasons stated herein, the expected impact of the changes requested is so minimal that a full evaluation does not appear to be warranted. The need to further evaluate economic consequences will be reviewed on the basis of the comments submitted in response to this notice.

List of Subjects in 23 CFR Parts 625 and 655

Design standards, Grant programs—transportation, Highway and roads, Signs, Traffic regulations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on: December 29, 1982.

R. D. Morgan,
Executive Director, Federal Highway Administration.

[FR Doc. 83–322 Filed 1–7–83; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 251

Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule

SUMMARY: This proposed rule would provide for monthly, rather than weekly, status reports to be submitted to the Minerals Management Service (MMS) with respect to activities conducted under a permit for geological and geophysical (G&G) exploration for mineral resources or G&G scientific research in the Outer Continental Shelf (OCS). The Department of the Interior (DOI) has determined that the submission of these reports on a monthly basis would be adequate to meet the purposes for which the information is used while significantly reducing the burden imposed on those permittees required to submit the reports.

DATES: Comments must be hand delivered or postmarked no later than February 9, 1983.

ADDRESSES: Written comments must be mailed or hand delivered to the Minerals Management Service, U.S. Department of the Interior, Room 6A110, 12203 Sunrise Valley Drive, Mail Stop 646, Reston, Virginia 22091, Attention: David A. Schuenke. Copies of all written comments submitted will be available for public review at the same address.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 646, Reston, Virginia 22091, Telephone: (703) 860–7916, (FTS) 928–7916.

SUPPLEMENTARY INFORMATION: Executive Order (E.O.) 12291 (issued February 17, 1981) directed all Executive Branch Agencies to "initiate reviews of currently effective rules in accordance with the purposes" of that Order (E.O. 12291, 3(i)). One stated purpose of that

Order is "to reduce the burdens of existing * * * regulations" (E.O. 12291, preamble).

The MMS has identified 30 CFR 251.7–2 as a regulation which warrants revision under the criteria of E.O. 12291. That section presently requires the weekly submission of status reports with respect to all activities conducted under a permit for G&G exploration of the OCS.

The MMS has determined that the submission of monthly, rather than weekly, reports would be adequate to meet the purposes for which the information is used. The MMS has further determined that such a reduction in frequency would significantly reduce the regulatory burden imposed on those permittees required to comply with 30 CFR 251.7—2. Thus, this proposed revision is consistent with the purposes of E.O. 12291 (cited above) and furthers the Secretary of the Interior's regulatory reform effort.

The current regulations shall remain in effect pending final promulgation of this proposed rule.

The DOI has determined that this document is not a major rule under E.O. 12291 and certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule is not likely to result in an annual effect on the economy of $100 million or more, a major increase in costs to consumers or others, or significant adverse effects.

Paperwork Reduction Act

The information collection requirements contained in 30 CFR 251.7–2 will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 et seq.

Drafting Information

This document was drafted by Neil Stoloff, Offshore Rules and Operations Division, Minerals Management Service.

List of Subjects in 30 CFR 251.7–2

Continental shelf, Permittees for Federal Government Outer Continental Shelf tracts, Reporting requirements.

Dated: November 8, 1982.

James G. Watt,

Secretary.

PART 251—[AMENDED]

§ 251.7–2 [Amended]

For the reasons set forth above, it is proposed that § 251.7–2 be amended as follows:

1. Section 251.7–2 is proposed to be amended by replacing the word "weekly" with "monthly."

[FR Doc. 83–659 Filed 1–7–83; 8:45 am]

BILLING CODE 4310–MR–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 464

[OW–FRL 2281–8]

Metal Molding and Casting (Foundry) Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Comment Period.

SUMMARY: On November 15, 1982, EPA proposed a regulation under the Clean Water Act to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in metal molding and casting (foundry) operations (47 FR 51512). EPA is extending the period for comment on the proposed regulation from January 14, 1983 to February 13, 1983.

DATE: Comments on the proposed regulation for the metal molding and casting (foundry) category (47 FR 51512) must be submitted to EPA by February 13, 1983.

ADDRESSES: Send comments to Mr. Edward L. Dulaney, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Attention: Docket Clerk, Proposed Metal Molding and Casting (Foundry). The supporting information and all comments on this proposal are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM–213). The comments will be added to the record as they are received. The EPA Information Regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ernest P. Hall, (202) 382–7126.

SUPPPLEMENTARY INFORMATION: On November 15, 1982, EPA proposed a regulation to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works form facilities engaged in metal molding and casting (foundry) operations (47 FR 51512). The November 15, 1982 notice stated that comments on the proposal were to be submitted on or before January 14, 1983.

The Agency has received numerous complaints from the metal molding and casting industry that additional comment time is needed to allow them to comment fully and to supply data to support their comments. Given the size and diversity of the industry, the complexity of issues raised by this rulemaking, and the fact that there were delays of several weeks in the printing of the technical development document and in making the complete rulemaking record available to the public, EPA has determined that it is necessary to extend the comment period 30 days to allow the public adequate time to review and comment on this proposed regulation. This extension will give all members of the public adequate time to comment fully on this regulation.

Dated: January 3, 1983.

Frederic A. Eidsness, Jr.,

Acting Assistant Administrator for Water.

[FR Doc. 83–561 Filed 1–7–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

40 CFR Ch. II

Natural Resources Damage Assessment

AGENCY: Department of the Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This document serves as public notice of intent to develop proposed regulations pursuant to Section 301(c) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA). Executive Order 12316 delegates to this Department the responsibility to prepare regulations for assessing damages for injury to, destruction of, or loss of natural resources resulting from release of oil or hazardous substances.

The Department needs to assemble information from many sources to develop sound and consistent methodologies for assessing and quantifying injury or loss to natural resources, types and degrees of destruction, short- and long-term effects of damages, and the value of the damaged natural resource.

The Department is aware that State governments, research instutions, non-profit organizations, individual citizens and other Federal agencies possess significant information and experience which may aid in developing

appropriate natural resource damage assessment regulations. The Department welcomes all comments, recommendations or ideas which may help fulfill its responsibilities under the Act and the Executive Order. Technical information is needed, as well as advice on policies and procedures. Information is particularly sought on methods which have been demonstrated in research or actual incidents to be useful for governmental entities, as well as response technicians.

DATE: Comments are requested on or before the close of business February 15, 1983. Please supply material as soon as possible rather than waiting until the final deadline.

Also, please identify relevant material which cannot be available by the February 15, 1983 target date. Such items as annotated bibliographies and advance descriptions of material now in preparation, which is expected to become available during the months scheduled for drafting regulations, could be of considerable assistance in the Department's planning and review of the total input. Please estimate schedules for completion of any work in progress.

ADDRESS: Written comments are to be submitted to Cecil Hoffmann, Office of Environmental Project Review, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Cecil Hoffmann, Office of Environmental Project Review, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240, telephone (202) 343-3811 or 343-3891.

SUPPLEMENTARY INFORMATION:

Background

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 provides for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment, and for the cleanup of inactive hazardous waste disposal sites. It further implements the authorities provided by Sections 311(f)(4) and 311 (f)(5) of the Clean Water Act (3 U.S.C. Section 1321(f)(4), (5)) which deal with restoration or replacement of natural resources damaged by a discharge of oil prohibited by that Act. As mandated by Section 105 of CERCLA and Executive Order 12316, the Environmental Protection Agency promulgated revisions to the National Contingency Plan (NCP) for oil and hazardous substances into the environment (47 FR 31180 (July 16, 1982), effective date: December 10, 1982). The revised NCP contains procedures for the coordination of response actions to releases of oil and hazardous substances into the envoronment. Subpart G of the NCP identifies Federal and State trustees authorized to assess damages, pursue claims, and recover and apply damage awards for natural resources, under authority of CERCLA and the Clean Water Act.

Pursuant to Executive Order 12316, the Department of the Interior has the responsibility mandated by Section 301(c)(1) of CERCLA to study and promulgate regulations for the assessment of damages from a release of oil or hazardous substance resulting in injury to, destruction of, or loss of natural resources. The Act defines these as "land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (or) any State * * *." Section 301(c)(2) requires that the regulations—

> Shall specify (A) standard procedures for simplified assessments requiring minimal field observation, including establishing measures of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss, and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

Further, Section 301(c)(3) provides that "such regulations shall be reviewed and revised as appropriate every two years."

Guided by the Act, as well as current Federal policy, the Department's regulations must ensure that the damage assessment responsibilities of the Federal and State trustees for natural resources are carried out efficiently in a timely and cost-effective manner.

Through this notice, the Department wants to establish contact with those who have expertise in any facet of these regulations which will govern natural resource damage assessment. The Department's call for information, comments, and recommendations divides into four broad areas: (1) The process and schedule which the Department should follow in developing regulations to insure input from interested and affected sources; (2) the procedures which the final regulations will establish governing activities and reports following incidents covered by the Act; (3) the necessary technical basis for damage assessments themselves, including data on the natural resources, effects of oil and hazardous material spills, extent and degree of damage, resource values, and rehabilitation and restoration costs; and (4) the procedures necessary to maintain, monitor, and evaluate the process established. Information on methods and standards available or needed for measurement of values and damages will be important in both the procedural and substantive categories of the Department's request for input.

To help respondents to focus on the Department's needs, some discussion points are suggested below. They are intended as examples of the kinds of issues that the regulations will address, and the kinds of questions that must be answered on the way to publication of final rulemaking for damage assessment. The list of discussion points is not complete or exhaustive; it is to suggest the nature of the concerns and the range of input that can be useful.

I. Procedures for Developing Regulations

The Department seeks suggestions and comments on the most effective ways to solicit input, and then to review and evaluate both the technical information and the procedural recommendations received for development of damage assessment regulations. The regulations will need to reflect the current state-of-the-art of various technologies relevant to the natural resources affected, including such disciplines as biology, hydrology, geology, and also economics, among others. Additional kinds of material which may be helpful include legal precedents, examples of effective procedures used by other levels of government for addressing similar incidents, and methodology which might effectively be interpreted for the purposes of this Act. (Examples: Damages are assessed by regulations for Workman's Compensation programs. Aesthetic values are included in certain kinds of real estate appraisals, especially for second homes, and land offered or developed for leisure-time purposes. Damage appraisals after flood or other disasters may offer useful parallels.)

- In developing regulations under CERCLA, the Department seeks effective ways to tap the existing knowledge of States, other Federal Agencies, other public entities, industry, agriculture, environmental and other interest groups, colleges and universities, and the general public.

Comments are sought from those who have expertise in areas to be covered by damage assessment regulations, as well as an interest in both the form and the substance of regulations as they will be published in final.

Discussion Items

—What are effective methods for obtaining the basic data, the best of current experience, and the best thinking on the necessary range of subjects?

—How can we task those outside the Department so material can be developed which is focused on, or tailored to the present needs?

—What are the most effective methods of sharing information supplied so that it undergoes sufficient expert review and validation? Open meetings, open house, open files, structured seminars, panel discussions, other?

—How can we carry on an effective, but not burdensome, literature search throughout the regulation development process?

—Where information sharing meetings and public hearings are held, are there regional or other differences that would suggest the sites, as well as the numbers, of such meetings?

—What factors might affect the schedule for the Department's development of proposed regulations? For example, are there definitive research projects, demonstrations of methodology, or other specific information which may be completed or developed in the future and which would be useful in development of these rules?

—What kind of interaction would be necessary and useful between this Department and other governmental entities, both on this rulemaking and on any other official guidance developed, to implement natural resources damage assessments and claims?

II. Procedures for Carrying Out Damage Assessment and Claims

The Department seeks information and comment on the kinds of procedures for conducting damage assessment which can result in orderly, appropriate, timely, and consistent actions, including identification of natural resource damage, fact finding, decision making, and reporting. The Department must design a process for damage assessment which can (1) support Superfund reimbursement or liability claims brought by the trustee in administrative or judicial proceedings, (2) cover voluntary implementation of clean-up responsibilities, or (3) cover reimbursement in situations where there was an emergency restoration. This process must occur routinely without undue or excessive administrative expense.

It will be necessary to establish a process which proceeds in steps for assessing damage to natural resources from the time of incident through presentation of a claim for damages to the point that recovered funds are put to work. The regulations must also standardize the basis on which judgments are made by officials throughout the process of damage assessment and require a record which will support values so determined.

• The Department's regulations must be designed so that Federal and State officials operate effectively in conjunction with each other's existing procedures and activities.

Discussion Items

—Should or need there be a single contact in each State for communication and coordination regarding natural resources damage assessment that will assure appropriate communications with all State agencies at interest? (Concerning natural resources, land, air, water, fish, and game, etc., may be under separate divisions of State government.) What mechanisms will State trustees use to coordinate with Federal trustees? Should the Department's rules identify State trustee designations?

—Which States have, or are planning, procedures which can be used as models for damage assessment procedures?

—Where there are multiple trustees involved, because of co-existing or contiguous natural resources or concurrent jurisdictions, what standard procedures will assist them, and assure that they coordinate and cooperate in carrying out these responsibilities?

—What burdens may be imposed on State and local officials as a result of these damage assessment regulations? What corollary benefits might or could be made to result?

—What procedures can be adopted, in these rules or elsewhere, to ensure that natural resources damage and restoration claims are assessed and included in State and Federal mandamus and liability cases, case settlements, and Superfund claims?

• As soon as possible after discovery of an incident covered by CERCLA or the Clean Water Act, a preliminary survey would lead (among other decisions) to a determination of whether natural resources are affected, a determination of the trustee(s) of those natural resources, and a determination of whether the circumstances warrant proceeding with a damage assessment.

Discussion Items

—Who should be responsible for such a preliminary survey? What guidance should be given as to what to observe at a given site about the basic natural resource and the specific effects of the incident? How should this guidance be provided: e.g., regulations, manuals, handbooks, etc? What are necessary levels of detail, formats, and channels for recording and reporting?

—Who is responsible for making each of the above determinations, who keeps the record, who communicates these determinations, and where, when, and to whom are communications expected or necessary?

—Is it possible to determine early in the process that the cost of assessing the damages and prosecuting the claims will exceed the damages themselves or the benefit to be gained from damage claims?

—Since the costs of assessing damages are to be included in damage claims, what factors do we include in regulations to ensure that these costs are kept to the minimum necessary?

—How do we identify and avoid procedural problems which themselves increase costs; for example, by delaying the process significantly?

• Damages sought against the Superfund may include the costs of a plan to restore, rehabilitate, replace, or acquire the equivalent of damaged natural resources. However, CERCLA provides that funds received in liability cases, or from the Superfund, "* * * may not be used (to restore, replace, acquire, etc.) * * * until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearings and consideration of all public comments."

Discussion Items

—What are the elements to be included in a restoration plan?

—What level of detail should the plans address to insure restoration of natural resource values without unnecessary time and paperwork in the planning, review, and monitoring process?

—Are there existing formats that can be used as models—checklists, action plans, other?

—What should be the procedure for allocating responsibilities for development of the plan? What is the

process by which necessary input is gathered from all appropriate sources? Who reviews the plan (Federal, State, other) before and during the public review process?

—What are necessary steps for effective public review?

—What are necessary steps for Governors' approvals?

—In what instances where the Governor's approval may not be required would it, nevertheless, be useful or desirable?

—How do we assess what timeframes are realistic for preparation and implementation of restoration plans?

—What procedures can be adopted to ensure that plans can be assessed and approved in time to support liability or Superfund claims for related response actions involving EPA or Federal or State prosecuting agencies?

• Throughout the proposed regulations, indications of reasonable time frames for carrying out the proposed protocols will be critical, since a goal of the Act is timely attention to damage assessment and any subsequent claims settlements. Increased certainty as to timing of procedures will help insure cost-effective operations.

Discussion Items

—Are commentors who suggest alternative protocols also able to indicate what are reasonable time frames for the actions being suggested? For example, how long a period of observation is necessary to determine indirect as well as direct injury or the ability of the ecosystem to recover? How much time is likely to be necessary for collecting data on an individual case? With what certainty can time frames be established as a general rule by type of case, type of resource affected, type of injury, destruction or loss, etc.?

III. Natural Resources Damage Assessment

The core of damage assessment must be the substantive data about the natural resources affected, the measurement of damages, and the determination of values. Information needs fall into three subcategories: (1) Overall or general natural resources damage assessment information requirements; (2) Type A standard procedures (as mandated by the Act) for "simplified assessments requiring minimal field observation * * *"; and, (3) type B "alternative protocols for conducting assessments in individual cases."

(1) General Natural Resources Damage Assessment

• The Act defines natural resources as "land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources * * *."

Discussion Items

—What method (charts, tables, checklists, matrices, other) would best serve to identify all natural resources, not only the individual species or types of natural resources, but also the ecosystems or habitats in which the individual resources are found?

—Should the regulations be oriented to types of environments? For example, forest, grassland, tundra, desert, floodplain, others? What level of detail is necessary or useful?

—Should the regulations be oriented to specific natural resources (air, water, lands, biota, fish and wildlife, minerals, timber, others)? What level of detail is necessary or useful?

—Combination or alternate approaches?

• Under the Act, procedures to determine damages are to include "both direct and indirect injury and destruction, or loss * * *."

Discussion Items

—Will one standard procedure for measuring damages adequately cover all natural resource types?

—What constitutes direct and indirect "damage" to a particular natural resource? To what confidence limits or level of detail can and should criteria be developed for each? What degree of damage should be indicated to justify a claim?

—What data exists on damages to natural resources from oil spills? Or from releases of hazardous substances?

—What are reasonable indicators and measures of the extent of injury, for both the short- and long-term impacts, of the damage on the affected natural resource?

—What type of procedures will insure timely and appropriate measurement of the severity or degree of damage to the resource?

—How do we "measure" quantifiable losses, injury, or destruction; e.g., destruction of a forest, or loss of a herd of deer?

—How do we "measure" unquantifiable losses such as loss of a beautiful landscape, or an area of recreation opportunity? What experience with valuing donated easements for tax purposes is relevant and useful in this contex? Alternatives?

• Section 301(c)(2) of CERCLA states that the regulations "* * * shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover."

Discussion Items

—How do we measure the values of damaged natural resources equitably?

—Are there existing methods for calculating unit value which are applicable, or could be adapted for each damaged natural resource?

—What are the necessary elements of a technically sound process for natural resource value determination which can be developed so as to sustain damage claims adequately and consistently?

—What are the "values" to be considered in determination of damage assessment costs: aesthetic values, recreational values, use values, economic, commercial, or replacement values? Others? How do we develop a valuation process which incorporates all relevant types of values?

—To what extent can we standardize natural resource values?

—How much will the value of a natural resource (e.g., fish, birds, trees) vary from one geographical location to another?

—What is the value of endangered species in an area subject to natural resource damages? Are there certain resources or situations that require a special protocol or special attention in the regulations and procedures?

—Should there be minimum and maximum damage assessment costs established? If so, what criteria should be used to determine them?

—How do we determine the value of a non-recoverable resource?

—How do we ensure flexibility in the valuation process to establish standard and timely procedures leading to fair and equitable damage claim settlements in similar damage situations?

• ". . . sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of damaged natural resources."

Discussion Items

—What specific measurements or activities are called for to restore and rehabilitate natural resources damaged by incidents covered under the Act?

—How are the costs of restoration, rehabilitation, etc., determined?

—What factors support replacement or acquisition of the equivalent rather than restoration or rehabilitation? What are the threshold measurements of effect that rustees should use in making such determinations?

• States and other entities have had actual experience with natural resources

damage assessment, in scientific research about damages and values, and in applications of State-developed procedures for determining natural resource values.

—What information is available about numbers and types of damage incidents affecting any or all of the natural resources indicated in the Act?

What data exists on actual uses of any assessment procedures, in the form of statistics, analysis, and/or case studies?

(2) Type A Assessments

• The Act specifically says "simplified assessments, requiring minimal field observation" and directs "establishing measures of damages based on units of discharge or release or units of affected area."

Discussion Items

—How much field observation constitutes "minimal field observation?"

—What guidance and qualification of observers will insure consistently usable observations?

—What units of discharge and units of affected area are now in use, or otherwise proven acceptable to expert reviewers? Are units of measure for oil in aquatic environments identical or comparable to units applicable to hazardous material? How much of this work has been done? Who can provide further data on such units of measurement?

—Some private organizations have been working with the expertise of their membership to develop tables or indices of fishery values. Are these ready for practical application? Is development of a comparable chart or matrix under way or possible for other species? Where does the available methodology exist, and how can the Federal effort access it?

—Some States have utilized look-up tables for specific resource values. Which States have or are working on such systems, and how can our effort capitalize on existing data? Can experience with fish tables, for example, be readily translated to other forms of life (birds, animals, vegetation) and to other contaminated natural resource media (air, land, and ground water)?

—Once values for particular resources are calculated, how can valid combined values be calculated?

—Where does the expertise reside to develop methodologies not yet in use, and how can such efforts be inspired and expedited?

(3) Type B Assessments

• The language of the Act amplifies the mandate for in-dept assessments by saying that "regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss, and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover."

Discussion Items

—At what point is a Type A assessment superceded by Type B? Who makes the determination? What criteria apply to the determination? Size of incident? Quantity and quality of damage? Quantity and quality of affected environment? Other?

—What is the state-of-the-art with regard to damage mesurement or determinations of quantity and quality for natural resouces as named in the Act? What are acceptable baseline measures, or indicators for natural resources before incident?

—What are standards, measures, or precedents for replacement values? Can standard geographical limitations be established as the general rule for considering replacement values? With exceptions to be justified for particular cases?

—What are acceptable measures, standards, or precedents in establishing use values for each resource?

—Will a consensus among experts be possible in determining the ability of the resource to recover? What analytical techniques are available? What are appropriate time frames for recovery?

IV. Revision and Update

The Act mandates that regulations be reviewed and revised, as appropriate, every two years.

Discussion Items

—In accessing necessary information now, do we make sure it is updated at reasonable intervals in support of the continuing requirement for review and revisions of the regulations?

—What reporting or other methods will assist us in the periodic review of damage assessment regulations, taking into account inflation and other influences on monetary values for natural values?

—Where States or others produce baseline data on natural resources in the course of their damage assessment procedures, how can this data be periodically tapped to augment and update the national data base for damage assessment processes?

For the reasons set out in the preamble and under authority given the Administrative Committee of the Federal Register by 44 U.S.C. 1506, it is proposed to add a new Chapter II to Title 40 of the *Code of Federal Regulations*, as follows:

CHAPTER II—OFFICE OF THE SECRETARY, DEPARTMENT OF THE INTERIOR

(Sec. 301(c), Pub. L. 96-510 (42 U.S.C. 9601 et seq.), E.O. 12316, FR Doc. 81-24411)

Dated: January 4, 1983.

Wm. D. Bettenberg,

Deputy Assistant Secretary—Policy, Budget and Administration.

[FR Doc. 83-601 Filed 1-7-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 124

Evaluation of the Administrative Compliance Costs and the Impact of the Inflation Factor for Titles VI and XVI Assisted Facilities

AGENCY: Health Resources and Services Administration, PHS, HHS.

ACTION: Proposed rule related notice.

SUMMARY: The purpose of this notice is to solicit comments on an evaluation plan which has been developed to examine the impact of the administrative compliance costs and the inflation factor on health facilities obligated under Titles VI and XVI of the Public Health Service Act to provide a reasonable volume of services to persons unable to pay.

DATE: The Department will consider comments received on or before February 9, 1983

ADDRESS: Interested persons may request copies of the evaluation plan from, and submit comments to: Florence B. Fiori, Dr. P.H., Acting Associate Director for Health Facilities, Bureau of Health Maintenance Organizations and Resources Development, 3700 East-West Highway, Room 5-44, Hyattsville, Maryland 20782.

All comments received in timely response to this notice will be considered and will be available for public inspection at the above address between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Charles A. Wells, Ph.D., Chief, Assurance Data and Analysis Branch, Division of Facilities Compliance, Bureau of Health Maintenance Organizations and Resources Development, 3700 East-West

Highway, Room 5–44, Hyattsville, Maryland 20782, (301) 436–6893.

SUPPLEMENTARY INFORMATION: Health facilities which received assistance under Titles VI and XVI of the Public Health Service Act provided an assurance that they would make available a reasonable volume of services to persons unable to pay. On May 18, 1979, the Secretary published regulations (42 CFR 124.501 *et seq.*) governing the assurance to provide uncompensated services. In the preamble to the rules (44 FR at 29374), the Secretary announced the Department's intent to develop a plan to evaluate the administrative compliance costs and the impact of the inflation factor, and to seek public comment on the plan. This notice implements the Secretary's directive.

Dated: December 19, 1982.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83-600 Filed 1-7-83; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 82-21; Notice 1]

Evaluation Report on Federal Motor Vehicle Safety Standard No. 301 Fuel System Integrity; Passenger Cars; Request for Public Comment

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

ACTION: Request for comments.

SUMMARY: This notice announces the publication by NHTSA of an Evaluation Report concerning Safety Standard No. 301, *Fuel System Integrity*. This staff report evaluates the safety effectiveness and costs of the current performance requirements for 301–75 in new passenger cars. The report was developed in response to Executive Order 12291 which provides for government-wide review of existing major Federal regulations. The NHTSA seeks public review and comment on this evaluation. Comments received will be used to complete the review required by Executive Order 12291.

DATE: Comments must be received no later than March 11, 1983.

ADDRESSES: Interested persons may obtain a copy of the report free of charge by contacting Mr. Robert Hornickle, Office of Management Services, National Highway Traffic Safety Administration, Room 4423, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–0875). All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours, 8:00 a.m.–4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim, Director, Office of Program Evaluation, Plans and Programs, National Highway Traffic Safety Administration, Room 5212, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1574).

SUPPLEMENTARY INFORMATION: Safety Standard No. 301–75 (49 CFR Part 571 sets static and dynamic performance requirements for the fuel system of passenger cars. The requirements have resulted in a variety of vehicle modifications intended to limit the amount of fuel leakage during and immediately following a crash. The reduction in fuel leakage is, in turn, intended to reduce the occurrence of post-crash fires and the attendant fatalities and injuries. The standard became effective in January 1968, and was significantly upgraded in 1975.

Pursuant to Executive Order 12291, NHTSA recently conducted and evaluation of Standard No. 301 to determine the effectiveness of the technology selected by the manufacturers to comply with the standard (in preventing deaths and injuries), and to determine the costs of the technology to consumers. Under the Executive Order, agencies are to review existing regulations to determine whether the regulations are achieving the order's policy goals (i.e., achieving legislative goals effectively and efficiently and without imposing unnecessary burdens on those affected).

The principal findings and conclusions of the report are as follows:

- Standard 301 annually prevents approximately 400 fatalities, 520 serious injuries, and 110 moderate injuries resulting from passenger car crash fires. The paramount effectiveness of the standard is in the more severe crashes where severity is measured by the extent of vehicle deformation sustained.
- Standard 301 annually prevents 6,500 passenger car crash fires per year.
- Standard 301 adds $8.50 (in 1982 dollars) to cost of purchasing and operating an automobile over its lifetime.

The Evaluation was developed using accident data from five States and the Agency's Fatal Accident Reporting System and National Accident Sampling System, and vehicle modification and cost-related information obtained from the motor vehicle manufacturers.

NHTSA welcomes public review of this Standard No. 301 Evaluation Report and invites the public to submit comments.

It is requested but not required that 10 copies of comments be submitted.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: January 5, 1983.

Barry Felrice,

Associate Administrator for Plans and Programs.

[FR Doc. 83-607 Filed 1-7-83; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 48, No. 6
Monday, January 10, 1983

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.

ACTION

Foster Grandparents Program; Request for Project Proposals in New York State

AGENCY: ACTION.

ACTION: Notice of request for proposals.

SUMMARY: The purpose of this notice is to solicit proposals from public and private non-profit organizations in the state of New York, interested in sponsoring Foster Grandparent Program (FGP) projects. Included in this notice is basic information regarding application requirements and contacts for technical assistance.

SUPPLEMENTARY INFORMATION: ACTION is currently in the process of converting a large Statewide Foster Grandparent Program project into smaller, cost effective community-based projects. The process has been divided into two phases. Phase I will be the augumentation of existing ACTION/Older American Volunteer Programs sponsors where service areas of the Statewide and community based projects coincide or overlap. Phase II, which this request for proposal (RFP) describes, will be the awarding of several FGP project grants to new sponsors in other areas currently covered by the Statewide project. We are encouraging all interested community agencies/organizations that are either public or private non-profit to apply. Those with experience operating programs for older adults and/or developmentally disabled children are especially encouraged to apply.

Application

To apply for one of these grants, the applicant should complete and submit to ACTION a finished proposal by February 1, 1983. The basis for the application will be ACTION Forms A-1017, Application for Federal Assistance, and A-1018, *Project Narrative*, which can be obtained by contacting the office listed below.

More detailed information regarding eligibility requirements, the application and award process and other programmatic provisions is contained in the Catalog of Federal Domestic Assistance under program identification number 72.001.

In developing the proposal, there are several conditioning constraints to keep in mind.

1. It is ACTION's intention and firm commitment that the volunteers, volunteer stations, and assigned children currently part of the Statewide Office of Mental Retardation and Development Disabilities (OMRDD) FGP project continue to be served by the local projects.

2. The budget and project size will vary in each area. Our intent is to fund at least the number of volunteers that currently exist in a given area, and hopefully augment the volunteer strength and number of children served. A minimum of ten percent of total project costs are required from non-federal sources. Favorable consideration will be given to applications reflecting an amount greater than the minimum required non-federal share.

3. In keeping with our commitment to continue with the current volunteer stations, each applicant will need to approach the current volunteer stations in their area to develop Memoranda of Understanding. The Memoranda should be signed and included in the proposal.

For further information or technical assistance, please contact ACTION at the number listed below.

Region II Office

Claire M Wojno, (212) 264-5710,
ACTION, Jacob K. Javits Federal Building, 26 Federal Plaza, 16th Floor, Suite 1611, New York, New York 10278

Applications should be submitted to the Regional Office and postmarked no later than February 1, 1983.

(42 U.S.C. 5011; 5012; 5042(14))

Dated in Washington, D.C., on January 5, 1983.

Thomas W. Pauken,
Director, ACTION.

[FR Doc. 83-568 Filed 1-7-83; 8:45 am]
BILLING CODE 6050-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Brookhaven National Laboratory; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00197. Applicant: Brookhaven National Laboratory, Upton, New York 11973. Instrument: Neutron Monochromator Crystals, (Cu_2MnAl). Manufacturer: Cristal Tec., France. Intended use of instrument: See Notice on page 41409 in the **Federal Register** of September 20, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a set of identical Cu_2MnAl crystals each capable of producing monoenergetic polarized neutron beams. The National Bureau of Standards advises in its memorandum dated December 2, 1982 that (1) the capability of the foreign insturment described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-511 Filed 1-7-83; 8:45 am]

BILLING CODE 3510-25-M

Exporters' Textile Advisory Committee; Change of Date for Meeting

December 29, 1982.

On December 14, 1982 a notice dated December 3, 1982 was published in the Federal Register (47 FR 55986), announcing a meeting of the Exporters' Textile Advisory Committee on January 13, 1983 at 10:00 a.m. in Room 6802, Main Commerce Department Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The purpose of this notice is to announce that the date, time, and room for the meeting have been changed. The meeting has now been rescheduled for January 18 at 1:30 p.m. in Room 4830, Main Commerce Department Building.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-627 Filed 1-7-83; 8:45 am]

BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tool, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: January 26, 1983, at 10:00 a.m. The meeting will take place at the Main Commerce Building Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Committeee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: January 5, 1983.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 83-617 Filed 1-7-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

National Conference on Weights and Measures; Meeting

Notice is hereby given that the interim meetings of the National Conference on Weights and Measures will be held January 16-21, 1983, at the National Bureau of Standards, Gaithersburg, Maryland.

The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the States, counties, and cities of the United States together with associated industry and interested private sector individuals. The interim meetings of the Conference, as well as the annual meeting to be held next July (a notice will be published in the Federal Register prior to such meeting), brings together the enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations for the purpose of hearing about the discussing subjects that relate to the fields of weights and measures technology and administration.

Pursuant to authority in its Organic Act (15 U.S.C. 272(5)), the National Bureau of Standards sponsors the National Conference on Weights and Measures in order to promote uniformity among the States in laws, regulations, inspection methods, and testing equipment applied to commercial weights and measures regulation and practices.

The meetings are open to the public. Additional information concerning the Conference program and arrangements may be obtained from Mr. Albert D. Tholen, Executive Secretary, National Conference on Weights and Measures, P.O. Box 3137, Gaithersburg, Maryland 20878; telephone: (301) 921-3677.

Dated: January 4, 1983.

Ernest Ambler,

Director.

[FR Doc. 83-546 Filed 1-7-83; 8:45 am]

BILLING CODE 3510-13-M

Membership of General and Limited Performance Review Boards

This notice announces certain changes in the membership of the National Bureau of Standards (NBS) General and Limited Performance Review Boards. The purpose of the General Performance Review Board (GPRB) is to review performance agreements, performance appraisals and ratings, recommendations for certain personnel actions and other related material, and to make appropriate recommendations to the Director of NBS as the Appointing Authority for the Senior Executive Service at NBS concerning such matters in such a manner as will assure the fair and equitable treatment of senior executives and the organizations of which they are members and instill in the minds of such senior executives confidence in the integrity, competence, and impartiality of the GPRB. The GPRB performs its review functions for all NBS senior executives except those who are members of the NBS Executive Board and those who are members of the GPRB.

The purpose of the Limited Performance Review Board (LPRB) is the same as the GPRB. However, the LPRB performs its review functions for all NBS

senior executives who are members of the NBS Executive Board (except the NBS Deputy Director) and those senior executives who are members of the NBS GPRB.

The individuals who have been newly appointed by the Director of NBS to membership on the GPRB and the LPRB or have had their term of membership extended, and the term of their appointment or extension, are listed below.

BPRB

Dr. John K. Taylor, Voluntary Standards Coordinator, Center for Analytical Chemistry, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234. Term: January 1, 1983 to December 31, 1984.

Dr. George A. Sinnott, Associate Director for Technical Evaluation, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234. Term: January 1, 1983 to December 31, 1983.

Mr. Robert A. Kamper, Director, Boulder Laboratories, National Bureau of Standards, Boulder, Colorado 80303. Term: January 1, 1983 to December 31, 1984.

LPRB

Dr. William P. Raney, Assistant Associate Administrator for Space and Terrestrial Applications (Programs), National Aeronautics and Space Administration, Washington, D.C. 20546. Term extended to December 31, 1983.

Dr. Richard H. Kropschot, Associate Director for Basic Energy Sciences, Office of Energy Research, Department of Energy, Washington, D.C. 20545. Term: January 1, 1983 to December 31, 1984.

The full membership and expiration dates of the GPRB and the LPRB as now constituted, including the changes made by this notice, are set out below.

GPRB

Dr. Howard E. Sorrows, Chair, Technology Adviser to the Director, National Bureau of Standards, Washington, D.C. 20234. Expiration of appointment—December 31, 1984.

Mr. Karl E. Bell, Deputy Director of Administration, Office of the Director of Administration, National Bureau of Standards, Washington, D.C. 20234. Expiration of appointment—December 31, 1983.

Mr. Robert A. Kamper, Director, Boulder Laboratories, National Bureau of Standards, Boulder, Colorado 80303. Expiration of appointment—December 31, 1984.

Dr. Richard I. Schoen, Senior Staff Associate, Division of Chemistry, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550. Expiration of appointment—December 31, 1983.

Dr. George A. Sinnott, Associate Director for Technical Evaluation, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234. Expiration of appointment—December 31, 1983.

Dr. John K. Taylor, Voluntary Standards Coordinator, Center for Analytical Chemistry, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234. Expiration of appointment—December 31, 1984.

Dr. Howard T. Yolken, Chief, Office of Nondestructive Evaluation, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234. Expiration of appointment—December 31, 1983.

LPRB

Dr. Edward L. Brady, Chair, Associate Director for International Affairs, National Bureau of Standards, Washington, D.C. 20234. Expiration of appointment—December 31, 1984.

Dr. Richard H. Kropschot, Associate Director for Basic Energy Sciences, Office of Energy Research, Department of Energy, Washington, D.C. 20545. Expiration of appointment—December 31, 1984.

Dr. William P. Raney, Assistant Associate Administrator for Space and Terrestrial Applications (Programs), National Aeronautics and Space Administration, Washington, D.C. 20546. Expiration of Appointment—December 31, 1983.

Persons desiring any further information about the GPRB, the LPRB, or the membership of either, may contact Mrs. Elizabeth W. Stroud, Chief, Personnel Division, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3555.

Dated: January 4, 1983.

Ernest Ambler,

Director.

[FR Doc. 83-545 Filed 1-7-83; 8:45 am]

BILLING CODE 3510-13-M

Office of the Secretary

Census Advisory Committees on Population Statistics, and the American Economic, American Marketing, and American Statistical Association; Renewal

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 of March 1974, and after consultation with GSA, the Secretary of Commerce has determined that the renewal of the Census Advisory Committee on Population Statistics, and those of the American Economic, American Marketing, and American Statistical Associations are in the public interest in connection with the performance of duties imposed on the Department by law.

These committees were originally established in 1965, 1960, 1946, and 1919, respectively. Each was last renewed on December 19, 1982.

The committees will continue to provide advice to the Director, Bureau of the Census on such matters as conceptual problems concerning the economic censuses and surveys; decennial census of population; statistical needs of data users concerned with marketing the Nation's products and services; and numerous other aspects of the Bureau's programs.

As currently chartered, each committee will continue with a balanced representation of 15 members. The committees will continue to report and be responsible to the Director, Bureau of the Census and will function solely as an advisory body in compliance with the Federal Advisory Committee Act.

Copies of the committees' revised charters will be filed with appropriate committees in Congress.

Inquiries or comments may be addressed to Mr. Alfred Tella, Special Advisor to the Director, Bureau of the Census, Room 3061-3, Washington, D.C. 20233, telephone (301) 763-7914, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4217.

Dated: December 30, 1982.

Dennis C. Boyd,

Executive Director, Information Resources Management.

[FR Doc. 83-628 Filed 1-7-83; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF EDUCATION

National Board of the Fund for Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming

meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463, Section 10(a)(2).

DATE: January 27, 1983 at 5:00 p.m. through January 29, 1983 at 2:00 p.m.

ADDRESS: University of Maryland, Adult Education Building of University College, College Park, Maryland.

FOR FURTHER INFORMATION CONTACT: Sven Groennings, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Washington, D.C. 20202 (202–245–8091).

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under Section 1003 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a–1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education on priorities for the improvement of postsecondary education . . . and on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board will be open to the public. The proposed agenda include advising on significant issues and policies in postsecondary education. Specifically: the economy and higher education, science and math education, and educational technology.

Records shall be kept of all Board proceedings, and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 7th and D Streets, S.W., Room 3100, Washington, D.C. 20202 from the hours of 8:00 a.m. to 4:30 p.m. weekdays, except Federal Holidays.

Dated: January 4, 1983.

Edward M. Elmendorf,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 83-547 Filed 1-7-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. G–18671–005, et al.]

Natural Gas Companies; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]; Dorchester Gas Producing Co., et al.

January 4, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 20, 1983, 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 385.211, .214). 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 Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G–18671–005, D, Dec. 14, 1982	Dorchester Gas Producing Company, P.O. Box 750, Amarillo, Texas 79105.	Northern Natural Gas Company, Barnard No. 1 Well, Carson County, Texas.	(1)	
CI68–1022–001, Dec. 13 1982	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Ship Shoal Blocks 167, 168, 182, Offshore Louisiana.	(1)	15.025
CI69–794–000, C, Dec. 16, 1982	ARCO Oil and Gas Company Division of Atlantic Richfield Company, P.O. Box Dallas, Texas 75221.	Trunkline Gas Company, Vermilion Block 120, Offshore Louisiana.	(1)	15.025
CI73–248–000, D, Dec. 17, 1982	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	The Louisiana Land and Exploration Company, Jefferson Island Field, Iberia Parish, Louisiana.	(1)	
CI75–19–002, C, Dec. 8, 1982	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Texas 77252.	Texas Eastern Transmission Corporation, Block 201, Vermilion Area, Offshore Louisiana.	(1)	15.025
CI83–82–000 (CI69–222), B, Dec. 6, 1982.	Anadarko Production Company, P.O. Box 1330, Houston, Texas 77251.	Phillips Petroleum Company, Panhandle West Field, Hutchinson County, Texas.	(1)	
CI83–83–000, A, Dec. 8, 1982	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company, Brazos Block 451 Field, Offshore Texas.	(1)	14.65
CI83–84–000, A, Dec. 9, 1982	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Sabine Pass Block 11, Offshore Louisiana.	(1)	15.025
CI83–85–000 (G–14411), B, Dec. 8, 1982.	Farmland Industries Inc., (Successor to CRA Inc.), P.O. Box 7305, Kansas City, Missouri 64116.	Kansas-Nebraska Natural Gas Company, Hugoton Field, Finney County, Kansas.	(1)	
CI83–86–000 (CI60–441), B, Dec. 6, 1982.	do	Texas San Juan Oil Corporation, Miller and Fox Fields, Duvall County, Texas.	(1)	
CI83–87–000 (G–13870), B, Dec. 6, 1982.	do	United Gas Pipe Line Company, North Indian Hills Field, Montgomery County, Texas.	(1)	
CI83–88–000 (CI63–431), B, Dec. 8, 1982.	do	Northern Natural Gas Company, Gate Area, Beaver County, Oklahoma.	(1)	
CI83–89–000 (CI63–719), B, Dec. 8, 1982.	do	El Paso Natural Gas Company, Mesa County, Colorado	(1)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI83-90-000 (CI63-628), B, Dec. 6, 1982	do	El Paso Natural Gas Company, East Bar-X Field, Mesa County, Colorado.	(²)	
CI83-91-000 (G-9324), B, Dec. 8, 1982	do	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Magner-Withers Field, Wharton County, Texas.	(³)	
CI83-92-000 (G-15689), B, Dec. 8, 1982	do	El Paso Natural Gas Company, West Bar-X Area, Grand County, Utah.	(⁴)	
CI83-93-000 (CI67-1739), B, Dec. 13, 1982	do	United Gas Pipe Line Company, North Indian Hills Field, Montgomery County, Texas.	(⁵)	
CI83-95-000 (CI78-687), B, Dec. 13, 1982	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Columbia Gas Transmission Corp., South Marsh Island 267, Offshore Louisiana.	(⁶⁾	
CI83-96-000, A, Dec. 13, 1982	Texoma Production Company, P.O. Box 90996, Houston, Texas 77090.	Natural Gas Pipeline Company of America, Main Pass Area, Blocks 148 and 151 Field, Offshore Louisiana.	(⁷)	15.025
CI83-97-000, A, Dec. 20, 1982	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Texas 79189.	United Gas Pipe Line Company, South Marsh Island Blocks 155 and 156, Offshore Louisiana.	(⁸)	14.73
CI83-98-000, B, Dec. 20, 1982	Goulds' Electric Motor Repair Incorporated	Southeastern Gas Company, Clay County, West Virginia.	(⁹)	
CI83-99-000, B, Dec. 14, 1982	Bill J. Graham	The Permian Corporation, Donham (Grayburg) Field, Crockett County, Texas.	(¹⁰)	
CI83-100-000, A, Dec. 20, 1982	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Elk City Field, Beckham and Washita Counties, Oklahoma.	(¹¹)	14.65
CI83-101-000, A, Dec. 20, 1982	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	United Gas Pipe Line Company, Mayo Romero Well No. 2, Iberia Field, Iberia Parish, Louisiana.	(¹²)	15.025
CI83-102-000, B, Dec. 21, 1982	Kaiser-Francis Oil Company, P.O. Box 35528, Tulsa, Oklahoma 74135.	Phillips Petroleum Company, Section 14, Township 26N, Range 15W, Woods County, Oklahoma.	(¹³)	
CI83-103-000, A, Dec. 22, 1982	Pan Eastern Exploration Company, P.O. Box 1642, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Brazos Block A-47 Field, Offshore Texas.	(¹⁴)	14.73
CI83-104-000, A, Dec. 22, 1982	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Co., South Marsh Island Block 106 (N/2 "A" Platform), Offshore Louisiana.	(¹⁵)	15.025
CI82-411-000, C, Aug. 30, 1982	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	Trunkline Gas Company, South Marmentau Field, Acadia Parish, Louisiana.	(²⁰)	15.025
CI65-26-001, Jan. 2, 1978 [21]	Supron Energy Corporation, Bldg. V., Fifth Floor, 10300 North Central Expressway, Dallas, Texas 75231.	Champlin Petroleum Company, Logan County, Oklahoma.	(²²)	

[1] The Barnard No. 1 Well has been plugged and abandoned on October 21, 1982.
[2] Applicant is filing under Gas Purchase Agreement dated November 20, 1967, amended by Supplemental Gas Purchase Agreement dated October 1, 1982.
[3] Applicant is filing under Gas Purchase Contract dated December 23, 1968, amended by amendment dated November 1, 1982.
[4] Gas contract expired of its own terms January 1, 1980.
[5] Applicant is filing under Gas Purchase Contract dated August 24, 1973, amended by Letter Agreement dated August 23, 1982.
[6] The Johnson No. 1 well is no longer covered under the June 29, 1960 contract. It is dedicated under a percentage type contract dated July 6, 1980 which is not required to be filed with the Commission.
[7] Applicant is filing under Gas Purchase Contract dated December 3, 1982.
[8] Applicant is filing under Gas Purchase and Sales Agreement dated December 6, 1982.
[9] No gas has been produced for a number of years.
[10] Production for the 6300' sand has ceased. OCS-G-2309 Well No. 1 has been plugged and abandoned. Seller's OCS-G-2309 Lease has expired.
[11] Applicant is filing under Gas Sales Contract dated July 30, 1982.
[12] Applicant is willing to accept the applicable rate under Section 104 of the Natural Gas Policy Act of 1978.
[13] Non-economical.
[14] Well no longer produces gas. Will be plugged and abandoned.
[15] Applicant is filing under Rollover Contract dated October 28, 1982.
[16] Applicant is filing under Gas Purchase Contract dated October 29, 1982.
[17] Well was capable of producing very low volumes (less than 10 mcfd average). Phillips Petroleum advised that it was uneconomic to maintain connection and removed meter.
[18] Applicant is filing under Gas Purchase Contract dated November 8, 1982.
[19] Applicant is filing under Gas Purchase Contract dated December 14, 1892.
[20] Applicant is filing under Gas Purchase Contract (rollover contract) dated June 15, 1982.
[21] Termination of certificate and FERC G.R.S. No. 12
[22] Gas to be sold under percentage of proceeds type contract.
Filing Code: A—Initial Service B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Sucession. F—Partial Succession.

[FR Doc. 83-587 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. EF81-2021-002 and E-9563-004]

U.S. Department of Energy—Bonneville Power Administration; Order Extending Period for Comments and Extending Interim and Final Rates for a Limited Period of Time

Issued: December 30, 1982.

On November 29, 1982, the Bonneville Power Adminstration (Bonneville) filed a request for an extension of interim approval of Bonneville's transmission rates in Docket No. EF81-2021-001 pending review of its request for final confirmation and approval of these rates by the Commission. The Commission's prior interim approval of Bonneville's transmission rate schedules FPT-2, UFT-2, ET-2 and IR-1 [1] will expire on January 1, 1983. 19 FERC ¶61,281. Bonneville requests that the Commission grant further interim approval of the transmission rate schedules for twelve months, until January 1, 1984. Bonneville also requests a twelve month extension of Set A and Set B of its General Transmission Rate Schedule Provisions, which are incorporated by reference into the four schedules.

Bonneville additionally requests that the Commission extend the effectiveness of its FPT-1, UFT-1 and ET-1 transmission rate schedules that were confirmed and approved on a final basis in Docket No. E-9563-000. 20 FERC ¶61,142. In its Order Confirming and Approving Transmission Rates in that docket, the Commission granted final confirmation and approval of the FPT-1, UFT-1 and ET-1 rate schedules for the period June 10, 1977, through June 30, 1981. While the transmission rate schedules in Docket No. EF81-2021-000 were intended to supersede these rates, Bonneville states that some of its transmission contracts did not permit the rates to be collected. Bonneville therefore requests that the Commission extend the effectiveness of these rate schedules until January 1, 1984, with respect to those existing contracts under which the rates are presently being applied.

Notice of Bonneville's request for extension of interim and final rate approval did not appear in the **Federal Register** until December 21, 1982. The notice provided, however, that interested parties were to submit comments on or before December 22, 1982. In light of the lateness of the

[1] Formula Power Transmission, Use-of-Facilities, Energy Transmission, and Integration of Resources, respectively.

published notice, the Commission believes it would be in the public interest to further extend the December 22, 1982 date for comments.

In order to afford the parties a sufficient time to comment on Bonneville's request, we shall extend the period for comments until January 14, 1983. We shall also allow Bonneville's rates to remain in effect on an interim basis for an additional 60 days. This additional time will provide the Commission with an opportunity to consider Bonneville's request for a one-year extension of the transmission rates in light of the comments of the parties.

The Commission orders:

(a) The Bonneville Power Administration's request for an extension of prior Commission approval of its transmission rates in Docket Nos. EF81-2021-002 and E-9563-000 is hereby granted through February 28, 1983.

(B) Any person desiring to be heard or to protest Bonneville's request for a rate extension to January 1, 1984, should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St. N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 14, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

(C) The Secretary shall promptly publish this order in the **Federal Register**.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-679 Filed 1-7-83 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-78-000]

Central Illinois Public Service Co.; Order Accepting for Filing and Suspending Rates in Part, Noting Intervention, Denying Motions To Reject and To Appoint a Settlement Judge, Granting Waiver, and Establishing Hearing and Price Squeeze Procedures

Issued: December 30, 1982.

On December 1, 1982, Central Illinois Public Service Company (CIPSCO) completed its filing [1] of an increase in rates for firm power service provided to 24 wholesale customers.[2] Nineteen of the affected customers have executed settlement agreements consenting to the proposed rate increase and CIPSCO's proposed January 1, 1983 effective date. The proposed rates to the settling customers would increase revenues by approximately $15,377,000 (22.5%) during the calendar year 1983 test period. The proposed rates to the five customers that have not executed settlement agreements, the Illinois Municipal Group (IMG),[3] would increase revenues by about $1,269,000 (19.8%).

CIPSCO requests to be excused from filing, pursuant to sections 35.13(a) and 385.207 of the Commission's regulations, the monthly contributions to system peak of each customer. That information, CIPSCO asserts, has been filed for each customer class. Additional, CIPSCO requests immediate appointment of a settlement judge if the W-2 (NS) rates are suspended.

Notice of the instant filing was published in the **Federal Register** with comments due on or before November 24, 1982. In response to a motion by IMG, the comment periods was extended until December 6, 1982. IMG filed a timely motion to intervene, protest, and motion to reject.

IMG requests rejection of the filing with respect to the Cities of Casey, Flora, Greenup, and Newton (the Casey Group) on the grounds that those cities' contracts with CIPSCO contain *Mobile-Sierra* [4] protection from unilateral rate changes. If the Commission does not reject the filing, IMG requests that the Commission suspend the proposed rate schedule changes for five months, initiate a hearing, and deny the company's request to make the W-2 (NS) rates effective prior to a final Commission order. In support of its request for a five month suspension, IMG raises several issues regarding improper adjustments or treatment in the company's wholesale cost of service.[5]

IMG also requests that CIPSCO's request for a settlement judge be denied as premature, at least insofar as the Casey Group is concerned. IMG asserts that CIPSCO's request represents a violation of Commission settlement procedure. In addition, IMG alleges price squeeze and requests that phased price squeeze procedures be established.

On December 17, 1982, CIPSCO filed an answer to IMG's intervention. CIPSCO asserts that the contracts with the Casey Group are not fixed rate contracts, and that for several reasons those contracts do not preclude rate changes prior to final Commission approval. CIPSCO also opposes various of IMG's cost of service objections.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR § 385.214), IMG's timely motion to intervene serves to make it a party to this proceeding absent opposition within 15 days of its pleading.

As noted, IMG contends that the rates as applied to the Casey Group should be rejected on the basis of *Mobile-Sierra* contracts with CIPSCO. IMG also contends that the strict *Mobile-Sierra* burden of proof should apply. However, the Commission found in Opinion Nos. 142 and 142-A, *Central Illinois Public Service Company*, 20 FERC ¶ 61,043 and ¶61,435 (1982), that a rate change to these cities could become effective prospectively upon final Commission order and that the contracts at issue were not "fixed rate" contracts calling for application of the heavy burden of proof enunciated in the *Sierra* case, *supra*. There is no reason to revisit these issues at this time and we shall therefore deny IMG's motion to reject.

With respect to the proposed W-1, W-2, and W-3 rates to the customers that have executed settlement agreements, our analysis indicates that the rates are cost justified. Therefore, we shall accept these rates for filing without suspension to become effective

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[1] Although CIPSCO originally tendered its rates on November 1, 1982, the filing was completed by the submittal of additional information concerning the company's proposed make-up provision associated with its unfunded tax liability under the normalization requirements of section 35.25 of the Commission's regulations.

[2] *See* Attachment A for rate schedule designations. The proposed rates consist of a rate W-1 for full requirements service to cooperatives, a rate W-2 for full requirements service to municipalities which have executed settlement agreements, a rate W-2 (NS) for full requirements service to municipalities that have not executed settlement agreements and a rate W-3 for partial requirements service to municipalities. The rate W-2 (NS) differs from rate W-2 in that the monthly demand charge is $0.40/kW higher.

[3] The Illinois Municipal Group consists of the Cities of Casey, Flora, Greenup, Metropolis, and Newton.

[4] *United States Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *Federal Power Commission* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

[5] These issues include: (1) improperly estimated allocation of demand and energy costs; (2) excessive test period reserved capacity; (3) unsubstantiated increases in Period II expenses over Period I expenses; (4) excessive rate of return on common equity; (5) normalization accounting; and (6) improper rate design for the W-2 (NS) rates.

on January 1, 1983, as requested and as agreed to by the affected customers.

Having reviewed the information provided by the company, we further find that good cause exists to grant the request for waiver of any outstanding data requirements of section 35.13. Our preliminary review of CIPSCO's filing and the pleadings indicates that the proposed W–2(NS) 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 these rates for filing and suspend them, in part, as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed increase may be unjust and unreasonable and may generate substantially excessive revenues, as defined in *West Texas*. Our preliminary review suggests that the proposed W–2(NS) rates may yield substantially excessive revenues. Accordingly, insofar as those rates apply to the City of Metropolis (the only non-settling customer whose contract permits unilateral rate changes in advance of a Commission order), we shall suspend the W–2(NS) rates for five months from sixty days after completion of the filing, to become effective on July 1, 1983, subject to refund. Because CIPSCO's contracts with the Casey Group have been construed to provide that rate changes may become effective prospectively only following a final Commission order, the proposed rates to those customers will be set for hearing with any change to become effective upon final Commission order in this docket.

Based on the information available thus far, the Commission is not in a position to determine the prospects for settlement in this case or the appropriateness of designating a settlement judge. Because we believe that the Chief Administrative Law Judge will be better able to resolve this question following an initial conference and any recommendation by the presiding judge, we shall deny CIPSCO's request, without prejudice, and leave this matter to the discretion of the Chief Judge.

In light of IMG's price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company, Docket No. ER79–339 (August 6, 1979).*

As a final matter, the Commission observes that CIPSCO has utilized full tax normalization with respect to Accelerated Cost Recovery System (ACRS) property. According to our review, the instant filing reflects a normalization method of accounting for all post-1980 property additions, CIPSCO's cost of service correctly reflects the effects of normalization, and CIPSCO's submittal satisfies the requirements of the Economic Recovery Tax Act of 1981.

The Commission orders:

(A) The motions to reject CIPSCO's filing and to appoint a settlement judge are hereby denied. The request for waiver of the outstanding requirements of section 35.13 of the Commission's regulations is hereby granted.

(B) CIPSCO's proposed rates are hereby accepted for filing; the settlement rates W–1, W–2, and W–3 are accepted without suspension, to become effective on January 1, 1983, as requested; the W–2 (NS) rates as applicable to the City of Metropolis are suspended for five months from 60 days after completion of filing, to become effective, subject to refund, on July 1, 1983; the W–2 (NS) rates for the Casey Group will not become effective, except prospectively following a final Commission order in this docket.

(C) 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 the justness and reasonableness of CIPSCO's rates.

(D) The Commission staff shall serve top sheets in this proceeding on or before January 12, 1983.

(E) 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, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) 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 section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—Central Illinois Public Service Company Rate Schedule Designations (Docket No. ER83–78–000)

FERC Electric Tariff Original Volume No. 1

Rate Schedule W–1 for Wholesale Electric Service to Cooperatives

(1) 5th Revised Sheet No. 1, Supersedes 4th Revised Sheet No. 1.
(2) 2nd Revised Sheet No. 3, Supersedes 1st Revised Sheet No. 3.

FERC Electric Tariff Original Volume No. 2

Rate Schedule W–2(NS) for Wholesale Electric Service to Municipalities

(1) 6th Revised Sheet No. 1, Supersedes 5th Revised Sheet No. 1.
(2) 3rd Revised Sheet No. 2, Supersedes 2nd Revised Sheet No. 2.

FERC Electric Tariff Original Volume No. 2

Rate Schedule W–2 for Wholesale Electric Service to Municipalities

(1) Original Sheet No. 3.
(2) Original Sheet No. 4.

FERC Electric Tariff Original Volume No. 3

Rate Schedule W–3 for Wholesale Electric Service to Customers Purchasing Partial Requirements to Supplement Generation

(1) 4th Revised Sheet No. 1, Supersedes 3rd Revised Sheet No. 1.
(2) 2nd Revised Sheet No. 3, Supersedes 1st Revised Sheet No. 3.

[FR Doc. 83-564 Filed 1-7-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83–212–000]

Delmarva Power & Light Co.; Filing

January 4, 1983.

The filing Company submits the following:

Take notice that Delmarva Power & Light Company (Delmarva) on December 27, 1982, tendered for filing a Supplemental Agreement dated as of May 31, 1981, to the Interconnection Agreement dated May 26, 1970, with the City of Dover, Delaware. The purpose of

the Supplemental Agreement is to recognize in certain operational provisions of the Interconnection Agreement that Delmarva became a full member of the Pennsylvania-New Jersey-Maryland Interconnection on June 1, 1981. Prior to that time, Delmarva had been an associate member of the Interconnection.

Delmarva proposes an effective date of May 31, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served on the City of Dover, the Delaware Public Service Commission, and each of Delmarva's other resale customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. PLumb,

Secretary.

[FR Doc. 83-585 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-197-000]

Missouri Power & Light Co.; Order Granting Waiver of Notice, Accepting and Suspending Settlement Rates, and Finding ERTA Compliance

Issued: December 30, 1982.

On December 20, 1982, Missouri Power & Light Company (MPL) submitted for filing proposed changes in its Electric Service Tariffs, Rate Designation MESWR. MPL states that the proposed changes would increase revenues from jurisdictional sales and service by $151,074.44 based on the twelve month period ending December 31, 1983. Accompanying the filing was a Motion for Waiver of Notice Requirements in order to allow an effective date of December 31, 1982.

On the same date, MPL tendered for filing a Settlement Agreement dated December 16, 1982. The proposed settlement agreement would resolve all issues in the proceedings as to the five signatory customers. MPL stated that its primary purpose in making the filing was to secure a rate order, effective prior to January 1, 1983, to comply with the requirements of the Economic Recovery Tax Act of 1981 with regard to full normalization of tax-timing differences for post-1980 property. MPL has reserved its rights to pursue the proposed tariffs with regard to the sole nonsignatory customer, the City of Centralia, Missouri. The Settlement Agreement is stated to be supported by the five signatory customers and MPL.

Also on December 20, MPL transmitted to the Commission for filing a Motion to Collect Settlement Rates Pending Decision of the Commission.

The terms and conditions of the Settlement Agreement are summarized as follows: The settlement rates (designated Exhibit A) are effective for service rendered to signatory customers commencing on December 31, 1982 and replace those schedules currently in effect.

Discussion

We have not had time to evaluate MPL's proposed changes in its Rate MESWR and time for notice and comments has not passed. We shall therefore defer action on this filing. However, in light of the agreement of the five signatories to the settlement agreement, we shall grant waiver of notice and allow the settlement rates to go into effect, subject to refund, as of December 31, 1982. We further find that those rates reflect a method of normalization accounting and that the rates finally approved in this docket shall reflect normalization of all method and tax timing differences to conform to the requirements of ERTA. Accordingly, we find that MPL has complied with the Economic Recovery Tax Act of 1981.

The Settlement Agreement provides for the settlement rate to become effective as of December 31, 1982, for only the signatory customers. However, we find good cause to permit the settlement rate to be collected, subject to refund, from the City of Centralia, Missouri, a non-signatory customer, as well. We think that the tax benefits flowing from ERTA compliance accrue to MPL's customers as well as to the utility, and that such future tax benefits justify waiver of the full sixty-day notice requirement in this case.

Since the settlement rates have not yet been shown to be just and reasonable, a hearing shall be ordered below. Our action is without prejudice to action on the Rate MESWR filing itself.

The Commission Orders

(A) Waiver of notice to permit the settlement rates to become effective December 31, 1982, subject to refund, is hereby granted as to all six of MPL's customers.

(B) MPL's settlement rates are hereby accepted for filing, suspended and made effective, subject to refund, on December 31, 1982.

(C) 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 the justness and reasonableness of MPL's settlement rates. The rates to the five signatories to the settlement agreement shall be subject to Commission action on that agreement.

(D) 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 sixty (60) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of establishing a procedural schedule, including coordination with any hearing ordered on the MESWR rate. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-589 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-110-000, ER83-112-000, and ER83-136-000]

Montaup Electric Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Granting Waiver, Consolidating Dockets, and Establishing Hearing Procedures

Issued: December 30, 1982.

This order deals with three separate filings made by Montaup Electric Company (MEC). On November 8, 1982, MEC tendered for filing (Docket No. ER83-110-000) a proposed rate increase

for firm power service (M–8 rates)[1] to two affiliated and three non-affiliated wholesale customers.[2] The proposed M–8 rates would increase revenues by approximately $18 million (9 percent) for the calendar 1983 test period. MEC seeks the inclusion (through a supplemental demand charge) of 6 percent of its otherwise non-qualifying 1983 construction work in progress (CWIP) in rate base under the severe financial difficulty exception set forth in section 2.16(b) of the Commission's regulations. In addition, MEC requests waiver of the prospective-only requirement under section 2.16(b) with respect to the inclusion of CWIP in rate base.[3] MEC requests a January 8, 1983 effective date for the M–8 rates.

In Docket No. ER83–112–000, MEC Submitted for filing on November 9, 1982, rate schedule supplements which would add an Oil Conservation Adjustment provision (OCA) to its wholesale rate schedules. The OCA is proposed as a means of financing the conversions of MEC's Somerset Unit Nos. 5 and 6 (194 MW) from oil to coal-fired generation at a cost of approximately $57 million, to be recovered by 1986. Under the OCA, MEC's Customers would receive one-third of the fuel cost savings resulting from the use of coal rather than oil. MEC expects to utilize the remaining two-thirds (after any taxes) to help reduce 40% of its 1983 cash construction requirement. In the event that the OCA is not allowed to become effective, MEC proposes an alternate supplemental demand charge for the M–8 rates that would reflect the inclusion of $82.6 million of non-qualifying CWIP in rate base (44% of average 1982 CWIP). MEC requests that the OCA become effective on the later of sixty days after filing or the date on which coal-fired generation commences at the Somerset Units.

On November 18, 1982, MEC tendered for filing in Docket No. ER83–136–000, a revised fuel adjustment clause. MEC seeks waiver of section 35.14 of the Commission's regulations to recover capacity reservation charges through the proposed fuel adjustment clause when power is purchased solely for purposes of reducing energy costs and where the total cost per kilowatt hour is below MEC's incremental fuel cost. The company requests a January 8, 1983 effective date for the revised fuel clause.

Notice of MEC's filings were published in the **Federal Register** with comments due on or before December 1, 1982. The Attorney General of Rhode Island and the Rhode Island Division of Public Utilities and Carriers (Rhode Island) filed a timely protest, motion to intervene, and motion for maximum suspension. Rhode Island raises cost of service issues including (1) excessive return on equity; (2) substantial increases in certain maintenance items that should allegedly be capitalized rather than charged to expenses; (3) excessive cash working capital, O&M, and A&G expenses; and (4) test period load projections.[4] With regard to the issue of the inclusion of CWIP in rate base, Rhode Island claims that the Commission's findings in MEC's previous rate case [5] are inapplicable here because MEC's financial condition and the Circumstances relied upon in that proceeding have changed.

On December 1, 1982, MEC's three Non-affiliated customers, the Town of Middleboro, Massachusetts, Newport Electric Corporation, and the Pascoag Fire District (Customers) filed a protest, motion to intervene, and a request for maximum suspension and rejection of that portion of MEC's filing requesting the inclusion of non-qualifying CWIP in rate base. In addition to the cost of service issues raised by Rhode Island, the Customers also challenge MEC's (1) stated fuel stock levels; (2) certain load management expenses included in the cost of service; (3) continued use of a 100% demand ratchet; and (4) recovery of abandonment losses associated with Pilgrim Unit No. 2.

The Customers seek rejection of MEC's proposed CWIP-based supplemental charge on the basis that MEC is currently collecting CWIP-related revenues because the Commission found that MEC's bond rating might decline below investment grade. The Customers maintain that, because the financial problems have now subsided, MEC's proposed CWIP-related supplemental charge should be rejected and any CWIP-related revenues should be collected, if at all, only prospectively after a proceeding pursuant to section 2.16 of the Commission's regulations. However, the Customers support the proposed OCA, and request that the Commission approve the OCA subject to a one day suspension, while directing MEC to exclude from its rate base in all future proceedings the facilities financed by OCA revenues.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motions of Rhode Island and Customers serve to make them parties to this proceeding.

Consistent with recent Commission decisions,[6] in Docket No. ER83–136–000, we shall grant waiver of section 35.14 of the regulations to allow MEC to recover capacity-reservation costs through its fuel clause where power is purchased solely to reduce energy costs and where the total cost per kilowatt hour is below MEC's incremental fuel cost. However, this waiver is granted on a preliminary basis only and the issue is to be investigated during the hearing ordered below.

We believe that MEC has demonstrated a preliminary showing of continued financial difficulty under section 2. 16(b). Although the company's internal cash flow has improved from 13% to about 24% and its market-to-book ratio has recently improved from 70% to 84%, we note that (1) CWIP as a percentage of net plant in service has increased from 106% at the end of 1981 to 164% ($158 million) at the end of 1982 and is projected to further increase to 234% ($281 million) by the end of the 1983 test period; (2) the improvement in market-to-book ratio appears to be largely a result of the recent market surge and still leaves Eastern Utilities Associates system (EUA) in poor standing relative to the industry as a whole; (3) MEC's internal cash flow will likely drop in the face of rising construction outlays absent further relief; (4) EUA's bonds continue to carry the lowest investment grade rating; and (5) the relief granted in Docket No. ER82–325–000, while sufficient to prevent a bond downgrading in 1982, may well be insufficient to prevent the

[1] *See* Attachment A for rate schedule designations.

[2] The two affiliated customers are Blackstone Valley Electric Company and Eastern Edison Company. MEC's non-affiliated customers are Newport Electric Corporation, Pascoag Fire District, and the Town of Middleboro, Massachusetts.

[3] By order issued April 20, 1982, the Commission ruled that MEC had made a preliminary showing of severe financial stress in Docket No. ER82–325–000. The Commission waived the prospective-only requirement of section 2.16(b) with respect to MEC's requested surcharge to become effective, subject to refund, and set the surcharge for hearing.

[4] On December 16, 1982, MEC filed a pleading in Docket Nos. ER83–110–000 and ER83–112–000 answering the protests filed by its customers and Rhode Island. In its pleading, MEC has acceded to several cost of service adjustments: reduction of the requested return on equity from 18.6% to 18.0% and elimination of expenses associated with a remote control hot water heating study and certain Somerset boiler expenses. The company has further agreed to submit compliance rates within ten days of this order. Given the company's agreement to reflect these adjustments in its rates, we shall accept these modifications.

[5] *See Montaup Electric Company*, Docket Nos. ER82–325–000, *et al.*, 18 FERC ¶61,189 (1982).

[6] *E.g., Gulf States Utilities Company*, Docket No. ER82–357–000, 20 FERC ¶ 61,037 (1982); *Delmarva Power & Light Company*, Docket No. ER82–751–000 (October 29, 1982).

possibility of a 1983 downgrading in the face of the considerable increase in MEC's construction outlays. Therefore, we believe that the small improvement in MEC's financial condition could quickly erode in the event that continued CWIP relief were denied by this Commission.[7] Thus, we shall deny the Customers' request for rejection of MEC's CWIP charges, grant waiver of the Commission's prospective-only requirement, and set the CWIP charges for hearing.

With respect to MEC's proposed OCA in Docket No. ER83-112-000, we shall accept the OCA for filing in light of customer support of the financing mechanism, the company's apparent inability to secure external financing for the project, and the benefit of reduced fuel costs to be derived under the proposal.[8] However, we shall grant the Customers' request for refund protection and suspend the OCA to become effective, subject to refund, on the later of sixty days after filing or the date that coal-fired generation commences at the Somerset Units.

Our preliminary examination of the filing and the pleadings indicates that MEC's submittals in these dockets 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 we shall suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we explained that where our preliminary review suggests that increased rates may be unjust and unreasonable, but may not be substantially excessive as described in *West Texas*, we will ordinarily suspend the rates for one day. Because our preliminary examination indicates that MEC's rates may not yield substantially excessive revenues, we shall suspend the M-8 rates for one day to become effective, subject to refund, on January 9, 1983.

Also, we find that Docket Nos. ER83-110-000, ER83-112-000, and ER83-136-000 present common questions of law and fact; therefore we shall consolidate the proceedings for hearing purposes.

The Commission Orders

(A) MEC's proposed OCA in Docket No. ER83-112-000 is hereby accepted for filing and suspended to become effective, subject to refund, on the later of sixty days after filing or on the date that coal-fired generation commences at the Somerset Units.

(B) The Customers' motion to reject the CWIP portion of MEC's filing in Docket No ER83-110-000 is hereby denied.

(C) MEC's request for waiver of the prospective-only provision of section 2.16(b) is hereby granted as noted in the body of this order.

(D) MEC's request for waiver of the Commission's fuel clause regulations is granted on a preliminary basis to permit fuel clause recovery, subject to refund, of capacity-related costs when such costs are incurred solely to reduce the overall energy costs. The issue of fuel clause recovery of capacity payments incurred to reduce energy costs shall be addressed at hearing.

(E) MEC's proposed rates (reflecting the inclusion of $11.3 million of non-qualifying CWIP in rate base), as modified pursuant to ordering paragraph (F) below, are hereby accepted for filing and suspended for one day to become effective, on January 9, 1983, subject to refund.

(F) MEC's rate adjustments described in footnote 4 of this order are hereby accepted and MEC is required to file compliance rates within ten (10) days of the date of this order.

(G) 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 MEC's rates, including its requested CWIP relief, its OCA, and its proposed fuel adjustment provisions.

(H) Docket Nos. ER83-110-000, ER83-112-000, and ER83-136-000 are hereby consolidated for purposes of hearing and decision.

(I) The Commission staff shall serve top sheets in this proceeding on or before January 10, 1983.

(J) 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, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—Montaup Electric Company, Rate Schedule Designations

Docket No. ER83-112-000

Oil Conversion Adjustment

Designation and Other Party

(1) Original Sheet No. 6.1 under FPC Electric Tariff Original Volume No. 1—Tariff Customers
(2) Supplement No. 1 to Supplement No. 6 to Rate Schedule FPC No. 15—Taunton, Massachusetts
(3) Supplement No. 19 to Rate Schedule FPC No. 33—Newport Electric Corporation
(4) Supplement No. 26 to Rate Schedule FPC No. 36—Middleboro, Massachusetts
(5) Supplement No. 5 to Rate Schedule FPC No. 40—Middleboro, Massachusetts
(6) Supplement No. 1 to Supplement No. 2 to Rate Schedule FERC No. 64—Pascoag Fire District
(7) Supplement No. 8 to Rate Schedule FPC No. 64—Pascoag Fire District

Docket No. ER83-110-000 and ER83-136-000

Designation and Description

(1) Thirteenth Revised Sheet No. 4 under FPC Electric Tariff, Original Volume No. 1 (Supersedes Twelth revised sheet No. 4 & Original Sheet No. 4.1)—Base Rates
(2) Third Revised Sheet No. 5 under FPC Electric Tariff Original Volume No. 1 (Supersedes Second Sheet No. 5)—Determination of Billing Demand & Energy
(3) Thirteenth Revised Sheet No. 6 under FPC Electric Tariff, Original Volume No. 1 (Supersedes Twelfth revised sheet No. 6)—Fuel Cost Adjustment Clause (Docket No. ER83-136-000)
(4) First Revised Sheet No. 4.2 under FPC Electric Tariff Original Volume No. 1 (Supersedes Original Sheet No. 4.2)—Supplemental CWIP-charge with OCA Fund
(5) Supplement No. 20 to Rate Schedule FPC No. 33 (Supersedes Supplement Nos. 16 &

[7] We note further that the current proposal is to include $11.3 million of non-qualifying CWIP in rate base (6% of average 1983 CWIP) as compared to the currently effective rates which are based on $18.9 million of non-qualifying CWIP (16% of average 1982 CWIP).

[8] MEC's OCA is similar to oil conversion adjustments accepted for filing in *Northeast Utilities Service Company*, Docket No. ER81-165-000 (January 14, 1981), and *New England Power Company*, Docket No. ER81-398-000 (June 26, 1981). We note that MEC will credit the funds realized under to OCA to construction work orders until the conversion work order balances are reduced to zero, at which time all cost savings will be passed on to the affected customers. This procedure should assure that the customers are not charged for OCA-financed plant outlays and appears to moot the request to direct MEC to exclude from rate base facilities which are financed through the OCA.

17)—Base Rates and Fuel Adjustment Clause (Docket No. ER83-136-000)
(6) Supplement No. 21 to Rate Schedule FPC No. 33 (Supersedes Supplement No. 18)—Supplemental CWIP-charge with OCA Fund
(7) Supplement No. 27 to Rate Schedule FPC No. 36 (Supersedes Supplement Nos. 22 & 23)—Base Rates and Fuel Adjustment Clause (Docket No. ER83-136-000)
(8) Supplement No. 28 to Rate Schedule FPC No. 36 (Supersedes Supplement No. 24)—Supplement CWIP-charge with OCA Fund
(9) Supplement No. 9 to Rate Schedule FERC No. 64 (Supersedes Supplement Nos. 5 & 6)—Base Rates and Fuel Adjustment Clause (Docket No. ER83-136-000)
(10) Supplement No. 10 to Rate Schedule FERC No. 64 (Supersedes Supplement No. 7)—Supplemental CWIP-charge with OCA Fund

[FR Doc. 83-590 Filed 1-7-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-115-000]

Mountain Fuel Supply Co.; Request Under Blanket Authorization

January 4, 1983.

Take notice that on December 8, 1982, Mountain Fuel Supply Co. (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84111, filed in Docket No. CP83-115-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Mountain Fuel proposes to establish additional delivery points for natural gas transported on behalf of Natural Gas Pipeline Company of America (NGPL) under the authorization issued in Docket No. CP82-490 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Mountain Fuel states it is authorized by Commission order of June 8, 1981, in Docket No. CP80-160 to deliver, pursuant to its Rate Schedule X-25 up to 30,000 Mcf of natural gas per day to Colorado Interstate Gas Company for NGPL's account at Mountain Fuel's Kanda Exchange Point located in Sweetwater County, Wyoming. Mountain Fuel further states that pursuant to Section 157.212 of the Regulations, it intends to deliver such volumes to Wyoming Interstate Company (WIC) for NGPL's account at points of interconnection between the facilities of Mountain Fuel and WIC at the Kanda Exchange Point for NGPL's account as an alternate to the existing delivery point. Mountain Fuel asserts that no new facilities would be required to effect the delivery of NGPL's gas to WIC for the account of NGPL, nor would the proposed additional delivery points have an impact on Mountain Fuel's peak day or annual deliveries since the instant request proposes no increase in the volumes to be delivered and the facilities to be utilized are immediately adjacent to those through which such volumes are currently being delivered.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-591 Filed 1-7-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-73-000]

New England Power Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Granting Waiver, and Establishing Hearing Procedures

Issued: December 30, 1982.

On October 29, 1982, New England Power Company (NEP) tendered for filing a proposed increase in rates for the sale of specified amounts of unit capacity to the Massachusetts Municipal Wholesale Electric Company (MMWEC) and the Town of Templeton, Massachusetts (Templeton).[1] The proposed rates would increase revenues by approximately $4.4 million (21.34%) during the calendar year 1983 test period. NEP requests an effective date of January 1, 1983, and also requests waiver of section 35.13 of the Commission's regulations to incorporate in the instant filing Statements AA through BL as submitted previously by NEP in Docket No. ER82-702-000.

Notice of the filing was published in the **Federal Register** with comments due on or before November 22, 1982. MMWEC and Templeton (Customers) filed a timely protest and motion to intervene. The Customers request a hearing but do not oppose a January 1, 1983 effective date, provided that the rates are collected subject to refund. In support of their request for a hearing, the Customers assert (1) that NEP's proposed rate of return on common equity is excessive, and (2) that NEP should be required to amortize over a five year period certain "extraordinary" expenses related to an overhaul of one of the generating units from which unit sales are being made (Salem Harbor Unit No. 2).

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the Customers' timely motion to intervene serves to make them parties to this proceeding.

Our preliminary examination of NEP's filing and the Customers' pleading 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 rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we explained that where our preliminary examination indicates that revised rates may be unjust and unreasonable, but may not be substantially excessive as described in *West Texas*, we will ordinarily suspend the rates for a nominal period. Our review of the instant submittal suggests that NEP's proposed rates may not produce substantially excessive revenues. Furthermore, as noted above, the affected customers do not oppose NEP's proposed effective date of January 1, 1983. Therefore, we shall suspend the rates to become effective, subject to refund, on January 1, 1983.

Finally, we note that the proposed rates are based on substantially the same cost of service as that which is at issue in Docket No. ER82-702-000. We shall, therefore, grant NEP's request for waiver of section 35.13(h) of our regulations so as to permit the incorporation by reference of cost of service data presented in the earlier docket.

The Commission Orders

(A) Waiver of section 35.13(h) of the Commission's regulations is hereby granted as discussed in the body of this order.

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[1] The rate schedule designations are as follows:
New England Power Company, Supplement No. 3 to Rate Schedule FERC No. 310 [other party: MMWEC]
Supplement No. 3 to Rate Schedule FERC No. 311 [other party: Templeton]

(B) NEP's submittal is hereby accepted for filing and suspended to become effective, subject to refund, on January 1, 1983.

(C) 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 the justness and reasonableness of NEP's rates.

(D) 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 from the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20416. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-502 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-217-000]

Northern Indiana Public Service Co.; Filing

January 4, 1983.

The filing Company submits the following:

Take notice that on December 29, 1982, Northern Indiana public Service Co. (NIPSCO) tendered for filing as initial rate schedules, service schedules to an interconnection agreement with the Indiana municipal Power Agency (IMPA) providing for:

Service Schedule A—Transmission and Distribution Substation Service
Service Schedule C-1—Short Term Power NIPSCO to IMPA
Service Schedule D-1—Emergency Energy NIPSCO to IMPA
Service Schedule E-1—Interchange Energy NIPSCO to IMPA
Service Schedule F—Operating Reserves

NIPSCO requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-503 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-89-000]

Northern States Power Co. (Minnesota); Order Accepting for Filing and Suspending Rates, Denying Request for Waiver, Granting Intervention, and Initiating Hearing Procedures

Issued: December 30, 1982.

On November 1, 1982, Northern States Power Company (Minnesota) (NSP-M) filed an amendment to the Coordinating Agreement among NSP-M, Northern States Power Company (Wisconsin) (NSP-W), and Lake Superior District Power Company (LSDP).[1] The amendment is intended to modify the methodology for determing capital structures and cost rates (including an increase in the return on equity) to be used in calculating the fixed charges shared among the three companies. NSP-M, on behalf of the three companies, requests that the notice requirements be waived so that the amendment may become effective as of June 30, 1982, the effective date of the Coordinating Agreement and the inclusion of LSDP as a party to that Agreement. NSP-M states that the amendment will yield a net annual decrease in charges of approximately $982,000 to NSP-M, a net increase of approximately $808,000 to NSP-W, and a net increase of approximately $174,000 to LSDP.

Notice of the amendment was published in the **Federal Register** with comments due on or before November 24, 1982. On November 12, 1982, the municipalities of Anoka, Arlington, Brownton, Buffalo, Chaska, Granite Falls, Kasota, Kasson, Lake City, North Saint Paul, Saint Peter, Shakopee, Waseca, and Winthrop, Minnesota (Minnesota Cities) filed a motion to intervene. The Minnesota Cities state that they have not had sufficient time to evaluate the filing, but question whether the amendment will produce just and reasonable rates. On November 24, 1982, the municipalities of Bangor, Barron, Bloomer, Medford, and Spooner, Wisconsin, and the Wisconsin Public Power Incorporated System (Wisconsin Cities) filed a timely motion to intervene and request for a hearing. The Wisconsin Cities also state that they have not had time to fully evaluate the filing. They question both the methodology and the claimed rate of return. Also on November 24, 1982, the Minnesota Public Utilities Commission filed a timely notice of intervention. The Minnesota Commission questions whether capital costs may be allocated by the Coordinating Agreement, states that it has jurisdiction over the return on investment used and useful to retail ratepayers, and adds that these costs may be unreasonable.

On November 29, 1982, December 3, 1982, and December 13, 1982, respectively, the Public Utilities Commission of the State of South Dakota, the Public Service Commission of Wisconsin, and the Attorney General of Minnesota filed untimely interventions. The Minnesota Attorney General, like the Minnesota Commission, suggests that the cost of capital lies properly before the Minnesota Commission, but that, alternatively, the costs should be scrutinized to ensure that they are not unreasonable.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure, the timely motions to intervene serve to make the Minnesota Cities and the Wisconsin Cities parties to this proceeding. Under Rule 214(a)(2), the Minnesota Commission is a party by virtue of the timely notice of intervention. The South Dakota and Wisconsin Commissions and the Minnesota Attorney General failed to seek intervention in a timely fashion. Nevertheless, given their interest in this proceeding, the early stages of the case, the fact that their intervention should neither delay the proceeding nor prejudice any party, and as a matter of

[1] *See* Attachment A for rate schedule designations.

comity, we shall permit them to intervene.

We disagree with the Minnesota Public Utility Commission and Attorney General that capital costs are somehow different from the other costs allocated under the Coordinating Agreement and are therefore not subject to this Commission's jurisdiction.

The return on capital is as much a part of the cost of service as any other cost, and this cost and its allocation is subject to our jurisdiction under the Coordinating Agreement. The Minnesota Public Utility Commission and Attorney General, along with the other parties, may present their views as to the proper cost of capital in the hearing ordered below.

Our preliminary review of the instant filing and the pledings indicates that the amendment proposed by NSP-M has 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 amendment for filing and suspend its operation as ordered below.

As noted, NSP-M seeks an effective date of June 30, 1982, and so has requested waiver of the notice requirements, inasmuch as (1) the proposed amendment will redistribute charges among the parties and ultimately affect rates to customers of the parties, (2) our preliminary review suggests that the proposed amendment may yield rates which are unjust and unreasonable, and (3) the only stated basis for waiver is to coincide with the date on which LSDP became a party to the Coordinating Agreement, we find that good cause has not been shown to permit waiver. NSP-M's request will therefore be denied.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC 61,189 (1982), we explained that where our preliminary examination indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive, as defined in *West Texas*, we would generally impose a nominal suspension. In the instant proceeding, our examination suggests that the amendment may not result in substantially excessive revenues. Accordingly, we shall suspend the proposed amendment for one day from sixty days after filing, to become effective, subject to refund, on January 2, 1983.

The Commission Orders

(A) NSP-M's request for waiver of the notice requirements is hereby denied.

(B) NSP-M's proposed amendment is hereby accepted for filing and suspended for one day from sixty days after filing, to become effective, subject to refund, on January 2, 1983.

(C) 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 the justness and reasonableness of the proposed amendment.

(d) The untimely interventions are hereby granted subject to the Commission's Rules of Practice and Procedure.

(E) 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 thirty (30) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of establishing a procedural schedule. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—Northern States Power Company (Minnesota), Docket No. ER83-89-000

Rate Schedule Designations

Designation and Description

(1) *Northern States Power Company (Minn.).* Supplement No. 2 to Rate Schedule FERC No. 416—Amendment to Coordinating Agreement to Determine Return on Investment
(2) Supplement No 3 to Rate Schedule FERC No. 416— Exhibit "B"—Derivation of Capital Structure For Use In Determining Return on Investment
(3) Supplement No. 4 to Rate Schedule FERC No. 416—Exhibit "C"— Cost of Common Equity Included in Fixed Charges
(4) *Northern States Power Company (Wisconsin)* Supplement No. 2 to Rate Schedule FERC No. 67—Same as (1) above
(5) Supplement No. 3 to Rate Schedule FERC No. 67—Same as (2) above
(6) Supplement No. 4 to Rate Schedule FERC No. 67—Same as (3) above
(7) *Lake Superior District Power Company* Supplement No. 2 to Rate Schedule FERC No. 30—Same as (1) above
(8) Supplement No. 3 to Rate Schedule FERC No. 30—Same as (2) above
(9) Supplement No. 4 to rate Schedule FERC No. 30—Same as (3) above

[FR Doc. 83-594 Filed 1-7-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-90-000]

Northern States Power Co. (Minnesota); Order Accepting for Filing and Suspending Rates, Noting Interventions, and Establishing Hearing Procedures

Issued: December 30, 1982.

On November 1, 1982, Northern States Power Company (Minnesota) (NSP-M) tendered for filing a two-phase increase in its rates for wheeling service to fifteen customers.[1] The first step rates would provide for an increase in revenues of approximately $330,000 (32.8%) for the calendar year 1983 test period. The second step rates would further increase revenues by approximately $40,000. NSP-M proposes effective dates of December 31, 1982, and January 1, 1983, for the first and second step rates, respectively.

Notice of NSP-M's rate increase was published in the **Federal Register** with comments due on or before November 23, 1982. On November 10, 1982, twelve affected wheeling customers (Customers) filed a motion to intervene, briefly noting several cost of service issues,[3] and requesting a maximum suspension.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motion to intervene serves to make the Customers parties to this proceeding.

Our preliminary review of the instant filing and the Customers' pleading indicates that the rates proposed by NSP-M 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 two phase rate increase for filing and suspend the rates as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 81 FERC ¶ 61,189 (1982), we explained that where

[1] *See* Atttachment A for customers and rate schedule designations.

[2] The municipalities of Oliva, Sauk-Centre, St. James, Melrose, Marshall, Sleepy Eye, Granite Falls, East Grand Forks, Ada, and Fairfax, Minnesota, the Renville-Sibley Co-op Power Association, and the municipality of Hillsboro, North Dakota.

[3] The Customers question the stated cost of capital, the calculation of transmission losses, claimed transmission operating and maintenance costs, inclusion of a late payment provision, and the claimed rate base and allocation factors.

our preliminary examination indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive as defined in *West Texas*, we would generally impose a nominal suspension. In this proceeding, our review indicates that the first and second step rates may not yield excessive revenues. Accordingly, we shall suspend both the first and second step rates for one day to become effective, subject to refund, on January 1, 1983, and January 2, 1983, respectively.

Finally, we note that NSP-M has requested that the Commission issue an order approving the use of tax normalization with respect to Accelerated Cost Recovery System (ACRS) property in order to satisfy the requirements of the Economic Recovery Tax Act of 1981 (ERTA). According to our review, the instant filing reflects a normalization method of accounting for post-1980 property additions, NSP-M's cost of service correctly reflects the effects of normalization, and NSP-M has satisifed the requirements of ERTA.

The Commission Orders

(A) NSP-M's proposed first rates are hereby accepted for filing and suspended for one day, to become effective, subject to refund, on January 1, 1983. NSP-M's proposed second step rates are hereby accepted for filing and suspended for one day, to become effective, subject to refund, on January 2, 1983.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal 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 the justness and reasonableness of NSP-M's rates.

(C) The Commission staff shall serve top sheets in this proceeding on or before January 6, 1983.

(D) 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, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—Northern States Power Company (Minnesota) Rate Schedule Designations

Docket No. ER83-90-000

Designation and Other Party

I. Transmission Service—First Step Rates

1. Supplement No. 3 to Supplement No. 4 to Rate Schedule FPC No. 331 (Supersedes Supplement No. 2 to Supplement No. 4)—Renville-Sibley Cooperative Power Association
2. Supplement No. 8 to Rate Schedule FERC No. 388 (Supersedes Supplement No. 3)—City of Olivia
3. Supplement No. 9 to Rate Schedule FERC No. 389 (Supersedes Supplement No. 4)—City of Sauk Centre
4. Supplement No. 10 to Rate Schedule FERC No. 390 (Supersedes Supplement No. 4)—City of Ada
5. Supplement No. 4 to Rate Schedule FERC No. 393—City of Sleepy Eye
6. Supplement No. 8 to Rate Schedule FERC No. 400—City of Fairfax
7. Supplement No. 8 to Rate Schedule FERC No. 401—City of Melrose
8. Supplement No. 4 to Rate Schedule FERC No. 403—City of Marshall
9. Supplement No. 3 to Rate Schedule FREC No. 412 (Supersedes Supplement No. 1)—City of St. James
10. Supplement No. 4 to Rate Schedule FERC No. 414 (Supersedes Supplement No. 2)—City of Hillsboro

II. On Line Transmission Service—First Step Rates

1. Supplement No. 19 to Rate Schedule FPC No. 355 (Supersedes Supplement No. 17)—City of Granite Falls
2. Supplement No. 2 to Rate Schedule FPC No. 385 (Supersedes Supplement No. 1)—State of South Dakota
3. Supplement No. 8 to Rate Schedule FERC No. 387 (Supersedes Supplement No. 3)—City of East Grand Forks
4. Supplement No. 3 to Rate Schedule FERC No. 404 (Supersedes Supplement No. 2)—University of North Dakota
5. Supplement No. 5 to Rate Schedule FERC No. 413 (Supersedes Supplement No. 2)—City of Sioux Falls

III. Transmission Service—Second Step Rates

1. Supplement No. 4 to Supplement No. 4 to Rate Schedule FPC No. 331 (Supersedes Supplement No. 3 to Supplement No. 4)—Renville-Sibley Cooperative Power Association
2. Supplement No. 9 to Rate Schedule FERC No. 388 (Supersedes Supplement No. 8)—City of Olivia
3. Supplement No. 10 to Rate Schedule FERC No. 389 (Supersedes Supplement No. 9)—City of Sauk Centre
4. Supplement No. 11 to Rate Schedule FERC No. 390 (Supersedes Supplement No. 10)—City of Ada
5. Supplement No. 5 to Rate Schedule FERC No. 393 (Supersedes Supplement No. 4)—City of Sleepy Eye
6. Supplement No. 9 to Rate Schedule FERC No. 400 (Supersedes Supplement No. 8)—City of Fairfax
7. Supplement No. 9 to Rate Schedule FERC No. 401 (Supersedes Supplement No. 8)—City of Melrose
8. Supplement No. 5 to Rate Schedule FERC No. 403 (Supersedes Supplement No. 4)—City of Marshall
9. Supplement No. 4 to Rate Schedule FERC No. 412 (Supersedes Supplement No. 3)—City of St. James
10. Supplement No. 5 to Rate Schedule FERC No. 414 (Supersedes Supplement No. 4)—City of Hillsboro

IV. On Line Transmission Service—Second Step Rates

1. Supplement No. 20 to Rate Schedule FPC No. 355 (Supersedes Supplement No. 19)—City of Granite Falls
2. Supplement No. 3 to Rate Schedule FPC No. 385 (Supersedes Supplement No. 2)—State of South Dakota
3. Supplement No. 9 to Rate Schedule FERC No. 387 (Supersedes Supplement No. 8)—City of East Grand Forks
4. Supplement No. 4 to Rate Schedule FERC No. 404 (Supersedes Supplement No. 3)—University of North Dakota
5. Supplement No. 6 to Rate Schedule FERC No. 413 (Supersedes Supplement No. 5)—City of Sioux Falls

[FR Doc. 83-595 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-213-000]

Pacific Power & Light Co.; Filing

January 4, 1983.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (PP&L) on December 27, 1982, tendered for filing a Letter Agreement between Pacific Gas and Electric Company and PP&L.

PP&L requests an effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were supplied to Pacific Gas and Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 20, 1983. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-596 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1688-000]

Donald G. Raymer; Application

January 4, 1983.

The filing individual submit the following:

Take notice that on December 17, 1982, Donald G. Raymer filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President and Director—Central Illinois Public Service Company
Director: Electric Energy, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-586 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER 83-211-000]

Southern California Edison Co.; Filing

January 4, 1983.

The filing Company submits the following:

Take notice that on December 27, 1982, Southern California Edison Company (Edison) Tendered for filing a Notice of Cancellation of Rate Schedule FPC No. 43 and all its amendments.

Edison states that the aforementioned rate schedule includes a contractual agreement executed on November 18, 1966, between the State of California Department of Water Resources (CDWR) and Pacific Gas and Electric Company, and the Department of Water and Power of the City of Los Angeles (Suppliers), for the Sale, Exchange, and Transmission of Electric Capacity and Energy for the Operation of State Water Project Pumping Plants. Edison requests an effective date of March 31, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-597 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-215-000]

Southern Indiana Gas and Electric Co.; Filing

January 4, 1983.

The filing Company submits the following:

Take notice that on December 29, 1982, Southern Indiana Gas and Electric Company (Southern Indiana) tendered for filing proposed changes in its FPC Electric Service Tariff.

Southern Indiana states that the purpose of this filing is to revise Service Schedule D—Short Term Power, Exhibit IV (5th Revision).

Southern Indiana further states that the proposed revisions and addition reflect a desire on the part of both parties to provide for present and anticipated future increases in services and costs to attain the maximum benefit from the interconnection of their systems.

Southern Indiana requests an effective date as of the date of this filing, and therefore requests waiver of the Commission's notice requirements.

A copy of this filing has been served upon Big Rivers, the Public Service Commission of the State of Indiana and the Public Service Commission of the Commonwealth of Kentucky.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-598 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-209-000]

Tapoco, Inc.; Filing

January 4, 1983.

The filing Company submits the following:

Take notice that Tapoco, Inc., (Tapoco) on December 23, 1982, tendered for filing proposed changes in its FERC Electric Service Rate Schedule No. 3. The proposed change consists of a new power and energy exchange agreement between Tapoco, Inc. and the Tennessee Valley Authority to replace in its entirety the current Tapoco-FERC Rate Schedule No. 3.

According to Tapoco, Tapoco-FERC Rate Schedule No. 3 expires by its terms on December 31, 1982. On December 22, 1982, the Tennessee Valley Authority Board approved the new exchange agreement between Tapoco and the Tennessee Valley Authority to supersede the expiring arrangement. Tapoco states that the new agreement provides for an effective date of January 1, 1983 and has an effective term of a period of twenty years. The new agreement provides that over the twenty year term of the agreement, there will be

an equal exchange of kilowatt hours by the two parties. Tapoco asserts that the existence of this power coordination and exchange agreement will permit a more efficient utilization of the Tennessee Valley Authority and Tapoco hydroelectric facilities on the Little Tennessee River than would otherwise be possible under independent operation.

Tapoco requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before Janauary 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-580 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-210-000]

Virginia Electric and Power Co.; Filing

January 4, 1983.

The filing Company submits the following:

Take notice that Virginia Electric and Power Company (VEPCO) tendered for filing on December 23, 1982, revised rates for transmission service contained in a revised contract with the Southeastern Power Administration. (SEPA).

Vepco states that the increase in the transmission service charge is necessary to place the charge on a compensatory basis.

Vepco requests an effective date of December 30, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon SEPA, upon the Vepco preference customers of SEPA and upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-580 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-214-000]

Virginia Electric and Power Co.; Filing

January 4, 1983.

The filing Company submits the following:

Take notice that on December 27, 1982, Virginia Electric and Power Company (VEPCO) tendered for filing a Contract Supplement to the Agreement between VEPCO and the Town of Culpeper, Virginia.

Said Supplement requests Commission authorization for changes in the location of the delivery point, a change in the Contract minimum, and an inclusion of the current facilities charge rate.

VEPCO requests an effective date of August 18, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-581 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1566-001]

Michael R. Whitley; Application

January 4, 1983.

The filing individual submit the following:

Take notice that on December 16, 1982, Michael R. Whitley filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President and Secretary—Kentucky Utility Company
Vice President and Secretary—Old Dominion Power Company
Director—Old Dominion Power Company

Any person desiring to be heard or to protest said filing should filed a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). All such motions or protests should be filed on or before January 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-586 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-216-000]

Wisconsin Power and Light Co.; Filing

January 4, 1983.

The filing Company submits the following:

Take notice that on December 29, 1982, Wisconsin Power and Light Company (WP&L) tendered for filing a revised Service Schedule A dated June 1 1982, between the Madison Gas & Electric Company and WP&L. WP&L states that this supplemented and amended schedule to the Interconnection Agreement between the parties is tendered for the purposes of bringing the instant agreement into conformity with its counterpart

agreements between WP&L and other Wisconsin Power Pool companies.

WP&L requests an effective date of June 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Madison Gas & Electric Company and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should filed a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-582 Filed 1-7-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[SAB-FRL 2280-4]

Science Advisory Board, ORD Laboratory Review Group; Open Meeting

Under Pub. L. 92-463, notice is hereby given of a meeting of the Science Advisory Board's Office of Research and Development (ORD) Laboratory Review Group. The meeting will be held January 25-26, 1983 starting at 9:15 a.m. on January 25 in Room 1101 West Tower, EPA Headquarters, 401 M Street, S.W., Washington, D.C.

The purpose of the ORD Laboratory Review Group is to provide advice and comment to the Administrator and the Agency on the management of the Agency's research laboratories within the Office of Research and Development. This particular meeting will consist of an orientation session for members of the review group, a discussion of the mission and charge to the review group, and development of a time schedule and method of organization for carrying out the review group's activities.

The meeting is open to the public. Any member of the public wishing to obtain information should contact Dr. Terry F. Yosie, Acting Director, Science Advisory Board (202) 382-4126 by close of business January 18, 1983.

Terry F. Yosie,

Acting Director, Science Advisory Board.

December 30, 1982.

[FR Doc. 83-560 Filed 1-7-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Loose-Leaf Publication of "FCC Rules"

December 22, 1982.

FCC currently publishes a loose-leaf edition of its rules called "FCC Rules" in eleven volumes. This publication in the past has been typeset separately from the Code of Federal Regulations (CFR) publication of FCC's rules in Title 47. Beginning in January 1983, FCC will produce "FCC Rules" using magnetic media created for the Office of the Federal Register's most recent edition (i.e. October 1, 1982) of Title 47 of the CFR.

The CFR material will be reformatted into our current loose-leaf or pamphlet styles by the Government Printing Office. The rules will be identical to Title 47 of the Code in terms of content. After initial production, a complete set of revised FCC Rules will be produced each year in accordance with the **Federal Register's** updating schedule. The present volumes will remain available to subscribers until the new system is implemented or until GPO's stock is depleted. Upon implementation of the automated system, all subscriptions will be discontinued and the rules volumes made available through individual purchases. Once GPO is out of stock of a particular volume or transmittal sheet, it will not be reprinted.

In addition, transmittal sheets will no longer be included in the cost of a specific volume. Although the capacity exists for issuing transmittal sheets, because of budgetary constraints, these will be issued only when absolutely necessary. On the rare occasions a transmittal is prepared, it may be purchased as a separate publication.

A change in the production system of the "FCC Rules" has provided an opportunity to review each volume and its parts for 'compatibility' and to determine if utilizing a pamphlet format rather than a loose-leaf format for a particular rules part would be less costly to consumers. The attached chart illustrates the composition of each volume and includes *estimated* selling prices.

Currently subscribers will receive notification of the availability of rules volumes and an order form from the Superintendent of Documents, Government Printing Office. As a supplement to GPO's notification, the Commission will issue a public notice, intended primarily for non-subscribers, when the rules become available. An order form will be included at that time. The FCC anticipates that the automated system will reduce the costs of "FCC Rules" volumes to the public, and, in many instances, improve the timeliness of the volumes.

Questions and comments may be directed to Callie E. Holder at 1919 M Street, N.W., Room 224, Washington, D.C. 20554, (202) 632-4178.

Federal Communications Commission.

William J. Tricarico,

Secretary.

	Estimated selling price
Loose-Leaf Rules	
Volume I	$5.50
Part 0—Commission organization.	
Part 1—Practice and procedure.	
Part 19—Employee responsibilities and conduct.	
Volume II	7.00
Part 2—Frequency allocations and radio treaty matters; general rules and regulations.	
Part 5—Experimental radio services (other than broadcast).	
Part 15—Radio frequency devices.	
Part 18—Industrial, scientific and medical equipment.	
Volume III	11.00
Part 73—Radio broadcast services.	
Part 74—Experimental, auxiliary, special broadcast and other program distributional services.	
Part 100—Direct broadcast satellites.	
Volume IV	8.50
Part 17—Construction, marking and lighting of antenna structures (*formerly in volume I*).	
Part 81—Stations on land in the maritime services.	
Part 83—Services on shipboard in the maritime services	
Part 87—Aviation services (*formerly in volume V*).	
Volume V	5.50
Part 90—Private land mobile radio services.	
Part 94—Private operational-fixed microwave service.	
Volume VII	5.50
Part 21—Domestic public fixed radio services.	
Part 22—Public mobile radio services.	
Part 23—International fixed public radiocommunications services.	
Part 25—Satellite communications.	
Volume VIII	5.50
Part 31—Uniform system of accounts for class A and class B telephone companies (*formerly in volume IX*).	
Part 33 Uniform system of accounts for class C telephone companies (*formerly in volume IX*).	
Part 35—Uniform system of accounts for wire-telegraph and ocean-cable carriers.	
Pamphlets	
Part 13—Commercial radio operators (*formerly in volume II*)	2.00

	Estimated selling price
Part 95:[1]	
Subpart A—General mobile radio	2.75
Subpart C—Radio control	2.25
Subpart D—Citizens band radio	4.50
Subpart E—Technical regulations	2.25
Part 97 [2]—Amateur radio service (*formerly in volume VI*)	3.25
Part 99 [2]—Disaster communications service (*formerly in volume VI*)	2.25
Part 41 [2]—Telegraph and telephone franks	
Part 51 [2]—Occupational classification and compensation of employees of telephone companies	
Part 52 [2]—Classification of wire-telegraph employees	2.50
Part 66 [2]—Applications relating to consolidation, acquisition or control of telephone companies	
Part 42 [2]—Preservation of records of communication common carriers	
Part 43 [2]—Reports of communication common carriers and certain affiliates	4.25
Part 63 [2]—Extension of lines and discontinuance of service by carriers	
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Part 61 [2]—Tariffs	
Part 62 [2]—Applications to hold interlocking directorates	2.50
Part 67 [2]—Jurisdictional separations	
Part 68 [2]—Connection of terminal equipment to the telephone network (*formerly in volume X*)	4.50
Part 76 [3]—Cable television service	
Part 78 [3]—Cable television relay service	4.00
Part 83:	
Subpart CC—How to use your VHF marine radio (*also included in volume IV*)	3.75

[1] Subparts A–E were formerly in volume VI.
[2] Parts 41–43, 51, 52, 61–64, 66–68 were formerly in volume X.
[3] Parts 76, 78 were formerly in volume XI.

[FR Doc. 83-557 Filed 1-7-83; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1389]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

January 6, 1983.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

SUBJECT: Amendment of Annual Report of Licensee in Public Mobile Radio Services (FCC Form L). (CC Docket No. 82–85)

FILED BY: Kenneth E. Hardman, Attorney for Telocator Network of America on 12–10–82.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-562 Filed 1-7-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. CC 81-351; Transmittal No. 13663 (6-17-81; 46 FR 31747)]

American Telephone & Telegraph Co.; Revisions to Tariff FCC Nos. 258 and 260, and the Establishment of Tariff FCC No. 269, for Series 7000 Terrestrial Television Transmission Services; Order

Adopted: December 16, 1982.

Released: December 22, 1982.

By the Deputy Chief, Common Carrier Bureau:

1. We have before us an Interim Settlement Proposal of User Parties [1] which addresses major issues in the above-captioned investigation of the American Telephone and Telegraph Company's Series 7000 terrestrial transmission offerings. Also before us is a concamitant request by these parties that we seek prompt comment on this proposal, and defer other procedural dates set in this proceeding in the meantime. For reasons to be explained, we will grant the User Parties' requests.

Background and Proposal

2. These are basically two groups of customers for Series 7000 service: The three major television networks which require regular, long term service to their network affiliates, and small users who need occasional service for sporting events, news, and entertainment programming. Since its inception in the 1940's, AT&T's rate structure for this service has contained separate full time and part time for (or occasional use) offerings to meet these needs, but AT&T has never adequately justified the rate disparity between the two offerings.

3. Since the networks are virtually the only users of full time service, the apparently lower full time rate has been perceived by the Commission as a possibly unreasonable discrimination against occasional users, despite the fact that the networks also are large users of occasional service. In 1970, for example, the Review Board concluded after a hearing that some Series 7000 tariff provisions did in fact discriminate against small or occasional users.[2]

4. The present rate structure was adopted in 1973 as a stipulation by parties to a Commission designated investigation of a proposed increase in part time rates.[3] Subsequently, in 1978, the Commission rejected yet another proposal to increase part time rates and reduce full time rates, because AT&T had not even attempted to provide cost justification for the possibly discriminatory rate structure.[4]

5. Thereafter, in 1981, AT&T presented a new filing which purported to unify part time and full time service into a single offering with a single set of rates. In response, the Commission instituted the instant investigation.[5] After extensive comment, it concluded, *inter alia*, that the proposed rate structure was merely the full-time/part-time structure in a different guise and that the substantial rate disparity remained unjustified.[6] In order to resolve this long-standing controversy once and for all, the Commission requested additional comments on whether it should tentatively prescribe a replacement unified rate structure based more directly on costs. In particular, AT&T was directed to file initial comments on how the unified structure might be implemented under guidelines suggested by the Commission. Moreover, at the direction of the Bureau, in response to a request by users, AT&T was put to the task of answering extensive questions concerning the specific application of a unified service offering, and of submitting an illustrative tariff. Then, on August 26, 1982, the User Parties requested that we delay the September 2, 1982 date for reply comments because they believed it might be possible to reach a negotiated solution to the issues in this proceeding. Finding good cause, we granted that request as well as one additional extension. As matters now stand, reply comments to AT&T's proposal are due to be filed no later than January 17, 1983.

6. As a result of negotiations among themselves, the User Parties now present the following proposed interim settlement.

1. The rate for part-time interexchange service would be reduced from the current $.93 to $.70 per channel mile hour.

2. The rate for full-time interexchange service would be increased from the current $68.15 to $75.00 per channel mile month.

[1] The User Parties are: American Broadcasting Companies, Inc. (ABC), CBS Inc. (CBS), National Broadcasting Company, Inc. (NBC), Cable News Network, Inc., Association of Independent Television Stations, Inc., the Commissioner of Baseball and Huges Television Network.

[2] Hughes Sports Network v. AT&T, 25 FCC 2d 550, 560 (1970).

[3] AT&T, Docket No. 18684, 44 FCC 2d 525 (1973).

[4] AT&T, 67 FCC 2d 1134 (1978), *affirmed sub nom.*, ABC v. FCC, 663 F.2d 136 (D.C. Cir. 1980).

[5] AT&T, 86 FCC 2d 861 (1981).

[6] AT&T, 88 FCC 2d 1656 (1982).

3. The charges for the station connections and local channel service elements would remain unchanged.

4. No additional new elements such as service charges or cancellation charges would be imposed.

5. AT&T would revise its tariff to permit customers the election of providing their own local channels.

6. The User Parties assert that an interim settlement for a period of 18 months would be in the interests of the parties and the public in view of the scheduled divestiture of the Bell Operating Companies from AT&T on January 1, 1984.

Discussion

7. From our examination to date, we believe the Users' proposal may well represent a useful framework for resolution of the major issues in this proceeding. As pointed out above, the primary issue in the lengthy procedural history of this service has been the possibility of discrimination among groups of users. In this regard, the User Parties' proposed settlement includes as signatories all major full-time users as well as the more important part-time users. Since the users now agree, as a compromise, that the existing rate structure is basically acceptable to them all, the Commission's concern that it might discriminate among them could be obviated. If the rate structure allows recovery of the revenue requirement, as the User Parties claim, it may well allow us to terminate the pending investigation. We also note that the User Parties suggest that in the future any necessary increases in the interexchange revenue requirement might be apportioned approximately 60 percent to full-time and 40 percent to part-time. Thus, the proposal could provide a means for resolving future rate issues as well, even if the overall revenue requirement for this service changes.

8. Under these circumstances, we think it appropriate to grant the User Parties' request and set the Interim Settlement Proposal for comment. AT&T and any other interested parties are directed to submit their comments within 10 days of the publication of this order in the **Federal Register**. In addition, AT&T is specifically requested to state its views on how it can best recover its revenue requirement for the service while apportioning that revenue requirement along the lines recommended by the User Parties in their proposed interim settlement. The other procedural dates in this investigation are deferred until further order.

9. Accordingly, it is ordered that the request for a deferral of the date for reply comments in this investigation is granted.

10. It is further ordered that the Secretary shall cause this Order to be published in the **Federal Register**.

11. It is further ordered that this Order is effective upon adoption.

Leon M. Kestenbaum,

Deputy Chief (Policy), Federal Communications Commission.

[FR Doc. 83-563 Filed 1-7-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 82-831, File Nos. 26092-CL-P-(12)-82; 26166-CL-P-(12)-82; 26153-CL-P-(15)-82; 26102-CL-P-(16)-82]

Cellcom, Inc. et al.; for a Construction Permit To Establish a Cellular System Operating on Frequency Block A in the Domestic Public Cellular Radio Telecommunications Service To Serve the Minneapolis-St. Paul Minnesota and Wisconsin, Modified Standard Metropolitan Statistical Area

Memorandum Opinion and Order Designating Applications for Hearing

Adopted: December 23, 1982

Released: December 30, 1982.

By the Chief, Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, under delegated authority are the captioned applications, filed by Cellcom, Inc. (Cellcom), Cellular Mobile Systems of Minnesota, Inc. (CMS), Metro Mobile CTS (Metro Mobile) and MCI Cellular Telephone Company (MCI). The applicants propose to contruct cellular systems to serve the Minneapolis-St. Paul, Minnesota-Wisconsin, Standard Metropolitan Statistical Area (SMSA).[1] Petitions to Deny have been filed against all the applications and responsive pleadings have been filed.

2. As discussed below, we find that the petitions fail to raise any substantial and material issues requiring designation for hearing. The applications are electrically mutually exclusive; accordingly, we are designating the applications for a comparative hearing in accordance with the Commission's *Report and Order* in CC Docket No. 79-318, 86 FCC 2d 469 (1981), *modified, Memorandum Opinion and Order on Reconsideration*, 89 FCC 2d 58 (1982), and *further modified, Memorandum Opinion and Order on Further Reconsideration*, 90 FCC 2d 571 (1982).

Cellcom Application

3. Metro Mobile filed a petition arguing that Cellcom is not financially qualified to construct and operate its cellular system and requesting that its application be denied or a financial issue designated against Cellcom. First, Metro Mobile alleges that Cellcom's commitment letter from the First National Bank of Minneapolis omits the terms of the loan and, without this information, the amount and date of the interest payments due cannot be reasonably determined. Second, Metro Mobile alleges that Cellcom relies on subscriber revenues to cover its construction and first-year costs without providing a revenue estimate or data in support of the revenue estimate, thus, it is argued, the revenues cannot be considered for demonstrating financial qualifications. Finally, Metro Mobile asserts that Cellcom has underestimated its costs and expense projections (*i.e.*, personnel,[2] training and site rentals) and that the expenses will, in fact, exceed Cellcom's resources.

4. *Financial Qualifications.* Cellcom estimated its construction and operating expenses for one year at $9,876,349. In order to finance its system, Cellcom relies on a loan of $10,000,000 from the First National Bank of Minneapolis. This loan is evidenced by a letter of commitment from the bank. Under applicable precedents, we find that Cellcom has demonstrated reasonable assurances of the availability of this loan. *See Advanced Mobile Phone Service, Inc., et al., (Chicago Order)* FCC 82-452, released November 1, 1982 and cases cited therein at para. 9. As to Metro Mobile's first point, Cellcom asserts that the terms of the loan are irrelevant to the interest payment for the first year of operation since the level of interest payments for this period will be calculated solely on the funds actually borrowed. Thus, the bank loan commitment is not deficient. The bank's letter contained in Exhibit 7 of the application states "we contemplate calculating interest on any loan made at the rate of approximately ½ of 1% above

[1] Three applications were also filed requesting the wireline allocation (frequency block B) in this SMSA. On November 2, 1982, the three applicants filed a settlement agreement for this SMSA. *See* Public Notice, Mimeo 737, Report No. CL-6, released November 10, 1982. We will consider the wireline allocation in a separate order.

[2] In support of this allegation Metro Mobile submitted a document entitled "affidavit" from E. D. Tyree, Director of National Sales of CP National Consulting and Engineering, a management and engineering firm, which relied on salary ranges in the telephone industry in Minneapolis provided by Cybersearch, Inc., a national placement firm. We find that this document does not comply with § 22.30 of the Rules, since it was not signed by the purported affiant and affiant does not have personal knowledge of the facts represented therein.

the prime rate of this bank (floating) at the time of each advance of funds." In addition, Cellcom asserts that it has projected in its first year operational costs an interest expense of $1,140,618 based on funds actually borrowed during that period. (Cellcom's application at Exhibit 6). Therefore, we find Metro Mobile's allegations in this regard are without merit. Second, Exhibit 7 of Cellcom's application demonstrates that Cellcom is not relying on subscriber revenues to cover its construction and/or operating expenses for one year. Thus, Metro Mobile's allegations with respect to Cellcom's reliance on revenues are without merit. Under these circumstances, we will not designate a financial issue for hearing. We also find that Cellcom is financially qualified to construct and operate its proposed system.

5. Turning to Metro Mobile's final point, we find that Metro Mobile has failed to raise a substantial question as to Cellcam's costs estimates; the estimates are not unreasonable on their face and Cellcam has adequately responded to the allegations in its reply. *See Chicago Order, supra,* at para. 13.

CMS Application

6. Cellcam and Metro Mobile filed petitions to deny CMS' application, alleging that CMS is not financially qualified; that it has underestimated its costs; that it failed to present a proper direct case because the sponsoring witness affidavits are defective; that the application as originally filed failed to contain a frequency plan in violation of § 22.913 of the Rules; and that the amendment filed to cure this defect should not be accepted.[3]

7. *Financial qualifications:* CMS' projected costs of construction and operation of its system for one year are estimated at $8.024 million. To finance the system, it relies on a letter of commitment from its parent, Graphic Scanning Corp. (Graphic) of $8.9 million. The letter of commitment from Graphic to CMS specifically states that none of the funds have been committed to other cellular system applications or to other projects. We find that this satisfies Rule Section 22.917(b) which requires that resources used to demonstrate financial ability regarding one cellular system may not include funds committed elsewhere. In the *Chicago Order, supra,* the Commission found that Graphic and its cellular subsidiaries have provided reasonable assurance that they will have sufficient funds available to cover construction of 30 cellular systems in the top 30 markets.[4] The Commission further concluded that no financial issues should be designated for hearing against any Graphic subsidiary based on the ability of Graphic to finance the construction and operation for one year of 30 cellular systems. Those findings control the disposition of Cellcam's and Metro Mobile's arguments here. Thus, we find CMS financially qualified.

8. It was also argued that CMS understated its costs in the instant application. CMS estimates are not unreasonable on their face, and it has adequately responded to this allegation in its opposition; thus, we find that a substantial and material issue has not been raised. The general allegation that one applicant's estimated costs are lower than another's is insufficient to warrant the addition of a financial issue in hearing. See *Chicago Order,* at para. 13.

9. *Direct Case.* CMS complied with Section 22.916(b)(1) of the Rules since it submitted its direct case exhibits together with its application. We will not address the allegations concerning the sufficiency of the sponsoring witnesses' affidavits. This is an evidentiary issue which may be properly raised before the Administrative Law Judge in the hearing phase of this proceeding.

10. *Frequency Plan.* We find the allegations in this regard without merit. CMS' application, at Vol. 1, Ex. IV, Section E.2, contains the frequency plan for the system. The exhibit referred explicitly to a table which was, in fact, missing from the applicaton. CMS' subsequent amendment to add a table to the Exhibit which was obviously left out by mistake, was accepted as a minor amendment. *See* Section 22.31(e)(5) of the Rules; *Continental Telephone Company of Illinois,* Mimeo 4166, released May 21, 1982; *Order,* FCC 82-409, released September 3, 1982.

Metro Mobile Application

11. CMS filed a petition to deny Metro Mobile's application.[5] In its petition CMS alleges that Metro Mobile failed to demonstrate reasonable assurance of the availability of its proposed antenna sites, did not make a proper showing of how it will determine when system expansion is warranted, and Metro Mobile failed to offer the requisite assurance of continuous service because it failed to introduce adequate redundancy into the proposed system and failed to adequately provide for the failure of essential equipment. Finally, CMS contends that Metro Mobile is not financially qualified because the letter of commitment from the First National Bank of Chicago does not identify the other participating banks and does not contain a notice provision to the FCC before repossession of cellular equipment.

12. *Site availability.* Metro Mobile has demonstrated reasonable assurance that its proposed sites will be available. In its application Metro Mobile stated that it had received for each site proposed a commitment to lease or to negotiate a lease for the land. On July 29, 1982, Metro Mobile tendered an amendment containing written evidence of site availability. The amendment was accepted as a minor amendment because it did not modify in any manner Metro Mobile's proposal but merely supplied the site lease commitments previously referenced in the application. CMS did not demonstrate that any of the sites would not be available to Metro Mobile. An applicant need not have a binding agreement or absolute assurance of the availability of a proposed site but rather must show that it has obtained reasonable assurance that its proposed site is available. *See Alabama Citizens for Responsive Public Television, Inc.,* 59 FCC 2d 1 (1976). Also, we note that the statements from the lessors submitted by Metro Mobile which indicate the sites would be available are dated prior to the June 7, 1982 filing date.[6] Based on these circumstances, we find no reasons to designate a site availability issue.

13. *System Expansion.* Metro Mobile's description of its plans for system expansion, contained in Exhibits 5 and 6 of its application, fulfills our filing requirements contained in § 22.913(a)(4). Whether the proposal is sufficient to meet anticipated demand for service is an issue to be examined in the comparative portion of this proceeding. *Report and Order, supra,* at 502-03. Accordingly, we decline to designate a basic qualifying issue with respect to this matter.

[3] Metro Mobile requested that official notice be taken of an ongoing proceeding in which the qualifications of Graphic Scanning Corporation, CMS' parent, may be in issue. For our treatment of this matter, see footnote 14, and paragraph 30, *infra.*

[4] The allegations against CMS and Graphic here are essentially the same as those raised in the Chicago Order, *supra.*

[5] Cellcom filed a Motion for Discovery requesting that Metro Mobile be ordered to produce copies of all its site commitments or leases. This motion is hereby denied. Section 22.916 of the Rules limits the pleadings filed with respect to Cellular applications to petitions to deny and replies. We discuss the issue of site availability at para. 12, *infra.*

[6] One of the sites was lost and a new site was negotiated so the letter itself is dated after the filing date. Metro Mobile informed the Commission of these facts and subsequently filed a minor amendment in this regard. This amendment was also accepted as a minor amendment. *See* § 22.31 of the Rules and Order, FCC 82-409, *supra.*

14. *Continuous and Reliable Service.* CMS' allegations in this regard are without merit. In its application Metro Mobile submitted exhibits describing its service and maintenance proposals which meet the requirements of our rules. *See* Legal Exhibits 7 and 8 of Metro Mobile's application. Again, these proposals will be examined in the comparative portion of this proceeding. *Id.* Accordingly, we will not designate a basic qualifying issue with respect to this matter.

15. *Financial Qualifications.* Allegations concerning Metro Mobile's financial ability have been raised in the nine markets in which it applied.[7] Although we deal here specifically with Minneapolis, we will also consider Metro Mobile's ability to finance construction of all nine systems. We do this to avoid relitigating issues concerning Metro Mobile's basic financial qualifications common to the nine markets in which it has applied. Any financial issues relevant to specific markets will, of course, be resolved in subsequent orders.

16. Metro Mobile estimates its construction costs and first year operating expenses for Minneapolis at $10,835,758. The aggregate construction costs and operating expenses for the nine applications is estimated at $99,264,429.[8] To finance these obligations Metro Mobile relies on a loan for $115 million from the First National Bank of Chicago (First National). A letter of commitment dated June 1, 1982, from First National was included in legal Exhibit 6 to the application. The letter stated that First National is prepared to make available to Metro Mobile a total credit package of $115,000,000, in the form of a revolving credit/term loan, for the purpose of constructing and operating cellular radio systems. First National's letter indicates that it will lead a bank syndicate which will make the funds available. The letter also described the terms of the loan and stated that the bank shall have a security interest in the borrower's cellular radio facilities as allowed by law. Another letter from First National dated July 29, 1982, attached to Metro Mobile's ply, states that it would be the intention of the First National Bank of Chicago to syndicate portions of the $115,000,000 credit package as is usual in credit packages of that size, but if syndication was not accomplished, the Bank would be capable of providing the entire loan as outlined. The bank also stated that to the extent that any chattel mortgages or secured interests in cellular equipment are required, the bank would provide for a minimum of ten days' prior written notification to the Commission before actual repossession of any equipment. Under applicable precedent, we find that Metro Mobile has demonstrated reasonable assurance of the availability of this loan to finance its nine cellular applications including its Minneapolis proposal. *See Chicago Order, supra; Advanced Mobile Phone Service, Inc. et al., (Boston Order)*, Mimeo 896, released November 19, 1982.[9] Accordingly, we conclude that there is no basis for designating for hearing any financial issue against Metro Mobil based on its ability to finance its commitments for nine cellular systems.

MCI Application

17. Metro Mobile and CMS filed petitions to deny MCI's application. Metro Mobile alleges that MCI has not complied with § 22.903(a) and(d) because its predicted 39 dbu contours are actually smaller than calculated by MCI. According to Metro Mobile, MCI's proposed Cellular Geographic Service Area (CGSA), is not covered as required by the Rules.[10] CMS alleges also that MCI is not financially qualified and that it failed to adequately describe its basis for system congestion in violation of § 22.913(a)(5) of the Rules. MCI filed replies to the petitions.[11]

18. *Section 22.903 (a) and (d).* We find this allegation to be without merit. MCI has calculated its 39 dBu contours based on the height and power calculations along each of the eight cardinal radials. MCI, in its reply, asserts that it has used the gain from the manufacturer's radiation pattern in calculating its ERP along each radial. Thus, each antenna and radiation pattern was considered separately and the 39 dBu contours do not reflect a cumulative effect. Metro Mobile has not shown that the pattern is in error. Accordingly, we find that MCI has calculated its 39 dBu contours in accordance with accepted engineering and Commission practice and therefore has demonstrated that they cover at least 75% of the CGSA.[12]

19. *Financial Qualifications.* The principal argument raised is that MCI has not demonstrated its financial qualifications to construct and operate its proposed system. We find this argument to be without merit. MCI Communications Corporation, MCI's parent company, has committed itself to finance the estimated construction costs and first year operating expenses for the Minneapolis system of $17,116,000. In *Advanced Mobile Phone Service, Inc., et al., (Pittsburgh Order)*, Mimeo 1169, released December 6, 1982, we found that MCI had demonstrated reasonable assurance that it will have sufficient funds available to construct its twelve cellular systems. We further concluded that no financial issues should be designated for hearing against any MCI Communications Corporation subsidiary based on its ability to finance commitments for twelve cellular applications in the top-30 markets. Those findings are fully dispositive of CMS' arguments here.[13]

20. *System Congestion.* MCI's application contained exhibits describing its system expansion plans which meet our requirements. See Application Vol. 2, Exhibit 16; Exhibit 5 and Exhibit 6. In addition, system expansion is an issue to be examined in the comparative portion of this

[7] Metro Mobile has filed cellular applications in Miama/Fort Lauderdale-Hollywood; Minneapolis-St. Paul; San Diego; Phoenix; Tampa-St. Petersburg; Cincinnati; Denver; Kansas City and Houston.

[8] Exhibit 6.1 contained a detail cost estimate for each system. The total construction cost and operating expenses for one year are: $8,355,682 for Cincinnati; $10,959,514 for Denver; $16,762,957 for Houston; $8,818,738 for Kansas City; $12,632,157 for Miami; $10,835,758 for Minneapolis; $9,754,815 for Phoenix; $10,616,527 for San Diego; and $10,528,281 for Tampa.

[9] CMS also alleged that only limited reliance could be placed on the partners' ability to raise $25 million as a supplemental source of financing. Since we have found Metro Mobile financially qualified independent of any possible additional contributions from its partners, this source of possible financing is not relevant to our disposition of the financial issues.

[10] Metro Mobile submitted an affidavit from Frederic G. Griffin, P.E. who recalculated MCI's 39 dbu contours using the data in MCI's application except the ERP figures, which he alleges are erroneous. Mr. Griffin concludes that MCI only covers 66% of its CGSA. Mr. Griffin asserts that MCI assumed a cumulative effect (greater power level) of three directional antennas at a single cell in arriving at the ERP figure in calculating its contours, but the sectoring of cells in a cellular system calls for using different channels in the sectors. As a result, Mr. Griffin argues that the cumulative power effect will not occur.

[11] MCI filed a Motion to Accept Late Filed Pleadings with regard to its reply to CMS' petition to deny. Good cause having been shown, and since the pleading was only one day late, we will grant MCI's petition. Acceptance of this late pleading will not be contrary to our policies concerning expedited processing of cellular applications since it will help in resolving the issues alleged in the petition to deny.

[12] In its reply, MCI attached an affidavit from Charles I. Gallagher, P. E. which refutes the engineering affidavit submitted with the petition to deny. MCI's engineer asserts that MCI's proposal would result in 82% of its CGSA being included within the 39 dBu contours of its base stations.

[13] CMS also alleged that MCI could not rely on revenues to finance its system since it did not demonstrate the basis for the projected revenues; and MCI had not detailed its expected construction cost. These arguments are without merit. First, MCI is not relying on revenues to finance its proposal. Second, MCI gave a detailed breakdown of its construction costs: Exhibits 13 and 14 of the application.

proceeding. *Report and Order, supra,* at 502–03. Accordingly, we will not designate a basic qualifying issue with respect to this matter.

Conclusion

21. Based on our analysis of the applications and our resolution of the contested issues in this order, we find the applicants to be legally, technically, financially and otherwise qualified to construct and operate their proposed cellular systems.

22. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Cellcom, Inc., File No. 26092–CL–P–(12)–82; Cellular Mobile Systems of Minnesota, Inc., File No. 26166–CL–P–(12)–82; Metro Mobile CTS, File No. 26153–CL–P–(15)–82; and MCI Cellular Telephone Company, File No. 26102–CL–P–(16)–82, are designated for hearing in a consolidated proceeding upon the following issues:[14]

(a) To determine on a comparative basis the geographic area and population that each applicant proposes to serve;[15] to determine and compare the relative demand for the services proposed in said areas; and to determine and compare the ability of each applicant's cellular system to accommodate the anticipated demand for both local and roamer service;

(b) To determine on a comparative basis each applicant's proposal for expanding its system capacity in a coordinated manner within its proposed CGSA in order to meet anticipated increasing demand for local and roamer service;[16]

(c) To determine on a comparative basis the nature and extent of the service proposed by each applicant, including each applicant's proposed rates, charges, maintenance, personnel, practices, classifications, regulations and facilities (including switching capabilities); and[17]

(d) To determine in light of the evidence adduced under the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

23. It is further ordered, That the Separated Trial Staff (the Hearing Division and other individuals specifically designated) of the Common Carrier Bureau is made a party to the proceeding.[18]

24. It is further ordered, That the applicants shall file written notices of appearances under § 22.916(b)(3) of the Commission's Rules within 10 days after publication of this order in the **Federal Register.**

25. It is further ordered, That the hearing shall be held according to the procedures specified in § 22.916 of the Rules, except as otherwise noted here, at a time and place and before an Administrative Law Judge to be specified in a later order.

26. It is further ordered, That exceptions to the initial decision of the Administrative Law Judge under § 1.76 of the Commission's Rules shall be taken directly to the Commission.

27. It is further ordered, That all applicants are directed to file rebuttal cases under § 22.916(b)(4) of the Rules within 30 days after publication of this order in the **Federal Register.**

28. It is further ordered, That the Motion to accept late filed pleadings filed by MCI Cellular Telephone Company is Granted.

29. It is further ordered, That, the Petitions to Deny filed by Cellular Mobile Systems of Minnesota, Inc.; Metro Mobile CTS and MCI Cellular Telephone Company are denied, and the Motion for Discovery filed by Cellcom, Inc. is dismissed.

30. It is further ordered, That any authorization granted to CMS as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold a cellular license following a decison in the hearing designated in *A.S.D. Answering Service, Inc., et al.,* FCC 82–391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

31. It is further ordered, That any authorization granted as a result of this proceeding shall be conditioned upon obtaining the appropriate antenna structure clearances.

32. This order is issued under Section 0.291 of the Commission's Rules and *Order Delegating Authority,* FCC 82–435, released October 6, 1982, and is effective on its release date. Applications for review under Section 1.115 of the Rules may be filed within the time limits specified in this section. See also Rule 1.4(b)(2).

33. The Secretary shall cause a copy of this order to be published in the **Federal Register.**

Gary M. Epstein

Chief, Common Carrier Bureau.

[FR Doc. 83-366 Filed 1-7-83; 8:45 am]

BILLING CODE 6712-01-M

[14] There are two issues that are not to be considered in the comparative hearing. The first is the financial qualifications of the applicants. Financial ability is a basic rather than a comparative qualification for cellular licensing. Cellular Communications Systems, 86 FCC 2d 469, 501–02 (1981). We have found all of the applicants included in the comparative hearing to be financially quaified. The second issue not to be considered is the qualifications of Cellular Mobile Systems of Minnesota, Inc. or its parent Graphic, to the extent that such qualifications may be affected by the issues included in the Commission's order designating certain 35 and 43 MHz paging applications for hearing, A.S.D. Answer Service, Inc. *et al.* (*ASD*), FCC 82–391, released August 24, 1982. Those issues will be thoroughly reviewed in that separate proceeding and should not be reargued in the context of a cellular hearing. As set forth in para. 30, *infra,* the Commission reserves the right to reexamine and reconsider the qualifications of Cellular Mobile Systems of Minnesota, Inc. to hold a cellular license should *ASD* be resolved adversely to any of CMS' affiliate or parent companies or to any of their principals. *See* Chicago Order, at n. 19.

[15] For purposes of comparison, the geographic area that an applicant proposes to serve includes that area within the proposed 39 dBu contours which, in turn, falls within the proposed Cellular Geographic Service Area and the relevant New England County Metropolitan Area. Consideration should be given to the presence of densely populated regions, highways, and areas likely to have high mobile usage characteristics as well as indications of a substantial public need for the services proposed. *See* 86 FCC 2d at 502.

[16] In making this comparison, preference should be given to designs entailing efficient frequency use, including not only the applicant's plans with regard to cell-splitting and additional channels, but also the degree of frequency reuse the system will be capable of, and the applicant's ability to coordinate the use of channels with adjacent or nearby cellular systems. *See* 86 FCC 2d at 502–503.

[17] *See* 86 FCC 2d at 503 for a discussion of the relative importance of the evidence submitted under this issue.

[18] Members of the separated trial staff are non-decision making personnel and they will not participate in decision making or agency review on an *ex parte* basis in this case, either directly or through contact with the other Common Carrier Bureau personnel. Any investigative or prosecuting functions will be performed by the Separated Trial Staff in connection with its role as a party to the adjudication of these cellular radio applications. All other personnel of the Common Carrier Bureau, unless identified in a subsequent order as required to be separated, are designated as decision-making and they may advise the Commission as to the ultimate disposition of any appeal of an Initial Decision in this proceeding. *See* Communications Act of 1934 as amended section 409(c) [47 U.S.C. 409(c)]; Administrative Procedure Act section 554(d) [5 U.S.C. 554(d)]; § 1.1221 of the Commission's Rules.

National Industry Advisory Committee; Long Range Planning Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of the Long Range Planning Subcommittee of the National Industry Advisory Committee (NIAC) to be held on Thursday, January 27, 1983. The Subcommittee will meet at the FCC Commission Meeting Room (Room 856) located at 1919 M Street, N.W., Washington, D.C. at 2:00 P.M.

Purpose: To initiate activities of the Subcommittee; to consider defense

preparedness and emergency communications matters.

The meeting agenda is a follows:

1. Welcome by Defense Commissioner Mimi Weyforth Dawson.
2. Opening remarks by Chairman Mark S. Fowler.
3. Introduction of members of the Subcommittee and of other attendees.
4. Selection of Subcommittee Chairman and Vice Chairman.
5. Briefing by FCC staff on defense preparedness and emergency communications activities of the Commission.
6. Discussion of the functions of the National Industry Advisory Committee and the role of the Long Range Planning Subcommittee.
7. Other business by the Subcommittee.
8. New business.
9. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Those desiring more specific information about the meeting may telephone the Executive Secretary at the Emergency Communications Division, FCC, (202) 634–1600.

William J. Tricarico,

Secretary, Federal Communications Comission.

[FR Doc. 83-564 Filed 1-7-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group, Plant Accounts Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Plant Accounts Subcommittee scheduled to meet on Wednesday and Thursday, January 19 and 20, 1983. The meeting will begin on January 19 at 9:30 a.m. in the offices of MCI Telecommunications Corporation (2nd Floor Meeting Room) at 1133 19th Street, N.W., Washington, D.C., and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Report by Subcommittee Members
IV. Discussion of Reports
V. Further Assignments
VI. Other Business
VII. Presentation of Oral Statements
VIII. Adjournment

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Norwood (202/887–3266) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-565 Filed 1-7-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12) CFR 115.4(b)(1)), for permission to engage de novo, directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to product 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 comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (finance company and credit-related insurance activities; Arizona, Nevada and New Mexico): To expand the activities and service area of an existing office of Citicorp Person-to-Person Financial Center, Inc., located in Tucson, Arizona, and to establish a *de novo* office of Citicorp Homeowners, Inc. at the same Tucson, Arizona location. The activities in which the *de novo* office of Citicorp Homeowners, Inc., proposes to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the *de novo* office of Citicorp Homeowners, Inc. shall comprise the entire states of Arizona, Nevada and New Mexico. The new activities in which the office of Citicorp Person-to-Person Financial Center, Inc. proposes to engage *de novo* are: the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the office of Citicorp Person-to-Person Financial Center, Inc. shall be the entire states of Arizona, Nevada, and New Mexico for all the aforementioned proposed activities, and for the following activities previously approved for Citicorp Person-to-Person Financial Center, Inc.: The making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer

oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners Inc. Comments on this application must be received not later than January 28, 1983.

2. *Citicorp*, New York, New York (commercial lending and leasing activities; California): To engage through a *de novo* office of Citicorp (USA), Inc., in making or acquiring, for its own account or for the account of others, commercial loans and other extensions of credit; and leasing personal or real property or acting as agent, broker or advisor in leasing such property and servicing such leases, subject to all qualifications specified in 12 CFR 225.4(a)(6) (a) and (b), where the leases serve as the functional equivalent of an extension of credit to the lessee of the property. Such activities would be conducted from an office in San Diego, California, serving the State of California. Comments on this application must be received not later than January 28, 1983.

3. *Norstar Bancorp Inc.*, Albany, New York (mortgage banking and servicing activities; States of New York and Maine): Engaging generally in the business of a mortgage banker, mortgage broker and mortgage servicing firm, including but not limited to: making, acquiring, buying, selling and otherwise dealing in mortgage loans as principal or agent; servicing mortgage loans for affiliated or nonaffiliated entities; second mortgage financing; and acting as an adviser in mortgage loans and second mortgage loans transactions. These activities would be conducted from an office in Albany, New York, serving New York and Maine. Comments on this application must be received not later than February 2, 1983.

4. *The Chase Manhattan Corporation*, New York, New York (mortgage banking and related lending and insurance activities; Maryland): To make or acquire, for its own account or for the account of others, loans and other extensions of credit secured by real estate, including but not limited to, first and second mortgage loans secured by mortgages on one-to-four family residential properties, to service loans and other extensions of credit for any person, to sell mortgage loans in the secondary market, and to offer mortgage term life insurance, accident and health insurance and disability insurance directly related to such lending and servicing activities. These activities will be conducted from an office of Chase Home Mortgage Corporation located in Towson, Maryland. Comments on this application must be received not later than February 3, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida (trust company activities; Florida): To engage, through its subsidiary, Barnett Banks Trust Company, N.A., Jacksonville, Florida, in activities that may be performed by a trust company, including activities of a fiduciary, agency or custodial nature, in the manner authorized by federal and state law. These activities would be conducted from an office in Sarasota, Florida, serving Sarasota County and contiguous counties of Florida. Comments on this application must be received not later than January 21, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60990:

1. *Irwin Union Corporation*, Columbus, Indiana (mortgage banking activities; Texas): To engage, through its subsidiary, Inland Mortgage Corporation, in mortgage banking activities, including the direct extension of residential mortgage loans to individuals and the servicing of such loans for investors. These activities would be conducted from offices in Houston, Corpus Christi, and San Antonio, Texas, serving the State of Texas. Comments on this application must be received not later than January 26, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Beemer Corporation*, Beemer, Nebraska (leasing activities; Cuming County, Nebraska): To engage, through its proposed *de novo* subsidiary, First Beemer Leasing Corporation, in making leases of real and personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office at First National Bank, Beemer, Nebraska, serving Cuming County, Nebraska. Comments on this application must be received not later than February 1, 1983.

Board of Governors of the Federal Reserve System, January 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-524 Filed 1-7-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets or a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected a the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K,. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *DNB Financial Corporation*, Downingtown, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of the Downingtown National Bank, Downington, Pennsylvania. Comments on this application must be received not later than February 3, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *RHNB Corporation*, Rock Hill, South Carolina; to become a bank holding company by acquiring 99.08 percent of the voting shares of Rock Hill National Bank, Rock Hill, South Carolina. Comments on this application must be received not later than February 3, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Cass Commercial Corporation*, St. Louis; to become a bank holding company by acquiring 100 percent of the voting shares of Cass Bank & Trust Company, St. Louis, Missouri. Comments on this application must be received not later than February 2, 1983.

Board of Governors of the Federal Reserve System, January 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-523 Filed 1-7-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Health Service Corps, Health Professions Education, and Nurse Training; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of August 25, 1982, by the Assistant Secretary for Health to the Administrator, Health Resources Administration (47 FR 29888), the Administrator, Health Resources and Services Administration (successor of the Administrator, HRA, effective September 1, 1982), has delegated to the Health Resources and Services Administration officials indicated below, with authority to redelegate, all of the authorities delegated to the Administrator under Title XXVII of Pub. L. 97–35, the Omnibus Reconciliation Act of 1981:

1. Director, Bureau of Health Professions:

a. Authority under Title XXVII, Chapter 1, Section 2702(c) of Pub. L. 97–35 (42 U.S.C. 254e note), to evaluate the criteria pertaining to the designation of health manpower shortage areas.

b. Authority under Title XXVII, Chapter 2, section 2747 of Pub. L. 97–35 (42 U.S.C. 295h note), providing for a physician study.

2. Director, Bureau of Health Maintenance Organizations and Resources Development:

a. Authority under Title XXVII, Chapter 2, Section 2724(b) and Section 2724(c) of Pub. L. 97–35 (42 U.S.C. 293a), to release all recipients of grants, loan guarantees, and interest subsidies under Sections 720(a) and 726 of the Public Health Service Act from any contractual obligation to fulfill enrollment increases.

b. Authority under Title XXVII, Chapter 3, Section 2751 of Pub. L. 97–35 (42 U.S.C. 296a note), to waive the enforcement of assurances given by any nursing school under Section 802(b)(2)(D) of the Public Health Service Act.

The delegation to the Director, Bureau of Health Professions, and the Director, Bureau of Health Maintenance Organizations and Resources Development, became effective on

Dated: December 21, 1982.

Robert Graham,

Administrator, Health Resources and Services Administration.

[FR Doc. 83-575 Filed 1-7-83; 8:45 am]

BILLING CODE 4160-16-M

Public Health Service

Intent to Issue an Exclusive Patent License

Pursuant to 45 CFR 6.3 of the Department of Health and Human Services Patent Regulations and 41 CFR 101–4 of the Federal Procurement Regulations, notice is hereby given of an intent to issue to Cornell Research Foundation Incorporated, an exclusive license to manufacture, use, and sell an invention of Dr. Brian Murphy, Dr. Leroy Coggins, Dr. Dorothy F. Holmes, Ms. Lynne J. Brundage (Anguish) and Dr. James Gillespie, entitled "Temperature Sensitive Reassortant Viruses and a Vaccine Against Equine Influenza." United States Patent Application Serial No. 369,319 was filed April 16, 1982.

Copies of the above United States patent application may be obtained upon written request to Mr. Leroy B. Randall, Chief, Patent Branch, Department of Health and Human Services, c/o National Institutes of Health, Room 5A03 Westwood Building, Bethesda, Maryland 20205.

The proposed license will have a duration of five (5) years from the date of first commercial sale in the United States of America, or eight (8) years from the date of the license, whichever occurs first, may be royalty-bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with the Department of Health and Human Services (HHS) Patent Regulations. The Department of Health and Human Services will grant the license unless, within sixty (60) days of this Notice, the Chief of the Patent Branch, named hereinabove, receives in writing any of the following, together with supporting documents:

A. A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

B. An application for a nonexclusive license to manufacture, use, or sell the invention in the United States is submitted in accordance with 41 CFR 101–4 of the Federal Procurement Regulations, and 45 CFR 6.3 of the Department of Health and Human Services Patent Regulations, and the applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant Secretary for Health of the Department of Health and Human Services will review all written responses to this Notice.

(45 CFR 6.3 and 41 CFR 101–4)

Dated: December 30, 1982.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-544 Filed 1-7-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Meeting of Elko District Grazing Advisory Board

In accordance with the Federal Advisory Committee Act and the Federal Land Policy and Management Act, notice is hereby given that the Elko District Grazing Advisory Board will meet on February 3, 1983. The meeting will begin at 8:00 a.m. at the Ranchinn, 852 Idaho Street, Elko, Nevada.

The agenda for the meeting will include: (1) Approval of the last meeting's minutes; (2) changes in the new Grazing Regulations; (3) discussion of the final Rangeland Improvement Policy; and an update of (4) FY 1983 range improvement projects; (5) district Selective Management Category criteria; (6) Wells Resource Area RMP; (7) current water policy; (8) Asset Management; and (9) monitoring.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:00 and 3:30 p.m. or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, BLM, 2002 Idaho Street, Elko, Nevada 89801, by January 28, 1983. Depending upon the number of persons wishing to make oral statements, a per person time limit may be established.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Rodney Harris,

District Manager.

[FR Doc. 82-543 Filed 1-7-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Berlinski Bros. Inc., Metairie, LA.

The applicant requests a permit to export 566 untanned hides of the American alligator (*Alligator mississippiensis*) to Tanneries des Cuirs d'Indochine et de Madagascar, Paris,

France for enhancement of survival. These hides were illegally taken in Alabama in 1980, seized by U.S. Fish and Wildlife Service and subsequently sold at bid by the state of Alabama.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-9894. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: January 5, 1983.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-616 Filed 1-7-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Outer Continental Shelf; Notice of Interpretation of Section 8(b)(7) of the Outer Continental Shelf Lands Act Concerning the 20 Percent Small Refiner Offer Provision

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of interpretation.

SUMMARY: Under Section 8(b)(7) of the Outer Continental Shelf Lands Act (OCSLA), the Secretary of the Interior is authorized to grant oil and gas leases on submerged lands of the Outer Continental Shelf (OCS). Among other requirements, a lease must provide that the lessee offer 20 percent of oil and gas produced on the lease to small or independent refiners. This Notice sets forth the policy of the Department of the Interior (DOI) concerning that requirement.

SUPPLEMENTARY INFORMATION: Questions have arisen as to the DOI's responsibilities under Section 8(b)(7) of the OCSLA, which reads:

> (b) An oil and gas lease issued pursuant to this section shall—
>
> * * * * *
>
> (7) provide a requirement that the lessee offer 20 per centum of the crude oil, condensate, and natural gas liquids produced on such lease, at the market value and point of delivery applicable to Federal royalty oil, to small or independent refiners as defined in the Emergency Petroleum Allocation Act of 1973.

The questions have centered around what action the DOI must take to implement this section. This Notice sets forth the DOI's policy in relation to the requirement of section 8(b)(7).

Secretary's Duty To Regulate

While the Secretary is charged with enforcing the OCSLA, it is generally within his discretion as to the method of enforcement. In the exercise of his discretion, the Secretary has caused the following clause to be stated in every lease issued since the enactment of the 1978 Amendments.

> As provided in Section 8(b)(7) of the Act, the Lessee shall offer 20 percent of the crude oil, condensate, and natural gas liquids produced on the lease, at the market value and point of delivery as provided by rgulations applicable to Federal royalty oil, to small or independent refiners as defined in the Emergency Petroleum Allocation Act of 1973.

Certain members of the public have suggested that the Secretary must also promulgate specific regulations to implement Section 8(b)(7) of the OCSLA. We disagree. Congress specified in sections 5(a) and 8(a) the regulations that the Secretary is required to issue, and none of the specified regulations relate to the section 8(b)(7) set-aside program.

Neither the OCSLA nor the legislative history indicate that the Secretary is required to do more than put the clause in the lease. According to the House Report (H.R. Rep. No. 95-590, 95th Congress, First Session 14 (1977)), the procedures would be the same as those applied to Federal royalty oil. While the report talks about "procedures," the OCSLA refers solely to the "market value and point of delivery applicable to royalty oil." These are apparently the only "procedures" contemplated. Had Congress intended to mandate a specific scheme, it would have included more specific language as it did in section 27(b)(2) relative to royalty oil.

It is therefore the policy of the DOI to consider the clause in the lease form as self executing and its presence to be the necessary and sufficient implementation of Section 8(b)(7) of the OCSLA.

Secretary's Duty To Assure Equitable Allocation

Some commenters have suggested that the Secretary has a statutory duty to adopt rules directing lessees to offer their production for sale on a general "open-market" basis to eligible refiners. This obligation is said to arise under one of the stated purposes of the OCSLA Amendments, i.e., the need to "preserve and maintain free enterprise competition." 43 U.S.C. 1802(2). Section 1802(2) has been judicially interpreted as a statement of general principles which are commended to the Secretary's attention, not to require specific actions. *Watt* v. *Energy Action Educational Foundation*, 454 U.S. 151 (1981). The Secretary could lawfully find that the purposes of section 1802(2) are satisfied by letting lessees offer the production on the basis of first come, first serve. The OCSLA does not require further regulation.

Definitions

Some members of the public have asked that the Secretary fill in the gaps in the language of the statute. They request that the Secretary define terms involved in the procedure. We see no need at this time to provide definitions beyond those provided in the statute itself. Congress has specified that the production be offered "at the market value and point of delivery applicable to Federal royalty oil." 43 U.S.C. 1337(b)(7). The Department of Energy (DOE) has already issued regulations defining "fair market value" and "point of delivery." 10 CFR 391.102 (1981). (The DOI will propose the redesignation of those DOE regulations as DOI regulations in the near future.) While these definitions apply to sales of oil, they provide standards which could be applied to sales of condensate and natural gas liquids.

Relationship to Royalty Oil

Some commenters have questioned whether the 20 percent of production of oil and gas to be set aside for small or independent refiners is in addition to the amounts of oil and gas available to such refiners under the Federal royalty oil program.

We believe it is clear from the legislative history of section 8(b)(7) that the 20 percent set aside authorized by that section is in addition to the amounts available under the Federal royalty oil program.

Executive Order No. 12291

In keeping with the spirit of Executive Order 12291 (1981) and the DOI's policy to avoid the proliferation of new regulations where such avoidance is consistent with our statutory duties, regulations for the implementation of section 8(b)(7) are considered to be unnecessary and undesirable. We believe that the requirements of section 8(b)(7) can be achieved by OCS lessees and small and independent refiners without the intervention of Federal regulations.

Dated: January 3, 1983.
Harold Doley,
Director.
[FR Doc. 83-660 Filed 1-7-83; 8:45 am]
BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 19]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

By the Commission.
Agatha L. Mergenovich,
Secretary.

New York Docket No. T-1840, filed November 16, 1982. Applicant: TRACY TRANSPORTATION LINES, INC., 70 Sheldon Ave., Depew, NY 14043. Representative: James E. Brown, Esq., 36 Brunswick Road, Depew, NY 14043. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* between points in the Counties of Allegany, Cattaragus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans and Wyoming. Intrastate, interstate and foreign commerce authority sought. HEARING: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10110, filed December 21, 1982. Applicant: BESLO TRUCKING INC., 104-19 Merrick Blvd., Jamaica, NY 11433 Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Paper products,* between all points in the State. Intrastate, interstate and foreign commerce authority sought. HEARING: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-549 Filed 1-7-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980, for compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States code, and the Commission's regulations. The 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 day after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing.
Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

For the following, please direct status calls to Team 3 at (202) 275-5223.

Vol. No. OP3-66

Decided: December 30, 1982.

MC 94565 (Sub-7), filed December 7, 1982. Applicant: B.K.W. COACH LINE, P.O. Box 254, Hummels Wharf, PA 17831. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 821-1305. Transporting *passengers*, in special and charter operations, beginning and ending at points in PA, and extending to points in the U.S. (except HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 109865 (Sub-22), filed December 13, 1982. Applicant: VALLEY TRANSPORTATION, INC. d.b.a. CONNECTICUT AMERICAN CHARTERS, 516 Oxford Rd., Oxford, CT 06483. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312, (703) 750-1112. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 117274 (Sub-4(a)), filed December 9, 1982. Applicant: EARLE'S MOVING & STORAGE CO., INC., 2062 Generals Highway, P.O. Box 789, Annapolis, MD 21037. Representative: James J. Fratino, P.O. Box 82, Edgewater, MD 21037, (301) 261-7227. Transporting, (1) for or on behalf of the U.S. Government, *general* commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 142684 (Sub-4), filed December 14, 1982. Applicant: B. C. LINES, INC., 10 Lodge St., Worcester, MA 01604. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 155985 (Sub-1), filed December 9, 1982. Applicant: FAMILYTREE, INC., 707 E. Texas Ave., Baytown, TX 77520. Representative: Kenneth R. Hoffman, 1600 W. 38th St., Suite 410, Austin, TX 78731; (512) 451-7409. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159215 (Sub-2), filed December 13, 1982. Applicant: WELLS BUS SERVICE, INC., 121 Terrace Drive, Jackson, MN 56143. Representative: Thomas Wells, (same address as applicant), (507) 847-2380. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165204, filed December 14, 1982. Applicant: BROADWAY CAB COOPERATIVE, INC., 234 N.W. First Avenue, Portland, OR 97209. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224-4840. 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.

MC 165205, filed December 13, 1982. Applicant: SCOTTSVILLE BUS LINES, INC., E. Main Street, P.O. Box 355, Scottsville, VA 24590-0355. Representative: Hamill D. Jones, Jr., 815 Mutual Building, Richmond, VA 23219, (804) 643-5351. Transporting *passengers* in special and charter operations, beginning and ending at points in VA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165214, filed December 15, 1982. Applicant: BAUSH TRANSPORT, P.O. Box 394, 3282 Independence St., Grove City, OH 43123. Representative: Larry R. McDowell, 1200 Ave., of the Arts Bldg., Philadelphia, PA 19107, (215) 735-3090. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at (202) 275-7669.

Vol. No. OP4-098

Decided: January 3, 1983.

MC 61396 (Sub-408), filed December 20, 1982. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 165306, filed December 21, 1982. Applicant: DEPENDABLE COURIER SERVICE, INC., 2116-A Defoors Ferry Rd. N.W., Atlanta, GA 30318. Representative: Kim G. Meyer, P.O. Box 56282, Atlanta, GA 30343, (404) 523-1717. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except Ak and HI).

MC 165337, filed December 22, 1982. Applicant: STOCKYARD SHIPPING & TERMINAL CORPORATION, 210 E. Lombard St., Suite 200, Baltimore, MD 21202. Representative: Rita J. Manfuso (same address as applicant), (301) 727-2607. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 83-550 Filed 1-7-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

[Volume No. 321]

Decided: December 30, 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 brroadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

MC 95607 (Sub-6)X, filed December 10, 1982. Applicant: JAMES D. CADDEN d.b.a. CADDEN'S MOVING AND STORAGE, 620 Beech St., Scranton, PA 18505. Representative: Raymond Talipski, 121 South Main St., Taylor, PA 18517. Lead certificate, broaden (1) commodity descriptions to (a) household goods and furniture and fixtures (household goods as defined by the Commission), and (b) commercial display cases and related products (commercial display cases, accessories and parts, uncrated); (2) named points to countywide authority: Lackawanna, Luzerne and Wyoming Counties, PA (Scranton and Dunmore), Lackawanna County, PA (Jessup), and Luzerne County, AP (Duryea); and, (3) one-way service to radial authority.

MC 107409 (Sub-40)X, filed November 29, 1982. Applicant: RATLIFF & RATLIFF, INC., P.O. Box 1018, Clarksville, IN 47130. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Lead and Sub-Nos. 4, 7, 10, 12, 14, 18, 21, 22, 27, 31, 33, 35, 36, 37F, 38F, and 39F certificates. (1) Broaden commodities: (a) lead certificate, to: metal products (empty oil drums), textile mill products (cotton), food and related products (canned goods, dried fruits, and vegetables), Chemicals (fertilizer and fertilizer materials), food and related products (malt beverages and wine), containers (empty malt beverage containers, and empty wine containers), petroleum products (petroleum products, in packages or containers), building materials (roofing and screen wire), clay, concrete, glass or stone products (concrete pipe), ores and minerals (sand and gravel), chemicals (fertilizer), building materials (iron and steel building materials), lumber and wood products (lumber), chemicals (oyster shells and ingredients used in the manufacture of fertilizer), textile mill products (cotton bagging and sheets), food and related products (flour and feed, and vinegar), metal products (steel shot), lumber and wood products (lumber, plywood, and wood boxes), metal products (reinforcing steel), and, textile mill products (cotton, in bales); (b) Sub 4, to: food and related products (canned goods), pulp, paper and related products (paper and paper products), textile mill products (cotton yarn, silk, rayon, and cotton hose); (c) Sub 7, lumber and wood products (lumber, millwork, and wood blocks); (d) Subs 10 and 14, lumber and wood products (lumber, except plywood, veneer, built-up wood, and flooring); (e) Subs 12 and 21, metal products (empty oil drums, and manufactured iron and steel products and articles); (f) Subs 18, 33, 35, and 36, clay, concrete, glass or stone products (brick and tile, ceramic wall and floor tile, structural glazed tile, clay products, and stone); (g) Sub 22, building materials (hardboard sheets and boards); (h) Sub 27, metal products (iron and steel and iron and steel articles, as described in the *Descriptions* case, 61 M.C.C 209, except size or weight commodities); (i) Subs 31 and 39, lumber and wood products (plywood, and lumber and lumber products); and, (j) Sub 37, clay, concrete, glass or stone products (tile and materials and supplies, except in bulk); (2) replace one-way service with radial authority in all certificates; (3) broaden the named points and plantsites to countywide authority: (a) Lead certificate: Middlesex County, NJ (Sewaren), New Hanover County, NC (Wilmington), Charleston, Berkeley and Dorchester Counties, SC (Charleston), Anson County, NC (Wadesboro), Anson County, NC (Morven), Northampton County, PA (Northampton), Dillon County, SC (Little Rock), Essex, Middlesex, Hudson, Union and Bergen Counties, NJ (Newark), York County, PA (York), Anson County, NC (points within 2 miles of Lilesville), Mecklenburg County, NC (those within 1 mile of Charlotte), Richland County, SC (points within 1 mile of Columbia), Marlboro County, SC (Bennettsville), Richmond County, NC (Rockingham), Spartanburg County, SC (Spartanburg), Augusta County, VA (Weyers Cave), Hillsboro County, NH (Manchester), Anson County, NC (Wadesboro and points within 3 miles thereof), Anson County, NC (Lilesville), Mecklenburg, Union and Gaston Counties, NC (Charlotte), and Richland County, SC (Columbia); (b) Sub 4, Essex, Middlesex, Hudson, Union and Bergen Counties, NJ (Newark), Durham, Forsyth, Rowan, Mecklenburg, Guilford and Buncombe Counties, NC (Durham, Winston-Salem, Salisbury, Charlotte, Greensboro, and Asheville), Greenville, Spantanburg, Richland, Anderson and Darlington Counties, SC (Greenville, Spartanburg, Columbia, Anderson, and Hartsville), Richmond County, GA (Augusta), Gloucester County, NJ (Swedesboro), Cabarrus County, NC (Midland), Lancaster, Montgomery, Philadelphia, Bucks, Chester, Delaware and Potter Counties, PA, Gloucester, Burlington, Salem and Camden Counties, NJ, and New Castle County, DE (Lancaster, Philadelphia, and Austin, PA) New Haven County, CT (New Haven), Union, Mecklenburg, Gaston, Stanly, Cabarrus and Catawba Counties, NC (Monroe, Charlotte, Albemarle, Concord, and Newton), Chesterfield, Marlboro, Darlington, York and Chester Counties, SC (Pageland, Cheraw, Bennettsville, Hartsville, Rock Hill, and Chester), Suffolk, Norfolk, Plymouth, Middlesex and Essex Counties, MA (Boston), New Haven County, CT (Wallingford), Cecil County, MD (Elkton), York, Cherokee and Spartanburg Counties, SC (Rock Hill, Gaffney, and Spartanburg), Cabarrus County, NC (Midland), Philadelphia, Montgomery, Bucks, Chester and Delaware Counties, PA, Gloucester, Burlington, Salem and Camden Counties, NJ, and New Castle County, DE (Philadelphia); (c) Sub 7, Anson County, NC (Wadesboro); (d) Sub 12, Essex, Middlesex, Hudson, Union and Bergen Counties, NJ (Newark); (e) Sub 14, Tippecanoe County, IN (Lafayette); (f) Sub 18, Rowan County, NC (Salisbury), and Stark County, OH (Canton); (g) Sub 21, Boyd County, KY (plantsite near Ashland); (h) York County, SC (Catawba and points within 5 miles thereof); (i) Sub 27, Boyd County, KY (plantsite near Coalton, Boyd County, KY); (j) Sub 31, York County, SC (plantsite near Catawba); (k) Sub 33, Mecklenburg, Union and Gaston Counties, CN (Charlotte); (l) Sub 35, Stark County, OH (East Canton); (m) Sub 37, Davidson County, NC (Lexington), and Montgomery County, NC (Mt. Gilead); and, (n) Sub 39, Vanderburgh County, IN (Evansville); and (4) (a) remove the dump vehicle restriction, in Sub 36; (b) change the territorial description in Sub 38 to radial authority "between the facilities used by Ralston Purina Company at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI)," from existing nonradial authority which reads between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Ralston Purina Company; and (c) remove the restriction to traffic originating at or destined to the facilities used by C. L. Krug Lumber Company to allow radial authority between Vanderburgh County, IN, on the one hand, and, on the other, points in eleven States.

MC 134592 (Sub-28)X, filed December 17, 1982. Applicant: HERB MOORE AND HAZEL MOORE, d.b.a. H & H TRUCKING CO., 7739 SE 21st Ave., Portland, OR 97211. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR, 97201. Subs 2, 4, 9, 16F, 23F, and 24F; (1) broaden (a) bananas and commodities, the transportation of

which is partially exempt from regulation under section 203(b) (6) of the Interstate Commerce Act, when moving in the same vehicle with bananas (Sub 2), and wine and malt beverages (Subs 9 and 16F) to "food and related products"; (b) shakes, shingles, and ridge trim to "lumber and wood products" (Sub 4), (c) furniture to "furniture and fixtures" (Sub 23F), and (d) pulp and paper mill products to "pulp, paper and related products" (Sub 24F); (2) remove the "except Modesto" restriction (Sub 9); (3) change one-way to radial authority (Subs 2, 4, 9, 16F, 23F, and 24F); (4) broaden ports of entry on the U.S.-Canada Boundary line located at or near (a) Blaine and Oroville, WA (Subs 2 and 4), and (b) Sumas and Port Angeles, WA (Sub 4) to ports of entry in Washington; and (5) remove facilities limitations and change cities to county-wide authority: (a) Los Angeles and Long Beach, CA (Los Angeles County), San Diego, CA (San Diego County) and Seattle, WA (King and Pierce Counties), Sub 2; (b) facilities of Sid Eland Company at Seattle, WA (Pierce and King Counties), Bremerton, WA (Kitsap County), Kirkland, WA (King County) and Raymond, WA (Pacific County) and the facilities of Standard Distributing Co., at Longview, WA (cowlitz County), Sub 9; (c) Los Angeles and Van Nuys, CA (Los Angeles County), Fairfield, CA (Solano County), Everette, WA (Snohomish County), Rutherford and St. Helena, CA (Napa County), Sonoma, CA (Sonoma County), Union City and Livermore, CA (Alameda County), Menlo Park, CA (San Mateo County), Saratoga and San Jose, CA (Santa Clara County), Lodi, CA (San Joaquin County), and Madera, CA (Madera County), Sub 16F; (d) facilities of Sageland Manufacturing, Inc., at Bend, OR (Deschutes County); and (e) Bellingham, WA (Whatcom County), Sub 24F.

MC 138052 (Sub-4)X, filed December 17, 1982. Applicant: MOORE TRANSPORTATION, INC., 7739 NE 21st Avenue, Portland, OR 97211. Representative: David C. White, 2400 SW Fourth Avenue, Portland, OR 97201. Sub 1: (1) Broaden malt beverages and wine to "food and related products"; (2) broaden Los Angeles to Ventura, Los Angeles and Orange Counties, CA; and Phoenix to Maricopa County, AZ; and (3) change one-way to radial authority.

MC 146771 (Sub-3)X, filed December 6, 1982. Applicant: TRANS WEST CARRIERS, INC., 10051 Beech, Fontana CA 92335. Representative: Miles L. Kavaller, Suite 315, 315 South Beverly Drive, Beverly Hills, CA 90212. Permits No. MC-143058 and Sub-Nos. 1, 2, 4F, 7F, and 8F, broaden the territorial descriptions to "between points in the U.S.," under continuing contract(s) with the named shippers.

MC 150879 (Sub-5)X, filed December 14, 1982. Applicant: MARVIN MCINTOSH, 2212 Jefferson St., Omaha, NE 68107. Representative: Michael J. Ogborn, P. O. Box 82028, Lincoln, NE 68501–2028. Sub 4: broaden (1) to "food and related products" form beverages, and materials, equipment, and supplies used in the manufacture, packaging, and distribution of beverages; and (2) Ottumwa to Wapello County, IA.

[FR Doc. 83-551 Filed 1-7-83; 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-228

The following applications were filed in region I:

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1-50 TA) filed December 16, 1982. Applicant: B-D-R-TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Metal concrete retaining forms and iron or steel fittings with covers,* between Westminster, VT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, under continuing contract (s) with Burt Equipment Company, Inc., Westminster Station, VT. SUPPORTING SHIPPER: Burt Equipment Company, Inc., Box 40, Westminster Station, VT 05159.

MC 65491 (Sub-1-8 TA), filed December 17, 1982. Applicant: GEORGE W. BROWN, INC., Rt. 33 East, Box 1208, Hightstown, NJ 08520, Representative: Lawrence Caruso (same as applicant). *Pulp, Paper or Allied Products and materials, equipment and supplies used in the manufacture thereof,* between Lock Haven, PA to points in IN and IL. Supporting Shipper: Hammermill Paper Co., P.O. Box 268, Lock Haven, PA 17745.

MC 165264 (Sub-1–1TA), filed December 17, 1982. Applicant: CURTIS L. MORRIS t.a., C. L. M. TRUCKING, Route 130—Old Georges Road, South Brunswick, NJ 08852. Representative: Adolph Zieseniss, P. O. Box 52, North Brunswick, NJ 08902. *Malt Beverages* from Schlitz Brewery, Winston Salem, NC to Pennsauken, NJ. SUPPORTING SHIPPER: Burns Beverage, 425 North 37th Street, Pennsauken, NJ.

MC 161033 (Sub-1–4TA), filed December 17, 1982. Applicant: CARDINAL CONTAINER, INC., 500 Nordhoff Place, Englewood, NJ 07440. Representative: Jack L. Schiller, 111–56 76th Drive, Forest Hills, NY 11375. *Contract carrier:* irregular routes: *Liquid chemicals* from Norfolk, VA to Huntington, WV and Pikeville, KY, under continuing contract(s) with Allied Colloids, Inc., of Fairfield, NJ. SUPPORTING SHIPPER: Allied Colloids, Inc., 161 Dwight Place, Fairfield, NJ 07006.

MC 165316 (Sub-1–1TA), filed December 22, 1982. Applicant: JOE CUTRONA'S QUALITY CARS INC., 6878 Transit Road, Williamsville, NY 14221. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Used cars (except in driveaway service)* between points in NY, on the one hand,

and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, AND WI. Supporting Shipper (S): There are 15 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 164773 (Sub-1–1TA), filed December 17, 1982. Applicant: GONZALEZ TRANSPORTATION SERVICE, INC., 3514 Palisade Avenue, Union City, NJ 07087. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney) 555 Madison Avenue, New York, NY 10022. *Contract carrier:* irregular routes: *Passengers and their baggage* between New York, NY, and Hudson County, NJ, under continuing contract(s) with Galaxy Towers Condominium Association, Guttenberg, NJ. Supporting Shipper: Galaxy Towers Condominium Association, 7000 Boulevard East, Guttenberg, NJ 07093.

MC 165261 (Sub-1–1TA), filed December 17, 1982. Applicant: J & J WAREHOUSING AND DISTRIBUTION, INC., 117 Fourth Street, Pittsfield, MA 01201. Representative: James M. Burns, 1365 Main Street, Suite 403, Springfield, MA 01103. *Contract carrier:* irregular routes: *Electrical cable and related material,* between points in Berkshire County, MA, on the one hand, and, on the other, points in VT, under continuing contract(s) with Cornish Wire General Cable Company, Williamstown, MA. Supporting Shipper: Cornish Wire General Cable Company, 161 Water Street, Williamsburg, MA 01267.

MC 136643 (Sub-1–1TA), filed December 16, 1982. Applicant: JENI TRUCKING, INC., 30 Lancaster Drive, Suffern, NY 10901. Representative: William Curelio (same as applicant). *Contract carrier:* irregular routes: *New Furniture* from Yonkers, NY to NY, CT and NJ, under continuing contract(s) with J. H. Harvey, Inc., of White Plains, NY. Supporting Shipper: J. H. Harvey, Inc., Tarrytown Road, White Plains, NY.

MC 164696 (Sub-1–1TA), filed December 22, 1982. Applicant: MARK CARRIERS CO., OF NEW JERSEY INC., 63 Pollock Avenue, Jersey City, NJ 07305. Representative: Paul W. Assenza, 22 Savin Court Staten Island, NY 10304. *General commodities (except Class A and B explosives, household goods as defined by the Commission, and commodities in bulk in tank vehicles)* between points in the New York, NY Commercial Zone, as defined by the Commission, New Haven, CT, Fall River, MA, and points in PA within 100 miles of Philadelphia, PA, having a prior or subsequent movement by water. Applicant intends to interline at New York, NY. Supporting Shipper: S. Rothchild & Co. Inc., 40 County Street, Fall River, MA 02723.

MC 147573 (Sub-1–6TA), filed December 22, 1982. Applicant: OAK ISLAND EXPRESS, 2 Sixth Street, Jersey City, NJ 07302. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives, commodities in bulk, and household goods)* (1) Between Jersey City, NJ, on the one hand, and, on the other, points in CT, MA, NJ, NY, PA and RI; (2) Between CT, MA, NJ, NY, PA and RI, on the one hand, and, on the other, points in AR, CA, IL, IN, IA, MN, TN, TX, and WI, under continuing contract(s) with Target Stores, Minneapolis, MN. Supporting Shipper(s): Target Stores, 777 Nicollet Mall, P.O. Box 1392, Minneapolis, MN 55440–1392.

MC 138146 (Sub–1–1 TA) filed December 17, 1982. Applicant: OLYMPIA TRAILS BUS COMPANY, INC., Rear 30–116 Port Street, Newark, NJ 07105. Representative: Eric Meierhoefer, 915 Pennsylvania Building, 425 13th Street, NW, Washington, DC 20004. *Common carrier:* regular routes: *Passengers* between Newark International Airport, Newark, NJ, and John F. Kennedy International Airport, New York, NY, from Newark International Airport to junction U.S. Highways 1 and 9, then over U.S. Highways 1 and 9 to junction Holland Tunnel, then through Holland Tunnel to Manhattan city streets, then over Manhattan city streets to junction Queens Midtown Tunnel, then through Queens Midtown Tunnel to junction Interstate Highway 495, then over Interstate Highway 495 to junction Interstate Highway 678, then over Interstate Highway 678 to John F. Kennedy International Airport, and return serving all intermediate points. Supporting Shippers (s): There are six statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 134625 (Sub–1–1TA), filed December 21, 1982. Applicant: R.S.D. TRANSPORTATION, INC., 128 South Main Street, West Lebanon, NH 03784. Representative: Albert J. Cirone, Jr., Decato & Cirone, P.A., 23 Bank Street, Lebanon, NH 03766. *Contract carrier:* irregular routes: *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses* between points in CT, MA, ME, NH, VT, NY, NJ, PA and OH, under continuing contract(s) with P & C Food Markets, Inc., White River Junction, VT. Supporting Shipper: P & C Food Markets, Inc., P.O. Box 938, White River Junction, VT 05001.

MC 165260 (Sub–1–1TA), filed December 17, 1982. Applicant: SUPERIOR FREIGHT FORWARDERS, INC., 266 Kellogg Street, P.O. Box 2469, Port Newark,. NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Stereo, video, and television supplies* between points in the U.S. (except AK and HI), under continuing contract(s) with Maxell Corp. of America, Moonachie, NJ. Supporting Shipper: Maxell Corp. of America, 60 Oxford Drive, Moonachie, NJ 07074.

MC 165074 (Sub–1–1TA), filed December 17, 1982. Applicant: DAPHNE TEMBELIS & SONS TRUCKING CORP., 22–55 77th Street, Jackson Heights, NY 11370. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Cleaning compounds, fuel oil additives, and plastic garden hose,* between points in the U.S. (except AK and HI), under continuing contract(s) with Petrocon Marine & Industrial Chemical Corp., Brooklyn, NY; Plymouth Apex Co., Inc., Brooklyn, NY. Supporting Shipper(s): Petrocon Marine & Industrial Chemical Corp., 243 44th Street, Brooklyn, NY 11232; Plymouth Apex Co., Inc., 110 Bridge Street, Brooklyn, NY 11201.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 86690 (Sub-II–13TA), filed December 20, 1982. Applicant: BOND TRANSFER CO., INC., 1301 Towson St., Baltimore, MD 21230. Representative: Leonard W. Smith III, (same as above) Contract, irregular: *General commodities, except class A & B explosives,* from Charlotte, NC, Baltimore, MD, and Wierton, WV to pts. in CT, ME, MA, NJ, NH, PA, RI, VT, DE, NY, and NC, under continuing contract with Signode Corp., Glenview, IL, for 270 days. Supporting Shipper: Signode Corp., 3610 W. Lake Ave., Glenview, IL 60025.

MC 136585 (Sub-II–2TA), filed December 20, 1982. Applicant: BUD COFER, INC., 4210 Weckerly Road, Monclova, OH 43542. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613. Contract, irregular: *Iron and steel articles, and materials and supplies used in the manufacturing and preparation for transportation thereof (except commodities in bulk or in tank vehicles),* between Anniston, AL, Fort Madison, IA, Hurst, TX, Sequin,

TX, and pts. in GA, MS, and TX, under continuing contract with Anchor Metals Inc., Anniston, AL, for 270 days. Supporting Shipper: Anchor Metals, Inc., P.O. Box 1786, Anniston, AL 36201.

MC 145930 (Sub-II-9TA), filed December 29, 1982. Applicant: WILLIAM E. MOROG, d.b.a. JONICK & CO., 1840 Idaho Ave., Lorain, OH 44052. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Materials and supplies used by the steel and foundry industries*, between Monroe, MI, on the one hand, and, on the other, points in the U.S., except AK and HI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Hickman, Williams & Company, P.O. Box 872, Monroe, MI 48161.

MC 107012 (sub-II-253TA), filed December 20, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S.C. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *general commodities (except Classes A and B explosives and commodities in bulk)* between points in the US, except AK and HI, under continuing contract(s) with ITOFCA, Inc. and ITOFCA Consolidators, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: ITOFCA, Inc. and ITOFCA Consolidators, Inc., 1011 W. 31st Street, Downers Grove, IL 60515.

MC 152840 (Sub-II-4TA), filed December 20, 1982. Applicant: PATRICIA AND JAMES KELLER d.b.a. P & J TRANSPORTATION CO., Route 295, Berkey, OH 43504. Representative: John P. Diel (same as applicant). *Automobile Parts and Accessories* from points in IL, MO, OK, PA, KY and GA to points in OH and MI, for 270 days. Supporting shipper: A.T.I. Warehouse, Inc., 2051 Sylvania Ave., Toledo, OH 43613.

MC 140300 (Sub-TA-2TA), filed December 15, 1982. Applicant: PHILLIPS FEED SERVICE, INC., 7642 Beth-Bath Pike, Bath, PA 18014. Representative: LaVern R. Philips (same address as applicant). *Such commodities as are dealt in by food and feed business houses and materials, equipment and supplies used in the manufacture, sale and distribution thereof*, between pts in CT, DE, IL, IN, KY, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Ralston Purina Co., Camp Hill, PA.

MC 154240 (Sub-II-2TA), filed December 20, 1982. Applicant: HEIL WINDERMERE STORAGE AND MOVING CO., 8649 Freeway Drive, Macedonia, OH 44056. Representative: Richard J. Heil (same as applicant). Contract, irregular: *General commodities*, between pts. in the US, under continuing contract with National Transportation Consultants Corp. of Brecksville, OH, for 270 days. Supporting Shipper: National Transportation Consultants Corp., 7650 Chippeward, Brecksville, OH.

MC 164887 (Sub-II-1TA), filed November 29, 1982. Applicant: COUNTRY LINES, INC., P.O. Box 1717, Salisbury, MD 21801. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Petroleum and petroleum products, chemicals and related products, materials, equipment and supplies used in the manufacture and distribution thereof*, between points in CT, DE, MA, MD, NJ, NY, NC, PA, RI, VA, WV, and DC for 270 days. An underlying eta seeks 120 days authority. Supporting Shipper(s): George L. Ralph, Inc., 315 Lake St., Salisbury, MD 21801; National Seafood Dist., Inc., 215 High St., Seaford, DE 19973. Application was originally published in the **Federal Register** of December 15, 1982. The purpose of the republication is the 2nd supporting shipper was not listed.

MC 165128 (Sub-II-1 TA), filed December 20, 1982. Applicant: B-BEST TRUCKING, INC., 5742 St. Rt. 36 E, Box 321, Delaware, OH 43015. Representative: A. Charles Tell, 100 E. Broad St., Columbus OH 43215. *Contract Irregular: scrap and sheet copper and materials and supplies* used in the manufacture thereof (1) between Chandler, AZ and McConnellsville, OH, and (2) between McConnellsville, OH and points in CT, MA, NY, PA and RI under continuing contract(s) with Gould, Inc., Chandler, AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Gould, Inc., Drawer M, Chandler, AZ.

MC 164166 (Sub-II-1 TA), filed December 27, 1982. Applicant: A & S TRUCKING SERVICE, 106 Aylesbury Road, Timonium, MD 21093. Representative: William D. Schmidt (same address as applicant). *Contract Irregular: General Commodities* (except household hoods as defined by the Commission, Classes A and B explosives and commodities in bulk) between points in CT, DE, MD, MA, NJ, NY, PA and RI under continuing contract(s) with Noxell Corp., Baltimore, MD for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Noxell Corporation, P.O. Box 1799, Baltimore, MD 21203.

MC 144434 (Sub-II-4 TA), filed December 27, 1982. Applicant: APOLLO TRUCKING, INC., 1951 Dryden Rd., Dayton, OH 45439. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Coal*, from points in Perry County, KY, to points in Erie and Shelby Counties, OH for 270 days. Supporting shipper: Johnson Energy Company, 32 N. Main St., Dayton, OH 45402.

MC 107012 (Sub-II-254 TA), filed December 22, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract Irregular: *General Commodities* (except Classes A and B explosives and commodities in bulk) between points in the United States under continuing contract(s) with R. R. Donnelley & Sons Company, Chicago, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: R. R. Donnelley & Sons Company, 2223 Martin Luther King Drive, Chicago, IL 60616.

MC 107012 (Sub-II-255TA), filed December 27, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the United States, under continuing contract(s) with Hughes Aircraft Company, Los Angeles, CA for 270 days. Supporting Shipper: Hughes Aircraft Company, Building 103, Mail Station 5735, P.O. Box 90515, Los Angeles, CA 90009.

MC 107012 (Sub-II-256TA), filed December 28, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). Contract, irregular: *General commodities (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc., Chicago, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: W. W. Grainger, Inc., 5959 W. Howard St., Chicago, IL 60648.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 159434 (Sub-3-2TA), filed December 28, 1982. Applicant: FEDERAL TRANSPORT, INC., 5658 Elmore Road, Bartlett, TN 38134. Representative: Thomas A. Stroud, 109 Madison Avenue, Memphis, TN 38103. *Meat, meat products, meat by-products, and articles*

distributed by meat packing houses, as described in Sections A and C of Appendix I to the Report and Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Hyplains Dressed Beef, Inc., at or near Dodge City, KS to Memphis, TN; Atlanta and Hawkinsville, GA; Louisville, KY; Dallas and Fort Worth, TX; New Orleans, LA; Gulfport and Biloxi, MS; Montgomery, AL; and points in their respective commercial zones. Supporting Shipper: Hyplains Dressed Beef, Inc., P.O. Box 539, Dodge City, KS, 67801.

MC 165015 (Sub-3–1TA), filed December 28, 1982. Applicant: CHARLES E. WILLIS, d.b.a. CHARLES WILLIS & SONS TRUCKING COMPANY, 2523 Old Savannah Road, Augusta, GA 30906. Representative: Michael B. Hagler, Post Office Box 1477 (13), Augusta, GA 30913. *Contract:* Irregular: (1) *Food and Related Products,* between Richmond County, GA and AL, AR, CA, CO, CT, DC, DE, FL, IL, IN, KS, KY, LA, MA, MD, MI, MO, MS, NC, NJ, NM, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV under continuing contract with Beatrice Foods, Inc., Murray Biscuit Company Division, P.O. Box 2207, Augusta, GA 30913 and Southern Beverage Packers, Inc., 1850 Grant Boulevard, Augusta, GA 30902; (2) *Textile Mill Products,* between Richmond County, GA and AL, FL, KS, MS, NC, OK, SC, TX under continuing contract with Augusta Bag and Burlap Company, 1835 Old Savannah Road, Augusta, GA 30906.

MC 165322 (Sub-3–1TA), filed December 28, 1982. Applicant: MONARCH EQUIPMENT COMPANY, 3001 Crittenden Drive, Louisville, KY 40209. Representative: Robert L. Hallenberg, 2500 First National Tower, Louisville, KY 40202. *Contract:* Irregular: *Household Goods,* points between Louisville, KY, including its commercial zone, and points in IN, IL. Supporting Shipper: Roth Distributing Co., Inc., 3001 Crittenden Drive, Louisville, KY 40209.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission Region 6, Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 165287 (Sub-6–1TA), filed December 21, 1982. Applicant: ALASKA OILFIELD SPECIALTIES, INC., P.O.B. 74650, Fairbanks, AK 99707. Representative: Clifton D. Firestone, SRA Box 1629 W, Anchorage, AK 99507. *Contract;* irregular, *Cement, cement additives, cement compounds and related oilwell drilling commodities, in bulk, and oilwell related materials, machinery, equipment and supplies,* between points in AK, for 270 days. Supporting shipper: Dowell Company, Div. of Dow Chemical, P.O.B. 4370, Houston, TX 77210.

MC 165345 (Sub-6–1TA), filed December 22, 1982. Applicant: AURORA SERVICE, INC., 24160 Silver Spray Dr., Diamond Bar, CA 91765. Representative: Dale Wood, (same address as applicant). *Contract Carrier,* Irregular routes: (1) *Meat and meat products,* from points in IA to points in CA, for the account of Dolores Canning Co., and (2) *Flour and Not Exempt Grains* (excluding grains for brewing and commodities in bulk), from points in IL, IA, KS and MO to points in CA, for the account of Honeyville Grain Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Dolores Canning Co., 1020 N. Eastern Ave., Los Angeles, CA 90063: Honeyville Grain Co., 6416 Flotilla St., City of Commerce, CA 90040.

MC 158818 (Sub-6–3TA), filed December 21, 1982. Applicant: BOB BOYD, d.b.a. BOB BOYD TRUCKING, 417 North M, Livingston, MT 59047. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Tree or Weed Killing Compounds (Nos. 2,4-dichlorophenoxyacetic acid and MCPA acid 2,4-methchlorophenoxacetic)* from Kent, WA and Portland, OR to Billings, MT, for 270 days. Supporting shipper: Yellowstone Valley Chemical, Inc., 1525 Lockwood Road, P.O. Box 957, Billings, MT, 59103.

MC 128862 (Sub-6–1TA), filed December 20, 1982. Applicant: B. J. CECIL TRUCKING, INC., P.O.B. C, Claypool, AZ 85532. Representative: Chris L. Cecil, (same as applicant). *Grinding media used in milling processes* between points in AZ. Restricted to the transportation of traffic having a prior or subsequent movement by rail. Applicant intends to tack. For 270 days. Supporting shipper: Armco Inc., 7000 Roberts St., Kansas City, MO 64125.

MC 165344 (Sub-6–1TA), filed December 21, 1982. Applicant: WAYNE A. LOVE, d.b.a. LOVE TRANSPORTATION, 1799 Harvey Ave., Kelowna, B.C., CD, V1Y 6G4. Representative: Wayne A. Love (same as applicant). *Passengers and their baggage* in special and charter operations between ports of entry on the U.S.–Canadian border and points in the U.S. (except HI), for 180 days. Supporting shipper: Love Tours and Travel Ltd., 1799 Harvey Ave., Kelowna, B.C. Canada V1Y 6G4.

MC 143060 (Sub-6–4TA), filed December 20, 1982. Applicant: PENN-PACIFIC, INC., 20815 Currier Road, Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Truck and trailer parts and parts components,* from the ports of entry between the U.S. and CD in WA, ID, and MT, to points in AZ, CA, ID, MT, NV, NM, OR, UT, and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: McCoy Bros. Group, 14820 112 Avenue, Edmonton, Alberta, CD T5M 2V2.

MC 153559 (Sub-6–3TA), filed December 21, 1982. Applicant: PLAZA EXPRESS, INC., 21115 Devonshire St., #110. Chatsworth, CA 91311. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Plastic articles,* from City of Industry, CA, to Lyndhurst, NJ, for 270 days. Supporting shipper: A & E Plastics, Inc., 14505 Proctor Ave., PO Box 1268, City of Industry, CA 91749.

MC 153559 (Sub-6–4TA), filed December 27, 1982. Applicant: PLAZA EXPRESS, INC., 21115 Devonshire St., Suite 110, Chatsworth, CA 91311. Representative: William J. Monheim, P.O.B. 1756, Whittier, CA 90609. *Plastic articles,* from City of Industry, CA, to points in CO and points in and east of ND, SD, NE, OK, and TX (except Lyndhurst, NJ), for 270 days. Supporting Shipper: A & E Plastics, Inc., P.O.B. 1268, City of Industry, CA 91749.

MC 148791 (Sub-6–17TA, filed December 21, 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 84116. *Contract Carrier,* Irregular routes: *Such commodities as are dealt in or used by department, discount or variety stores,* from Palestine, TX and Bentonville, AR to points in LA, for the account of Wal-mart Stores, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Wal-mart Stores, Inc., 720 S.W. 8th St., Bentonville, AR 72712.

MC 148791 (Sub-6–18TA), filed December 21, 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 84116. *Contract Carrier,* Irregular routes: *Such commodities as are dealt in or used by department, discount or variety stores,* from Maumelle, AR to points in CO, for the account of Target Stores for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Target

Stores, 777 Nicollet Mall, Minneapolis, MN 55440.

MC 52793 (Sub-6-28TA), filed December 27, 1982. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant). *Contract* irregular: *Household goods* between points in the U.S., except AK and HI for 270 days. Restricted to traffic moving under continuing contract with Honeywell, Inc. Supporting shipper: Honeywell, Inc. of Minneapolis, MN.

MC 165368 (Sub-6-1TA), filed December 28, 1982. Applicant: THOMAS CHARLES CLARK AND PAMELA LYNN CLARK, a partnership d.b.a. T.C. CLARK'S TRANSPORTATING, 21195 Bentley Dr., Perris, CA 92370. Representative: Donald R. Hedrick, POB 4334, Santa Ana, CA 92702. *Furniture, restaurant equipment and sundry items used in motels and hotels,* and, *building materials,* between points in CA, OR, WA, ID, MT and NV, for 270 days. Supporting shippers: C&C Lumber Brokers, 1015 N.E. 64th St., Vancouver, WA 98665; Thunderbird-Redlion Corporation, 4001 Main St., Vancouver, WA 98663; and, Halstead Enterprises Incorporated, 2855 Metropolitan, Pomona, CA 91767.

MC 16362 (Sub-6-2TA), filed December 28, 1982. Applicant: DWP TRUCKING, INC, Building 18 Spokane Industrial Park, Spokane, WA 99216. Representative: James E. Wallingford, POB 2647, Spokane, WA 99220. *Building materials, roofing supplies, lumber, wood and forest products* between points in: AZ, CA, CO, ID, IL, IN, MI, MN, MT, ND, NM, NV, OH, OR, SD, TX, UT, WA, WI, and WY; for a period of 270 days. Supporting shippers: There are 6, their statements may be examined at the regional office above.

MC 161250 (Sub-6TA), filed December 28, 1982. Applicant: C. VERN WEST, d.b.a. EXECUTIVE LIMOUSINE, 7525 Vista View Dr., Reno, NV 89506. Representative: C. Vern West (same as applicant). *Passengers and their baggage,* in charter and special operations, in vehicles having a passenger capacity of not more than seven persons, between points in Washoe, Storey, Lyon and Douglas Counties, NV, and Carson City, NV, on the one hand, and Placer, El Dorado, Lassen, Nevada, and Alpine Counties, CA, on the other hand, for 270 days. Supporting shippers: Reno-Tahoe Tour Co. Inc., 2503 E. 2nd St., Reno, NV 89502

MC 1515 (Sub-6-25 TA), filed December 27, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ. Representative: R. L. Wilson (same address as applicant). *common carrier,* by motor vehicle, over regular routes, *passengers and their baggage and express and newspapers, in the same vehicle with passengers,* between Tekonsha, MI and Coldwater, MI: from Tekonsha, MI over Hwy 60 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction U.S. Hwy 12, then over U.S. Hwy 12 to Coldwater, MI, serving all intermediate points, and return over the same route for 270 days. An underlying E.T.A. seek 120 days authority. Supporting shipper: Debra Quimby, 430 S. Byron, Homer, MI 49245; Katherine Carl, 119 W. Main Street, Homer, MI 49245; Marsha Cronkhite, 120 W. Main Street, Homer, MI; Village Stove Shop, 404 Clinton Street, Homer, MI 49245.

MC 165389 (Sub-6-1 TA), filed December 28, 1982. Applicant: PAPER-PAK PRODUCTS, INC., 1941 White Ave., La Verne, CA. 91750. Representative: (same as applicant). *Contract carrier,* irregular route; *pulp paper and related products,* between OR, OK, AZ and CA for the account of Orchids Paper Products, Inc, for 270 days. Supporting shipper: Orchids Paper Products Concel, Inc., 5911 Fresca Dr. La Palma, CA 90623.

MC 154328 (Sub-6-7TA), filed December 27, 1982. Applicant: SMOKEY POINT DISTRIBUTING, INC., P.O. Box 189, Arlington, WA 98223. Representative: Matt Berry (same as above). *Lumber and Building Materials,* From points of entry at the U.S/CD boundry line at Blaine, Lynden, Sumas WA, and other points in WA, OR, MT, CA, IL, TX, NJ, GA, and OH. to points in the U.S. and Ports of Export at Vancouver, Tacoma, and Seattle WA., for 270 days. Supporting shippers: There are five supporting shippers. Their statements may be examined at the Regional Office listed.

MC 165365 (Sub-6-1TA), filed December 23, 1982. Applicant: SORORITY, INC., P.O. Box 1767, Salt Lake City, UT 84110. Representative: Jon R. Michelitch (same as applicant). *Foodstuffs and related items* between Points in Salt Lake County, UT, on the one hand and on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shippers: Muir Roberts Company, P.O. Box 328, Salt Lake City, UT; Maycock Brokerage, 1419 West Indiana Ave., Salt Lake City, UT.

MC 164913 (Sub-6-1TA), filed December 27, 1982. Applicant: WILSON R. AND VIRGINIA E. BRANT d.b.a. VEB COMPANY, 22725 De Soto, Grand Terrace, CA 92324. Representative: Terry E. Morgan, 2131 Almanor St., Oxnard, CA 93030. *General Commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (exceptAK and HI), under continuing contract(s) with Pier 1 Imports, Inc. of Anaheim, CA., for 270 days. Supporting shippers: Pier 1 Imports, Inc., 5455E. La Palma, Anaheim, CA 92807.

MC 165360 (Sub-6-1TA), filed December 27, 1982. Applicant: WESTERN STATES ENERGY, INC., 300 S. 415 W., Salt Lake City, UT 84101. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375. *Contract,* irregular: *blasting agents* (1) from Joplin, MO to Marion, IL and Romney, WV; (2) from St. Louis, MO to Romney, WV; and (3) from Romney, WV to Salyersville, KY and Dewey, OK under continuing contract(s) with Angus Chemical Company of Northbrook, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Angus Chemical Company 2211 Sanders Rd. Northbrook, IL.

MC 99808 (Sub-6-2TA), filed December 29, 1982. Applicant: C-LINE EXPRESS, INC., PO B. 540, Napa, CA 94559. Representative: George James (same as applicant). *Newsprint* between San Francisco, Oakland, Richmond, San Leandro, and Antioch CA; and Yuba, Sacramento, San Juaquin, Butte, Sutter, and Yolo counties, CA, for 270 days. Restricted to shipments having prior or subsequent movement via rail or water. Applicant intends to tack to existing authority. Supporting shippers: There are five supporting shippers. Their statements may be examined at the Regional office listed.

MC 165403 (Sub-6-1TA), filed December 29, 1982. Applicant: ROGER T. ROOT, d.b.a. CITY PICK-UP & DELIVERY SERVICE, P.O. B. 9222, Moscow, ID 83843-1722. Representative: Roger T. Root (same as applicant). *Used household goods for the account of the U.S. Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense* between the ID counties of Benewah, Clearwater, Idaho Latah, Lewis and Nez Pierce; and the WA Counties of Asotin, Garfield, and Whitman for the account of the Department of Defense for 270 days. An underlying ETA seeks authority for 120 days. Interline privileges requested. Supporting shipper: Traffic Management Officer, P.O. B. 1330, Spokane, WA. 99011.

MC 163366 (Sub-G-2TA), filed December 28, 1982. Applicant: DONNA MURRAY d.b.a. DAME TRANSPORTATION, 515 N. E. 8th St., Grants Pass, OR 97526. Representative:

Lawrence M. Cobb, 5743 Power Inn Road, Ste. A, Sacramento, CA 95824. *General commodities (except classes A and B explosives, hazardous wastes, and household goods), restricted to the transportation of traffic moving under Government Bills of Lading or traffic handled for the U.S. Government or on behalf of the U.S. Government where the government contractor (consignee or consignor) is directly reimbursed by the government for the transportation costs,* between points in the U.S., for 270 days. An underlying ETA seeks 120 days. Supporting shippers: Department of Defense, Military Traffic Management Command, 5611 Columbia Pike, Falls Church, VA 22041.

MC 41098 (Sub-6-15TA), filed December 28, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, *household goods* and *machinery* between points in the U.S. under continuing contract(s) with Compugraphic Corporation and its subsidiaries of Wilmington, MA for 270 days. Supporting shipper: Compugraphic Corporation, Wilmington, MA 01887

MC 165384 (Sub-G-1TA), filed December 28, 1982. Applicant: DIANE L. MOODY d.b.a. MERCURY TRANSFER & WAREHOUSE, 841 N. China Lake Blvd., Ridgecrest, CA 93555. Representative: Diane L. Moody (same as applicant). *U.S. Government used household goods, which transportation is incidental to a pack and crate service* on behalf of U.S. Department of Defense between points in CA for 270 days; An underlying ETA seeks 120 days authority. Interline privileges requested Supporting shipper: Naval Weapons Center, China Lake, CA 93555.

MC 110149 (Sub-6-4TA), filed December 28, 1982. Applicant: PAN AMERICAN VAN LINES, INC., P. O. Box 923, Long Beach, CA 90801. Representative: W. C. Fogle (same as applicant). *General Commodities (including household goods but excluding Class A and B explosives),* between points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Hughes Aircraft Company, P.O. B. 90515, Los Angeles, CA 90009.

MC 161806 (Sub-6-1TA), filed December 27, 1982. Applicant: STANLEY M. SHIPP, d.b.a. SHIPP TRANSPORT, 404 W. Cochiti, Hobbs, NM 88240. Representative: Stanley M. Shipp (same as applicant). *Petroleum products,* in bulk, in tank vehicles, from points in Lea and Eddy Counties, NM to points in NM, TX, OK, CO, UT and AZ, for 270 days. Supporting shipper: U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-555 Filed 1-7-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Consent Decree Lodging Pursuant to Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7 (38 FR 19029, July 17, 1973), notice is hereby given that the following documents were lodged at the places and times indicated:

(1) *Fairless Works.* Modification to Consent Decree in *United States, et al.* v. *United States Steel Corporation,* Consolidated Civil Action Nos. 79-3645 and 80-0743, Eastern District of Pennsylvania (Lodged December 30, 1982).

(2) *Mon Valley,* Fourth Modification to Consent Decree in *United States, et al.* v. *United States Steel Corporation,* Civil Action No. 79-709, Western District of Pennsylvania (Lodged December 30, 1982).

(3) *Fairfield Works.* Consent Decree in *Alabama Air Pollution Control Commission, et al.,* and *United States* v. *United States Steel Corporation,* Civil Action No. 77-H-1630-S, Northern District of Alabama (Lodged December 30, 1982).

(4) *Lorain Works.* Third Amendment to Consent Decree in *United States* v. *United States Steel Corporation,* Civil Action No. C-79-225, Northern District of Ohio (Lodged January 4, 1983).

(5) *Gary Works.* Consent Decree in *United States, et al.* v. *United States Steel Corporation,* Civil Action No. H-78-494, Northern District of Indiana (Lodged December 30, 1982).

(6) *South Works.* Consent Decree in *United States, et al.* v. *United States Steel Corporation,* Consolidated Civil Action Nos. 76-C-4545, 79-C-1118, and 83-C-0022, Northern District of Illinois (Lodged January 4, 1982).

(7) *Texas Works. United States* v. *United States Steel Corporation,* Civil Action No. H-82-3945, Southern District of Texas (Lodged December 30, 1982).

The foregoing documents, *inter alia,* implement the provisions of the Steel Industry Compliance Extension Act of 1981 (42 U.S.C. 7143(e)) as to the United States Steel Corporation.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree and consent decree modifications. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *United States Steel Corporation.* D.J. Ref. 90-5-2-3-1034.

The documents may be examined at the following locations:

All documents

(a) Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice, Room 1515, Tenth and Pennsylvania Ave., NW., Washington, D.C. 20530.

(b) U.S. Environmental Protection Agency, Office of Enforcement Counsel, Attn: William Repsher, 401 M Street, SW., Washington, D.C. 20460.

Documents pertaining only to a particular plant in question may be examined at the following locations:

(1) *Fairless Works:*

(a) Office of the United States Attorney, Attn: John Sheehan, 3310 U.S. Courthouse, 601 Market Street, Independence Mall West, Philadelphia, Pennsylvania 19106.

(b) U.S. Environmental Protection Agency, Region III, Attn: Roger Frye, 6th & Walnut Streets, Philadelphia, PA 19106.

(2) *Mon Valley:*

(a) Office of the United States Attorney, Attn: Craig McKay, 633 U.S. Post Office & Courthouse, 7th Avenue and Grant Streets, Pittsburgh, PA 15219.

(b) U.S. Environmental Protection Agency, Region III, Attn: Roger Frye, 6th & Walnut Streets, Philadelphia, PA 19106.

(3) *Fairfield Works:*

(a) Office of the United States Attorney, Attn: Henry Frohsin, 200 Federal Building, 1800 Fifth Avenue North, Birmingham, Alabama 35203.

(b) U.S. Environmental Protection Agency, Region IV, Attn: John Johnson, 345 Courtland Street, NW., Atlanta, Georgia 30308.

(4) *Lorain Works:*

(a) Office of United States Attorney, Attn: Solomon Oliver, Suite 500, 1404 East Ninth Street, Cleveland, Ohio 44414.

(b) U.S. Environmental Protection Agency, Region V, Attn: Peter Kelly, 230 South Dearborn Street, Chicago, Illinois 60604

(5) *Gary Works:*

(a) Office of United States Attorney, Attn: Andrew Baker, Room 312, Federal Building, 507 State Street, Hammond, Indiana 46320.

(b) U.S. Environmental Protection Agency, Region V, Attn: Peter Kelly, 230 South Dearborn Street, Chicago, Illinois 60604.

(6) *South Works:*

(a) Office of United States Attorney, Attn: Jim Hines, Room 1500 S, 219 South Dearborn Street, Chicago, Illinois 60604.

(b) U.S. Environmental Protection Agency, Region V, Attn: Peter Kelly, 230 South Dearborn Street, Chicago, Illinois 60604.

(7) *Texas Works:*

(a) Office of United States Attorney, Attn: Frances Stacy, Courthouse & Federal Building, 515 Rusk Avenue, Houston, Texas 77202.

(b) U.S. Environmental Protection Agency, Region VI, Attn: Jan Horn, 1201 Elm Street, Dallas, Texas 75270.

A copy of the proposed documents may be obtained in person or by mail from the environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Tenth and Pennsylvania Ave., NW., Washington, D.C. 20530. In requesting copies, please enclose a check in the amount of $31.90 (10 cents per page reproduction charge) payable to the Treasurer of the United States. Individual documents are also available at the indicated costs: Fairless ($2.60), Mon Valley ($3.80), Fairfield ($9.90), Lorain ($4.70), Gary ($6.00), South ($3.80), Texas ($.90).

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-618 Filed 1-7-83; 8:45 am]

BILLING CODE 4410-01-M

Consent Decree Lodging Pursuant to Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7 (38 FR 19029, (July 17, 1973)), notice is hereby given that on December 16, 1982 a proposed Second Amendment to Consent Decree in *United States* v. *United States Steel Corporation*, Civil Action No. 79-225 was lodged with the United States District Court for the Northern District of Ohio, Eastern Division. This amendment contingently incorporates a pending revision to the Ohio State Implementation Plan concerning the operation of Batteries D and J at U.S. Steel's Lorain Works.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed amendment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *United States Steel Corporation*, D.J. Ref. 90-5-2-3-1034.

The proposed amendment may be examined at the office of the United States Attorney, Northern District of Ohio, Suite 500, 1404 East Ninth Street, Cleveland, Ohio, and at the Region 5 Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois. Copies of the amendment may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed amendment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-619 Filed 1-7-83; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations; Availability

Reports Issued

Railroad Accident Reports—Brief Format, Issue Number 4—1980 (NTSB-RAB-82-3).

Railroad Accident Reports—Brief Format, Issue Number 1—1981 (NTSB-RAB-82-4).

Aircraft Accident Reports—Brief Format, U.S. Civil Aviation, Issue Number 7 of 1981 Accidents (NTSB-BA-82-9).

Railroad/Highway Accident Report—Long Island Railroad Commuter Train/Ford Van Collision, Mineola, New York, March 14, 1982 (NTSB-TSR-RHR-82-2).

Recommendations to

Aviation—*Federal Aviation Administration: Dec. 20: A-82-146:* Cancel immediately the waiver of the FAA Handbook "Air Traffic Training," 3120.4F, Chapter 3, Section 2, Paragraph 100.C(c), which requires instructor techniques training prior to being assigned to conduct on-the-job training. *A-81-147:* Provide air traffic control facility managers with guidance and criteria to govern the use of newly certified developmental controllers as on-the-job instructors to ensure that the instructors are experienced, proficient and trained in instructor techniques before being assigned to conduct training. A-81-148: Provide air traffic control facility managers with guidance and procedures to place a more measured control on the amount of on-the-job training that controllers are assigned to conduct commensurate with workload and the complexity of the traffic being handled at the control position. *A-82-149:* Develop and adopt the team-assigned Evaluations, Proficiency and Procedures Specialist concept, based on that in use at the LaGuardia Tower, or a similar concept, in place of the existing staff-assigned Evaluations, Proficiency and Development Specialist/Planning and Procedures Specialist concept in use at appropriate air traffic control facilities. *Dec. 27: A-82-150:* Review and revise as necessary the Federal Aviation Administration approved Nihon YS-11 operations manual, the Reeve Aleutian Airlines, Inc. training manual, and the YS-11 before-landing checklist to incorporate more specific information and guidance to enable YS-11 crews to decide when fuel deicing may be safely terminated. *A-82-151:* Issue an Operations Bulletin requiring Principal Operations Inspectors to inform all air carrier and commercial operators of Nihon HS-11 airplanes under their cognizance of the need to mark the catches on all emergency exits so that they are easily located and distinguishable from the exit handles and other components. *Dec. 23: A-82-152:* Amend 14 CFR 139.31 and CFR 139.33 to require that airports certificated under 14 CFR 139 and located in areas subject to snow or freezing precipitation have an adequate snow removal plan, which includes criteria for closing, inspecting, and clearing contaminated runways following receipt of "poor" or "nil" braking action reports and to define the maximum snow or slush depth permissible for continued flight operation. *A-82-153:* Use a mechanical friction measuring device to measure the dry runway coefficient of friction during annual certification inspections at full certificate airports and require that a Notice of Airmen (NOTAM) be issued when the coefficient of friction falls below the minimum value reflected in Advisory Circular 150/5320-12, Chapter 2. *A-82-154:* Require that full certificate airports have a plan for periodic inspection of dry runway surface condition which includes friction measuring operations by airport personnel or by contracted services and which addresses the training and qualification of operators, calibration and maintenance of the equipment, and procedures for the use of the friction measuring equipment. *A-82-155:* Convene an industry-government group to develop standardized criteria for pilot braking action assessments and guidance for pilot braking action reports for incorporation into pilot training programs and operations manuals. *A-82-156:* Amend air traffic control procedures to require that controllers make frequent requests for pilot braking action reports which include an assessment of braking action along the length of the runway whenever weather conditions are conducive to deteriorating braking conditions and that the requests be made well before the pilot lands. *A-82-157:* Amend air traffic control porcedures to require that controllers disseminate "poor" and "nil" braking action reports promptly to airport management and to all departing and arriving flights until airport management reports that the braking action is "good". *A-82-158:* Stress in initial and recurrent air traffic controller training programs, the importance of transmitting all known contaminated runway condition information to departing and arriving flights,

that a "fair" or "poor" braking report from a pilot may indicate conditions which are hazardous for a heavier airplane, and that departing and arriving pilots should be informed when no recent landing by a comparable airplane has been made. *A–82–159:* Amend air traffic control procedures to require that Automatic Terminal Information Service broadcasts: (1) be updated promptly after receipt of reports of braking conditions worse than those reported in the current broadcast, and (2) when conditions are conducive to deteriorating braking action, include a statement that braking action advisories are in effect. *A–82–160:* At such time as air traffic control procedures are amended to require Automatic Terminal Information Service (ATIS) broadcasts to be modified, amend the Airman's Information Manual to alert pilots that when advised on ATIS that braking action advisories are in effect they should be prepared for deteriorating braking conditions, that they should request current runway condition information if not volunteered by controllers, and that they should be prepared to provide a descriptive runway condition report to controllers after landing. *A–82–161:* Require that air carrier principal operations inspectors review the operating procedures and advisory information provided to flightcrews for landing on slippery runways to verify that the procedures and information are consistent with providing minimum airplane stopping distance. *A–82–162:* Require that airplane manufacturers and air carriers provide advisory information and recommended procedures for flightcrew use during a landing approach with the autothrottle speed control system engaged when there is a disparity between the minimum speed the autothrottle speed control system will accept and the flight manual reference speed. *A–82–163:* Amend 14 CFR 25.107, 25.111, and 25.113 to require that manufacturers of transport category airplanes provide sufficient data for operators to determine the lowest decision speed (V_1) for airplane takeoff weight, ambient conditions, and departure runway length which will comply with existing takeoff criteria in the event of an engine power loss at or after reaching V_1. *A–82–164:* Amend 14 CFR 121.189 and 14 CFR 135.379 to require that operators of turbine engine-powered, large transport category airplanes provide flightcrews with data from which the lowest V_1 speed complying with specified takeoff criteria can be determined. *A–82–165:* Amend 14 CFR 25.109 and 14 CFR 25.125 to require that manufacturers of tranport category airplanes provide data extrapolated from demonstrated dry runway performance regarding the stopping performance of the airplane on surfaces having low friction coefficients representative of wet and icy runways and assure that such data give proper consideration to pilot reaction times and brake antiskid control system performance. *A–82–166:* Amend 14 CFR 25.735 to require that manufacturers of transport category airplanes determine and demonstrate the efficiency of brake control systems on surfaces with low friction coefficients representative of wet and icy runways by using simulation techniques incorporating dynamometer tests and actual brake system components, or by actual flight test. *A–82–166:* Amend 14 CFR 121.135 to require that air carriers and other commercial operators of large transport category airplanes include in flightcrew operations manuals takeoff acceleration retardation data in accordance with guidance provided in Advisory Circular 91–6A and stopping performance data on surfaces having low friction coefficients, beginning immediately when such data are available from airplane manufacturers. *A–82–168:* In coordination with the National Aeronautics and Space Administration, expand the current research program to evaluate runway friction measuring devices which correlate friction measurements with airplane stopping performance to examine the use of airplane systems such as antiskid brake and inertial navigation systems to calculate and display in the cockpit measurements of actual effective braking coefficients attained. *A–82–169:* Convene an industry-government group which includes the National Aeronautics and Space Administration to define a program for the development of a reliable takeoff acceleration monitoring system. *Dec. 29: A–82–170:* Include in the next monthly issue of the General Aviation Airworthiness Alert (Advisory Circular 43–16) information concerning the engine control cable seizures on Cessna 300 and 400 series airplanes and the availability of Cessna Service Information Letter ME80–45 and its revision which provides information to correct the problem.

Highway—*Upper Southampton Township, Pennsylvania: Nov. 29: H–82–57:* Work jointly with the Commonwealth of Pennsylvania's Department of Transportation to consider the establishment of hazardous material routes through Southampton with the necessary geometric changes that would eliminate the need for hazardous material trucks to cross the rail-highway grade crossing on Second Street Pike.

Pennsylvania Department of Transportation: Nov. 29: H–82–58: Work jointly with the Upper Southampton Township to consider the establishment of hazardous material routes through Southampton with the necessary geometric changes that would eliminate the need for hazardous material trucks to cross the rail-highway grade crossing on Second Street Pike.

Governors or Governors-elect of Alaska, Arizona, Arkansas, Colorado, Georgia, Hawaii, Idaho, Indiana, Iowa, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming, and (with modifications) Mayor of the District of Columbia: Dec. 7: H–82–59: Include in your 1983 legislative program, legislation to require use of child safety seats for child passengers from infancy through age 4 to reduce the likelihood of death, disability, or disfigurement in motor vehicle crashes. *H–82–60:* Develop a Statewide child passenger safety program including aggressive enforcement of laws requiring use of child safety seats, public information and education programs on their need and proper use, child safety seat loan or similar programs, and ongoing evaluation of such activities.

Marine—*Massachusetts Maritime Academy: Nov. 26: M–82–43:* Conduct training drills on a regular basis to acquaint all cadets and those officers whose duties involve going on board the training ship with the various routes available to exit from the engineroom and other spaces on the training ship. *M–82–44:* Conduct a study prior to the next training cruise to determine the maximum number of persons that could be safely evacuated from the engineroom of the BAY STATE at any time in the event of fire or other emergency, and limit the number of persons in the engineroom to that number until additional means of exiting the engineroom are provided. *M–82–45:* Conduct a study, in conjunction with the Maritime Administration, to determine what immediate improvements, such as additional exits or modifications of ladders and walkways, are feasible and necessary to facilitate safe, effective evacuation of personnel from the engineroom of the BAY STATE in the event of fire or other emergency. *M–82–46:* Establish a program to investigate and analyze casualties and accidents occurring on board the training ship in order to develop means to prevent their recurrence. *M–82–47:* Establish and enforce a policy of keeping the doors to the engineroom and stair towers on the training ship closed at all times except for the passage of personnel. *M–82–48:* Develop standing orders for inport cadet engineering watches in the engineroom on the training ship similar to the standing orders for the underway watches and afford the cadets an opportunity to read the orders ahead of time, and require the cadets to certify by signature and data that the orders have been read and understood. *M–82–49:* Develop standing orders for licensed engineer officer watches on the training ship both underway and import when the engineering plant is in operation, and require assigned licensed engineer officers to certify by signature and date that the order have been read and understood.

U.S. Maritime Administration: Nov. 26: M–82–50: Install a fixed halon fire protection system in the engineroom of the training ship BAY STATE. *M–82–51:* Study the manning conditions and configuration of enginerooms on other training ships owned by the Maritime Administration to determine if installation of halon fire protection systems in these enginerooms is warranted. *M–82–52:* Repair or replace the diesel fire pumps on the BAY STATE. M–82–53: Conduct a study in conjunction with the Massachusetts Maritime Academy to determine what improvements, such as additional exits or modifications of ladders and walkways, are feasible and necessary to facilitate safe, effective evacuation of personnel from the engineroom of the BAY STATE in case of fire or other emergency. *M–82–54:* Make such improvements as are found to be feasible and necessary to facilitate safe, effective evacuation of the number of personnel that may be in the engineroom of the BAY STATE

at any time during regular watchstanding and training sessions. *M–82–55:* Study the manning conditions and configuration of enginerooms on other training ships owned by the Maritime Administration to determine if improvements to facilitate evacuation of personnel from enginerooms of other training ships are warranted. *M–82–56:* Pending possible relocation of the highpressure fuel oil strainer in the engineroom of the BAY STATE to a location where escaping fuel would be removed from sources of ignition, install a new duplex strainer equipped with a spray shield and steel vent fittings.

Pipeline—*American Gas Association: Dec. 10: P–82–43:* Advise member companies of the circumstances of the September 7, 1982, natural gas accident in Dublin, Georgia, and urge that they review their operating and maintenance procedures and, if necessary, initiate changes to discontinue any practices involving cutting gas mains while under pressure except in the case of an emergency when required for public safety. *P–82–44:* Reemphasize the importance of using proper procedures such as the cordoning off of the work area, the placement of warning signs to alert the public, the use of breathing equipment, belts and ropes, and having operable fire extinguishers accessible at the work site when performing maintenance and/or construction work in which escaping gas may pose a safety hazard to the public or to employees.

American Public Gas Association and National L.P. Gas Association: Dec. 10: P–82–45: Advise member companies of the circumstances of the September 7, 1982, natural gas accident in Dublin, Georgia, and urge that they review their operating and maintenance procedures and, if necessary, initiate changes to discontinue any practices involving cutting gas mains while under pressure except in the case of an emergency when required for public safety. *P–82–46:* Reemphasize the importance of using proper procedures such as the cordoning off of the work area, the placement of warning signs to alert the public, the use of breathing equipment, belts and ropes, and having operable fire extinguishers accessible at the work site when performing maintenance and/or construction work in which escaping gas may pose a safety hazard to the public or to employees.

American Society of Mechanical Engineers: Dec. 10: P–82–47: Revise the American Society of Mechanical Engineers Gas Guide provided for compliance with Part 192.751, Prevention of Accidental Ignition, of Title 49, Code of Federal Regulations, to advise against cutting gas mains under pressure unless specific conditions can be identified wherein such a practice can be performed safely. If such conditions exist, identify them in the guide and describe the safeguards necessary for safely cutting gas pipelines under pressure.

City of Dublin, Georgia: Dec. 10: P–82–48: Review its operating and maintenance procedures and, if necessary, initiate changes to discontinue any practices involving cutting gas mains while under pressure except in the case of an emergency when required for public safety. *P–82–49:* Review its training procedures and modify them as necessary so that all supervisors and employees are recurrently made fully aware of the correct procedures to be followed in cutting gas lines. *P–82–50:* Have air breathing equipment, safety belts and ropes, and operable fire extinguishers readily accessible at the work site before beginning any operations in which escaping gas amy pose a safety hazard to the public or to employees. *P–82–51:* Cordon off work sites during maintenance and/or construction activities and, through the placement of warning signs, alert the public about the potentially hazardous conditions.

Railroad—*Southeastern Pennsylvania Transportation Authority: Nov. 29: R–82–110:* Modify the automatic grade crossing protection systems to eliminate the momentary loss of shunt in order to assure that all rail cars approaching grade crossings cause the crossing warning device to operate as intended. *R–82–111:* Modify the inward opening passenger doors in the existing diesel rail cars to facilitate passenger evacuation in emergency situations. *R–82–112:* Enhance your training and education program by bringing the circumstances of the January 2, 1982, passenger train/gasoline truck accident to the attention of its employees in order to reduce the likelihood and severity of railroad/highway grade crossing accidents.

State of Alabama: Dec. 29: R–82–113: Install STOP and STOP AHEAD signs immediately on County Road 42 where it intersects the tracks of the Southern Railway Company. *R–82–114:* Immediately repaint the STOP line east of the tracks and the centerline on both approaches of County Road 42 to the Southern Railway Company track. *R–82–115:* Complete the review of the recommendations of the diagnostic team that examined the Southern Railway System, County Road 42 crossing on October 4, 1982, and develop appropriate additional action as necessary.

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630. Single copies of recommendation letters (identified by recommendation number) are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

January 4, 1983.

[FR Doc. 83–427 Filed 1–7–83; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 3d day of January, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

FEDERAL REGISTER (EXPORT)

Name of applicant, date of application, date received, application NO.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Dec. 6, 1982, Dec. 6, 1982, XSNMO1998.	3.35 pct enriched uranium	79,005.000	2,647.170	5 reloads of fuel for Borssele Power Reactor	Netherlands.
Mitsubishi Internat'l Dec. 6, 1982, Dec. 13, 1982, XSNMO1999.	3.45 pct enriched uranium	21,199	732	Routine reload of fule for Ikata No. 1	Japan.

FEDERAL REGISTER (EXPORT)—Continued

Name of applicant, date of application, date received, application NO.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear Co., Dec. 16, 1982, Dec. 20, 1982, XSNMO2001.	3.40 pct enriched uranium	29,246	995	Reload fuel for Biblis A	West Germany.
Transnuclear, Inc., Dec. 22, 1982, Dec. 22, 1982 XSNMO2002.	3.35 pct enriched uranium	8,041.00	269.374	Routine reload of fuel for Kernkraftwerk Obrigheim GmbH.	West Germany.
GA Technologies, Inc., Dec. 23, 1982, Dec. 27, 1982, XSNM2003.	93.2 pct enriched uranium	1.1	1.0	For use at Badan Tenga Atom National to produce radioisotopes.	Indonesia.
Marubeni America, Dec. 27, 1982, Dec.29, 1982, XSNMO2004.	3.95 pct enriched uranium	51,160	1,542	First reload of fuel for Fukushima II, Unit 2	Japan.
Marubeni America, Dec. 27, 1982, Dec. 29, 1982, XSNMO2005.	3.95 pct enriched uranium	9,002	249	First reload of fuel for Fukushima II, Unit 2	Japan.

[FR Doc. 83-525 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

Application for License To Export Nuclear Material

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" notice is made that the Nuclear Regulatory Commission has received an application from Nuclear Metals, Inc., Concord, Massachusetts, for a license authorizing the export of 15,804.5 kilograms of depleted uranium to the United Kingdom Ministry of Defense (MOD) where it will be used in the manufacture of ammunition cores for experimental (test firing) purposes only. A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

Nuclear Metals, Inc. requested that the normal 30-day period between the notification of the receipt of an application in the **Federal Register** and the issuance of the license be waived in this instance in order that the shipment might be completed in early January 1983. The firm's request was based on the fact that Nuclear Metals inadvertently had applied for a license to export this material in October 1982 to the Office of Munitions Control (OMC), U.S. Department of State, rather than to NRC. In this regard, Nuclear Metals advised NRC staff that it was not aware that NRC was the appropriate licensing agency.

This proposed export, in the judgment of the NRC staff, is authorized by law, does not constitute and unreasonable risk to the public health and safety, and will not be inimical to the common defense and security. In light of the urgency expressed by the applicant and the time that has elapsed since the applicant submitted the license application (to the Office of OMC), under the provisions of 10 CFR 110.10(a), the subject license application has been exempted from the normal 30-day waiting period between the date of notice of receipt in the **Federal Register** and issuance of the license and the requested license has been granted to Nuclear Metals, Inc.

Dated this 3rd day of January at Bethesda, Md.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

[FR Doc. 83-526 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Granting of Relief From ASME Section XI Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted a relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Baltimore Gas and Electric Company (the licensee), which revised the inservice inspection program for Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The NRC has provided a relief from the ASME Boiler and Pressure Vessel Code, Section XI, regarding the requirement to calibrate bearing thermocouples on specified Class 2 and Class 3 pumps.

The Commission has determined that the granting of this relief 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 this action.

For further details with respect to this action, see (1) the licensee's request for relief from code requirements dated August 30, 1982 and (2) 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. 20555, and at the Calvert County Library, Prince Frederick, Maryland. A copy of item (2) 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, Md. this 22nd day of December, 1982.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-527 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

Cleveland Electric Illuminating Co., et al.; Perry Nuclear Power Plant, Units 1 and 2; Order Extending Construction Completion Dates

The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and the Toledo Edison Company (collectively, the applicants) are the holders of Construction Permits Nos. CPPR-148 and CPPR-149 issued by the Nuclear Regulatory Commission on May 3, 1977 for construction of the Perry Nuclear Power Plant, Units 1 and 2 which is presently under construction at the Permittees' site located on Lake Erie in Lake County, about 11 km (7 miles) northeast of Painesville, Ohio. On July 21, 1982 the applicants filed a request pursuant to the Code of Federal Regulations, Title 10, Part 50, Section 50.55(b) for an extension of the

construction completion dates for Perry Nuclear Power Plant, Units 1 and 2 because construction has been delayed due to the following factors:

1. Projections of the growth rate in the demand for electricity have been significantly reduced as a result of the slowdown in industrial growth, increased availability of natural gas, and conservation efforts by customers. This reduced growth rate has delayed the need for the capacity to be supplied by the Perry units.

2. Numerous changes and additional requirements for plant design and analysis have been incorporated, including those required by the Commission as a result of the Three Mile Island accident and during the course of the NRC's regulatory review.

3. Increasing financing requirements caused by changes in plant design, increased plant construction costs and the sustained high rates of inflation during the past several years, have increased the difficulties in obtaining capital funds.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in the staff's safety evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 50.54(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The applicants' letters, dated July 21, 1982 and December 1, 1982, and the NRC staff's safety evaluation supporting the Order for extension of the latest construction completion dates are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Perry Public Library, 3735 Main Street, Perry, Ohio 44081.

It is hereby ordered that the latest construction completion dates for the Perry Nuclear Power Plant be extended from December 31, 1982 to November 30, 1985 for Unit 1 (CPPR–148) and from June 30, 1984 to November 30, 1991 for Unit 2 (CPPR–149).

Date of Issuance: December 29, 1982.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-328 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR–67, issued to Florida Power & Light Company (the licensee), which revised Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of the date of issuance.

The amendment incorporates into the operating license technical specifications to provide for decay heat removal. Specifically, this amendment requires the operability of a second system, in addition to an operational system for decay heat removal in modes 3–6.

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 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 October 30, 1980, (2) Amendment No. 56 to License No. DPR–67 and (3) the Commission's letter dated December 21, 1982. 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 Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. 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, Md., this 21st day of December, 1982.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-329 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-458]

Gulf States Utilities Co. and Cajun Electric Power Cooperative; River Bend Station, Unit 1; Order Extending Construction Completion Date

Gulf States Utilities Co. and Cajun Electric Power Cooperative are the holders of Construction Permit No. CPPR–145, issued by the Nuclear Regulatory Commission on March 25, 1977 for construction of the River Bend Station, Unit 1. This facility is presently under construction at a site in Southeastern Louisiana in the Parish of West Feliciana, LA.

On November 5, 1982, the applicants requested an extension of the latest completion date from March 31, 1983 to December 31, 1985 because construction has been delayed as a result of applicants reducing capital outlays consistent with the reduction in anticipated revenues. This reduction in capital outlays was for good cause beyond the applicants' control; specifically, high interest rates, inadequate rate relief, a delay in the purchase of an ownership share of the unit by Cajun Electric Power Cooperative and the continuing delay in ownership by Sam Rayburn G & T, resulting in reduced manpower levels in both engineering and construction.

Prior public notice of this extension was not required since this action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in the staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

It is hereby ordered that the latest completion date for Construction Permit No. CPPR–145 is extended from March 31, 1983 to December 31, 1985.

Date of Issuance: December 27, 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-530 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Granting of Relief From Certain Requirements of ASME Code Section XI Inservce (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules and Inservice Inspection of Nuclear Power Plant Components" to the Tennessee Valley Authority (the licensee). The relief relates to the preservice hydrostatic tests for the Sequoyah Nuclear Plant, Unit 1 and 2 (the facilities) located in Hamilton County, Tennessee. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief relates to certain inservice examination requirements, pursuant to the Commission's regulations in 10 CFR 50.55a(g)(6)(i). The licensee will perform a system functional test at 115 psig versus 176 psig as required by the code and will perform a liquid penetrant examination on each weld.

The requests for relief comply 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.

The Commission has determined that the granting of relief 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 action.

For further details with respect to this action, see (1) the licensee's letters dated October 13, November 18, and December 3, 1982, (2) the Commission's letter to the licensee dated December 23, 1982, and, (3) the Commission's related Safety Evaluation Report. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. 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, Md., this 23rd day of December 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-531 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR–77 and Amendment No. 8 to Facility Operating License No. DPR–79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plants, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments change the diesel generator battery float voltage and the isolation times for containment isolation values. The amendments are effective as of their dates of issuance.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any signficant environmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the Tennessee Valley Authority letter dated September 17, 1982, (2) Amendment No. 17 to Facility Operating License No. DPR–77 with Appendix A Technical Specification page changes; (3) Amendment No. 8 to Facility Operating License No. DPR–79 with Appendix A Technical Specification page changes; and (4) 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 the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tenn. 37402. A copy of Amendment No. 17 and Amendment No. 8 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, Md., this 23rd day of December 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-532 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR–77 and Amendment No. 9 to Facility Operating License No. DPR–79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments change the containment ventilation system Technical Specifications to clarify the time period for purging and venting and correct typographical errors in an earlier amendment. The amendments are effective as of their dates of issuance.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For futher details with respect to this action, see (1) Tennessee Valley Authority letter dated July 22, 1982, (2) Amendment No. 18 to Facility operating License No. DPR-77 with Appendix A Technical Specification page changes; (3) Amendment No. 9 to Facility Operating License No. DPR-79 with Appendix A Technical Specification page changes; and (4) 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, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tenn. 37402. A copy of Amendment No. 18 and Amendment No. 9 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, Md., this 23d day of December 1982

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-533 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment; Facility Operating License No. DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment changes the Technical Specifications to accommodate the Unit 1 Cycle 2 reload operations. The amendment is effective as of its date of issuance.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the 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) Tennessee Valley Authority letter dated September 17, 1982, (2) Amendment No. 19 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes; 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, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 19 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, Md., this 23rd day of December 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-534 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-77 and Amendment No. 10 to Facility Operating License No. DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments change the maximum isolation time for containment isolation valves, modify the surveillance requirements for testing of containment penetration protective fuses, and correct a typographical error in Table 4.4-5. The amendments are effective as of their dates of issuance.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated August 16, 1982, (2) Amendment No. 20 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes; (3) Amendment No. 10 to Facility Operating License No. DPR-79 with Appendix A technical specification page changes; and (4) 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, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 20 and Amendment No. 10 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, Md., this 23d day of December 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-535 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-77 and Amendment No. 11 to Facility Operating License No. DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments change certain aspects of the surveillance requirements associated with Emergency Gas Treatment System and the diesel generator. The amendments are effective as of their dates of issuance.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letters dated December 23, 1982 (two letters), (2) Amendment No. 21 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes; (3) Amendment No. 11 to Facility Operating License No. DPR-79 with Appendix A Technical Specification page changes; and (4) 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, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tenn. 37402. A copy of Amendment No. 21 and Amendment No. 11 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, Md., this 23rd day of December 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-536 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commssion (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-77 and Amendment No. 12 to Facility Operating License No. DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments change the winter flood level and the surveillance requirements for flood protection. The amendments are effective as of their dates of issuance.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant evironmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authroity letter dated August 16, 1982, (2) Amendment No. 22 to Facility Operating License No. DPR-77 with Appendix A technical Specification page changes; (3) Amendment No. 12 to Facility Operating License No. DPR-79 with Appendix A Technical Specification page changes; and (4) 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, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tenn. 37402. A copy of Amendment No. 22 and Amendment No. 12 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, Md, this 27th day of December 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-537 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment; Facility Operating License No DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment revises implementation dates of several items from no later than startup following the first refueling outage to no later than startup following the second refueling outage.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the 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) Tennessee Valley Authority letters dated May 25, August 6, August 12, September 9, and November 22, 1982, (2) Amendment No. 23 to Facility Operating License No. DPR-77, 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 the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 23 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attenation: Director, Division of Licensing.

Dated at Bethesda, Md., this 27th day of December 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-538 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment; Facility Operating License No. DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-77 issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. The amendment changes the license condition related to hydrogen control measures and also changes the Technical Specifications to reflect the installation of a permanent hydrogen mitigation system. The amendment is effective as of its date of issuance.

Issuance of the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this 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) Nuclear Regulatory Commission Secretary's Memorandum dated December 23, 1982, (2) Tennessee Valley Authority letter dated September 17 and December 23, 1982, (3) Amendment No. 24 to Facility Operating License No. DPR-77; (4) the Commission's related Safety Evaluation; and (5) Supplement No. 6 to the Commission's Safety Evaluation Report dated December 1982 (NUREG-0011).

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 24 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, MD., this 29th day of December 1982.

Elinor G. Adensam,

Chief, Licensing Branch, No. 4.

[FR Doc. 82-530 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-77 and Amendment No. 13 to Facility Operating License No. DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments incorporate downscale failure alarms and change the surveillance requirements for ice condenser doors. The amendments are effective as of their dates of issuance.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated August 12, 1982, (2) Amendment No. 25 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes; (3) Amendment No. 13 to Facility Operating License No. DPR-79 with Appendix A Technical Specification page changes; and (4) 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 the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tenn. 37402. A copy of Amendment No. 25 and Amendment No. 13 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, Md., this 29th day of December 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-540 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-134]

Worcester Polytechnic Institute Renewal of Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. R-61 to the Worcester Polytechnic Institute (the licensee), which renews the license for operation of the pool-type reactor (the facility) located on the Institute's campus in Worcester, Massachusetts. The facility is a research reactor that has been operating at power levels not in excess of 10 kilowatts (thermal).

The amendment extends the duration of Facility License No. R-61 for twenty years from the date of issuance of this amendment.

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. Those findings are set forth in the license amendment. Notice of the proposed issuance of this action was published in the **Federal Register** on November 16, 1979 at 44 FR 66115. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the renewal of the Facility Operating License and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendment dated July 16, 1979, as supplemented by filings dated July 20, 1979, September 27, 1979, October 26, 1979, May 22, 1980, June 12, 1980, November 20, 1980, January 19, 1981, March 3, 1982 and October 26, 1982, (2) Amendment No. 7 to License R–61, and (3) the Commission's related Safety Evaluation Report and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 30th day of December 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83-541 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-70 SC]

General Electric Co. (Vallecitos Nuclear Center—General Electric Test Reactor, Operating License No. TR-1); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this show cause proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members: Alan S. Rosenthal, Chairman, Stephen F. Eilperin, Howard A. Wilber.

Dated: January 4, 1983.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-621 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co., et al, Issuance of Amendment Facility Operating License Nos. NPF-10 and NPF-15

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. NPF–10, and Amendment No. 2 to Facility Operating License NPF–15 to Southern California Edison Company, San Diego Gas and Electric Company, the City of Riverside, California and the City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Units 2 and 3 (the facility) located in San Diego County, California. These amendments are effective December 30, 1982.

The amendments change the Units 2 and 3 technical specifications to delete the requirement for automatic closing of the ECCS miniflow valves upon receipt of a Recirculation Actuation Signal or Test Signal.

Issuance of these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this amendment was not required since the amendment does 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 this amendment.

For further details with respect to this action, see (1) Southern California Edison Company's letters dated December 29, 1982, (2) Amendment No. 13 to Facility Operating License No. NPF–10, and Amendment No. 2 to Facility Operating License NPF–15 and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672. 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 30th day of December 1982.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-622 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445, 50-446]

Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of December 30, 1982, oral argument on the issues presented by the NRC staff's appeal from the Licensing Board's September 30, 1982 order in this operating license proceeding will be heard at 9:30 a.m., on Wednesday, January 19, 1983, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: January 4, 1983.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-623 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-305]

Wisconsin Public Service Corp., Wisconsin Power and Light Co., and Madison Gas and Electric Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-43, issued to Wisconsin Public Sevice Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Plant (the facility) located in Kewaunee, Wisconsin. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to reflect recent reorganization of the Nuclear Department.

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 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 51.55(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 September 27, 1982, (2) Amendment No. 48 to License No. DPR-43 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, N.W., Washington, D.C. and at the Kewaunee Public Library, 822 Juneau Street, Kewaunee, Wiisconsin 54216. 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 3rd day of January 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-624 Filed 1-7-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Acid Rain Peer Review Panel Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Acid Rain Peer Review Panel

Dates, times, and location: January 27, 1983, 7:30 PM, Room 114, Administration Bldg.; January 28 and 29, 1983, 9:00 AM, Martin Johnson House (T29); Scripps Institution of Oceanography, La Jolla, CA

Type of meeting: Part Open: January 28, 9:00 AM to 4:30 PM; January 29, 9:00 AM to Noon.

Part Closed: January 27, 7:30 PM to 10:00 PM; January 29, 1:00 PM to 3:00 PM.

Proposed agenda:

(1) Committee organization, personnel policies.

(2) Review of draft critique assembled from individual panelist's comments.

(3) Review of draft assessment and recommendations.

(4) Review of public written comments.

Reason for closed meeting: Discussion of personnel policies and panel staff composition require discussion of internal personnel procedures of the Executive Office of the President and will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c) (2) and (6).

Public participation: Parts of the meeting, as indicated above, are open to the public. Due to limited meeting room capacity, individuals wishing to attend should contact Mrs. Patti Parsons at (619) 452-2826, prior to 4:30 PM on January 27, 1983. Written comments addressing the MOI working group reports under consideration and other issues in the Panel's charter should be submitted to the Panel by March 1, 1983 at the address below: Dr. John K. Robertson, Executive Secretary, Acid Rain Peer Review Panel, Office of Science & Technology Policy, Room 5002, New Executive Office Building, Washington, D.C. 20500.

Jerry D. Jennings,

Executive Director, Office of Science and Technology Policy.

January 4, 1983.

[FR Doc. 83-615 Filed 1-7-83; 8:45 am]

BILLING CODE 3170-01-M

POSTAL RATE COMMISSION

[Docket No. A83-12; Order No. 474]

Bladon Springs, Alabama; Order of Filing of Appeal

January 5, 1983.

On December 20, 1982, the Commission received a letter from Mrs. Jessie B. McDowell (hereinafter "Petitioner"), concerning the United States Postal Service's decision to close the Bladon Springs, Alabama 36902, post office. Subsequently, Mrs. McDowell informed the Commission that she intended that her letter be a request for the review provided for by section 404(b) of the Postal Reorganization Act (39 U.S.C. 404(b)).[1]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to "ensure that such persons will have an opportunity to present their views."[2] The petition set forward a number of reasons why the decision to close the Bladon Springs post office should be reconsidered.

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal service be insured to residents of both urban and rural communities.[3]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the closing of post offices.[4]

Upon preliminary inspection, this case appears to involve the following issues of law:

1. Whether the Postal Service's actions are consistent with the statutory requirement that the Postal Service provide a maximum degree of effective

[1] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 U.S.C. 404(b)(1).

[3] 39 U.S.C. 101(b).

[4] 42 FR 59079-85 (November 17, 1977). The Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

and regular postal services to rural areas, communities and small towns where post offices are not self-sustaining [39 U.S.C. 404(b)(2)(C)].

Other issues of law may become apparent when the Commission has had the opportunity to examine further the determination made by the Postal Service. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on the issue described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be filed within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioners by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Commission orders:

(A) The appeal letter from the Bladon Springs post office be accepted as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

By the Commission.

David F. Harris,

Secretary.

Appendix

December 20, 1982: Filing of Petition
January 5, 1983: Notice and Order of Filing of Appeal
January 10, 1983: Filing of Record by Postal Service [*see* 39 CFR 3001.113(a)].
January 10, 1983: Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)]
January 19, 1983: Petitioners' Initial Brief [*see* 39 CFR 3001.115(a)]
February 3, 1983: Postal Service Answering Brief [*see* 39 CFR 3001.115(b)]
February 18, 1983:
(1) Petitioners' Reply Brief should petitioners choose to file one [*see* 39 CFR 3001.115(c)]
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument
April 19, 1983: Expiration of 120 day decisional schedule [*see* 39 U.S.C. 404(b)(5)]

[FR Doc. 83-567 Filed 1-7-83; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance proposed Form N-1A, a new registration form under the Securities Act of 1933 and the Investment Company Act of 1940 for open-end management investment companies other than registered separate accounts of insurance companies.

Submit comments to OMB Desk Officer: Mr. Robert Veeder, (202) 395-4814, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

New.
Form N-1A.
No. 270-21.

Shirley E. Hollis,

Assistant Secretary.

December 27, 1982.

[FR Doc. 83-570 Filed 1-7-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-19388; File No. SR-DTC-82-9]

Self-Regulatory Organizations; Proposed Rule Change by Depository Trust Co. Relating to Its Institutional Delivery System

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 30, 1982, the Depository 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 of the Terms of Substance of the Proposed Rule Change

The proposed rule change involves the Institutional Delivery System (ID System) of The Depository Trust Company (DTC) and consists of the procedures attached as Exhibit 2 to DTC's filing on Form 19b-4, File No. SR-DTC-82-7 (including the forms of agreements attached as Exhibits 23 and 24 to those procedures), which constitute Section M of DTC's Participant Operating Procedures. The proposed rule change provides for consolidation of the three existing ID System agreements into a single contract, which will be set forth as part of that Section M, and for changes in existing procedures as to the form in which DTC delivers copies of ID System confirmations.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to combine the three existing agreements utilized in connection with the ID System into a single simplified contract, which will be set forth as part of Section M of DTC's Participant Operating Procedures, and to change existing procedures as to the form in which DTC delivers copies of ID System confirmations to institutions (ID Institutions) and their agent banks, brokers (ID Brokers) and interested parties participating in the ID System. Significant future growth of the ID

System is anticipated, particularly in view of the recent amendment to the the New York Stock Exchange's Rule 387 on "COD Orders" and similar amendments adopted by other exchanges and the National Association of Securities Dealers, Inc. The proposed rule change will facilitate growth of the ID System by substantially reducing the ID System documentation. The new consolidated contract will eliminate all agreements between ID Institutions and ID Brokers and will eliminate one of the two agreements between each ID Broker and DTC. With ID Institutions numbering in the thousands and ID Brokers numbering in the hundreds, it would be exceedingly burdensome to require an agreement between each ID Institution and each of the ID Brokers with which it deals and to require two agreements between DTC and each ID Broker. The change in the procedures regarding the delivery of ID System confirmations will enable every party receiving a confirmation through the ID System to select the method of receipt and preservation most economic for it and most in keeping with its business requirements.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to DTC because the proposed rule change will facilitate utilization of the ID System which significantly reduces deliveries not known ("Don't Know" or "DK") between a broker and its institutional customer or the institution's agent bank and produces operational efficiencies in settlement activity among brokers, institutions and agent banks. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible since utilization of the ID System offers convenient electronic, automated methods to effect deliveries of securities and payments therefor between a broker and its institutional customer or the institution's agent bank.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change from DTC Participants or others have not been solicited or received. The proposed rule change was developed after discussions with participants in the ID System concerning consolidation of the ID System agreements and methods of delivering ID System confirmations.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

Dated: January 3, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-571 Filed 1-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–19382; File No. SR–NASD–82–24]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Proposed Rule Regarding Pre-Membership Interviews

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 2, 1982, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends Schedule C of the NASD By-Laws to provide that a pre-membership interview shall be held with each applicant for membership and to provide specific procedures for the conduct of such interviews.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

This proposed rule change establishes a procedure for determining the qualifications of applicants for membership. The Association believes this proposed rule change will provide a significant step for the protection of investors and the public interest by providing the Association the authority to impose restrictions on the firm's business consistent with those qualifications. This proposed rule change is consistent with Section 15A(g)(3)(A) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association believes that any burden on competition presented by this rule change is consistent with the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

In connection with the original submission of this proposed rule change (File No. 75–6), comments were solicited from members and other interested parties. No comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 450 Fifth Street, N.W., 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 orgaization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 29, 1982.

Shirley E. Hollis,

Assistant Secertary.

[FR Doc. 83-589 Filed 1-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19391; File No. SR-NASD-82-28]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Amendments to Code of Procedure

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 December 22, 1982, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purose of the proposed rule change is to delete Article I, Section 13 of the By-Laws.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified 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 purpose of the proposed rule change is to delete Article I, Section 13 of the By-Laws on the date that the Securities and Exchange Commission approves the Association's proposed Code of Procedure. Article V of the proposed Code of Procedure directly incorporates the bulk of Article I, Section 13 of the By-Laws and the proposed rule change is designed to avoid redundancy.

The proposed amendments to the Code of Procedure for Handling Trade Practice Complaints are designed to fulfill the responsibility of the Association under Section 15A of the Secrutires Exchange Act of 1934, as amended, to "provide a fair procedure for the disciplining of members and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the Association of any person with respect to access to services offered by the Association or a member thereof." The proposed Code would reflect more accurately current policies and codify into the Code of Procedure all procedural provisions governing disciplinary matters, NASDAQ matters and eligibility deficiencies which are now found in various sections of the NASD Manual, in the Association's By-Laws, Rules of Fair Practice and Code of Procesure of Handling Trade Practice Complaints.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments were received by the Association.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Association consents to an extension of the time period specified in Section 19(b)(2) of the Act until such time as the Association shall file an amendment which specifically states that the time period specified in Section 19(b)(2) shall begin to run on the date of filing such amendment.

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 Exchance Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission

and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 3, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-572 Filed 1-7-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Los Angeles, will hold a public meeting at 10:00 a.m., on Thursday, February 3, 1983, at the Small Business Administration Los Angeles District Office, 350 South Figueroa Street, Suite 600, Los Angeles, California, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Gerold Y. Morita, District Director, U.S. Small Business Administration, 350 South Figueroa Street, Suite 600, Los Angeles, California.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

January 3, 1983.

[FR Doc. 83-631 Filed 1-7-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83-002]

Houston/Galveston Navigation Safety Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, January 27, 1983, at the Houston Pilots Office, 8150 South Loop East, Houston, Texas.

The meeting is scheduled to begin at 9:00 A.M. The agenda for the meeting consists of the following items:

1. Call to Order
2. Reports of Subcommittees
   A. Houston/Galveston Vessel Traffic Service
   B. Aids to Navigation
   C. Inshore Waterway Management
   D. Offshore Waterway Management
   E. Environmental
3. Discussion of Subcommittee Reports
4. Presentation of any additional items for consideration to the Committee
5. Adjournment

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of the public may present a written statement to the Advisory Committee at any time.

Additional information may be obtained from Commander W. A. Monson, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eight Coast Guard District (mps), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA., 70130, telephone number (504) 589-6901.

Dated: January 3, 1983.

J. M. Fournier,

Acting Captain U.S. Coast Guard Commander, 8th Coast Guard District.

[FR Doc. 83-629 Filed 1-7-83; 8:45 am]

BILLING CODE 4910-14-M

[CGD 83-001]

Towing Safety Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of The Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given to a meeting of the Towing Safety Advisory Committee. The meeting will be held on Wednesday and Thursday, February 9, and 10, 1983 in room 3201, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington D.C. On both days the meeting is scheduled to begin at 9:00 a.m. and end at 4:00 p.m. The agenda for the meeting consists of the following items:

1. Revision of Rules for Barges Carrying Bulk Liquid Cargoes; Revision of 46 CFR Part 151 (CGD 81-082).
2. Unmanned Barges Carrying Certain Bulk Dangerous Cargoes; Electrical Hazard Class and Group Ratings (CGD 82-096).
3. Tank Vessels Carrying Noxious Liquid Substances in Bulk; MARPOL Requirements (CGD 81-101).
4. Requirements for Benzene and Benzene Hydrocarbon Mixtures (CGD 80-001).
5. Compatibility of Cargoes; Periodic Review (CGD 82-100a).
6. Subdivision and Stability Regulations consolidation into a new Subchapter "S" in Title 46 (CGD 79-023).
7. Non-Ferrous Flanges on Cargo Transfer Hoses; 33 CFR 154.500.
8. Blind Bend Whistle Signal on Rivers.
9. Marine Sanitation Devices Regulations, Priority Review (CGD 81-097).
10. Advance Notice of Arrival Regulations, Priority Review.
11. Port and Tanker Safety Act Delegations (CGD 79-026).
12. Modification of Subchapter "O" Concerning Inspection of Double Hull Vessels (CGD 82-005).
13. Internal Examination of Cargo Tanks under Subchapter "D" and "E" Double-Skinned Barges.
14. Marine Safety Regulations; Boundary Lines (CGD 82-058).
15. Licensing of Pilots; Manning of Vessels—Pilots (CGD 77-084).
16. Qualifications of Persons in Charge of Oil Transfer Operations; Tankerman Requirements (CGD 79-116).

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Captain C. M. Holland, Executive Secretary, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/44), Washington, D.C. 20593, (202) 426-1477.

Dated: January 15, 1983.

C.M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 83-602 Filed 1-7-83; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App.1) notice is hereby given of a meeting of the Executive Steering Committee of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows:

Opening Remarks
Presentation of Task Group Staff Studies, including recommendations:
- Task Group 1-1.2: Temporary Special Use Airspace
- Task Group 1-2.2: Terminal Radar Service Areas
- Task Group 1-2.3: Control Zones, Airport Traffic Areas and Transition Areas
- Task Group 1-3.1: Random Routes
- Task Group 1-6.2: RF Charts

Discussion

DATE: January 25, 1983, 10:00 a.m. to 4:00 p.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, room 1010, 800 Independence Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, S.W., AAT-30 Washington, D.C. 20591 (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, S.W., Washington, D.C. 20591, by January 18, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on January 4, 1983.

R. J. Van Vuren,
Executive Director, NARAC.

[FR Doc. 83-548 Filed 1-7-83; 8:45 am]
BILLING CODE 4910-13-M

Maritime Administration

[Docket No. S-728]

United States Lines, Inc./Moore-McCormack Lines, Incorporated/ Moore-McCormack Bulk Transport, Inc.; Application

Notice is hereby given that in letter applications dated December 8 and 9, 1982, United States Lines, Inc. (U.S. Lines) and Moore McCormack Resources, Inc. (MMR) have requested authority for U.S. Lines' parent company, McLean Securities, Inc. to acquire all the capital stock of Moore-McCormack Lines, Incorporated (MML). U.S. Lines is a party to Operating-Differential Subsidy Agreement MA/MSB-483 and MML is a party to Operating-Differential Subsidy Agreement MA/MSB-338. MML parent company, MMR is also the parent company of Moore-McCormack Bulk Transport, Inc. (MMBT). MMBT is a party to Operating-Differential Subsidy Agreement MA/MSB-295.

Notice regarding certain permissions to be required for MML in the event of approval of the sale of stock above described was published in the **Federal Register** of December 16, 1982 (47 FR 56431), Docket S-728.

Mr. Robert O'Brien, President of MML, is a stockholder, officer and director of MMR, and MMR has connections with companies which participate in domestic service on the Great Lakes with dry bulk cargo vessels, namely Interlake Steamship Company and Pickands Mather and Company.

In the event of approval of the sale of stock described, USL will require written permission pursuant to section 805(a) of the Act for the activities of Interlake and Pickands Mather, and USL and MML will need written permission pursuant to section 805(a) of the Act for Mr. O'Brien to continue to be a director and officer of MMR.

Interested parties may inspect the foregoing letter applications in the Office of the Secretary, Maritime Subsidy Board/Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Any person, firm, or corporation having any interest in such letter applications and desiring to submit comments thereon must file comments in triplicate with the Secretary, Maritime Subsidy Board/Maritime Administration by close of business of January 13, 1983. The Maritime Subsidy Board/Maritime Administration will consider such comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board/ Maritime Administrator.

Dated: January 6, 1983.

Murray A. Bloom,
Assistant Secretary.

[FR Doc. 83-753 Filed 1-7-83; 8:45 am]
BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Reestablishment of Art Print Panel of the Commissioner of Internal Revenue

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of determination of necessity for reestablishment of the Art Print Panel.

SUMMARY: It is in the public interest to continue the Art Print Panel.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:C:E:V, 1111 Constitution Avenue, N.W., Room 5545, Washington, D.C. 20224, Telephone No. 202-566-4196 (not a toll free number).

Title. The Art Print Panel of the Commissioner of Internal Revenue.

Purpose. The Panel assists the Internal Revenue Service by reviewing and evaluating the acceptability of appraisals and value allocations on art prints, related property and property rights submitted by taxpayers in support of fair market value claimed in Federal income, estate and gift taxes in accordance with sections 1012, 1011, 48, 167, 170, 2031, and 2512 of the Internal Revenue Code of 1954.

Providing this assistance requires Panel records and discussions to include tax return information. Therefore, the Panel meetings will be closed to the public since all portions of the meetings will concern matters that are exempted from disclosure under the provisions of section 552b(c) (3), (4), (6) and (7) of Title 5 of the U.S. Code. This determination, which is in accordance with section 10(d) of the Federal Advisory Committee Act, is necessary to protect the confidentiality of tax returns and return information as required by section 6103 of Title 26 of the U.S. Code.

Statement of public interest. It is in the public interest to continue the Art Print Panel. The Secretary of Treasury, with the concurrence of the Office of Management and Budget, and the General Services Administration, has also approved the reestablishment of the Panel.

The membership of the Panel is to be balanced by the inclusion of publishers, distributors, and retailers of art prints and related commercial exploitation of art images, and by museum print curators.

Authority for this Panel will expire two years from the date the Charter is approved by the Assistant Secretary of the Treasury for Administration and filed with the appropriate congressional

committees unless, prior to the expiration of its Charter, the Panel is renewed.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122).

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 83-606 Filed 1-7-83; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 6
Monday, January 10, 1983

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

CIVIL AERONAUTICS BOARD

[M-371, 1/5/83]

TIME AND DATE: 10:00 a.m., January 12, 1983.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 40551, Draft final rules to reduce reporting for certificated and foreign air carriers. (Memo 1170-A, OC, OEA, BDA, BIA, BCAA, OCCCA, OGC)
3. Docket 39498, Draft final rules reducing the amount of fuel cost and consumption data reported by air carriers, granting limited confidential treatment to such data, and granting delegated authority to the Chief, Information Management Division, OC to grant or deny access to the restricted data. (OC, OEA, BDA, BIA, BCAA, OCCCA, OGC)
4. Docket, Exemption from Title IV of the act to all indirect air carriers engaging in air ambulance operations. (BDA)
5. Dockets 40378, EAS-543 and EAS-545, Essential air service determinations for Devils Lake and Jamestown, North Dakota, and notice of intent of Big Sky to terminate service at the points. (Memo 1132-B, BDA, OCCCA)
6. Docket 41126, Renewal of the designation of Big Sky Airlines to provide essential air service at Glasgow, Glendive, Havre, Lewistown, Miles City, Sidney and Wolf Point, Montana, and Williston, North Dakota. (BDA, OCCCA)
7. Docket 39788, *Air Florida Systems-Western Show Cause Proceeding. (OGC)*
8. Docket 40827, *Dallas/Ft. Worth-London Case*, Order on Discretionary Review. (OGC)
9. Docket 40627, Houston-Acapulco Route Proceeding. (OGC)
10. Elimination of Tariff Filing Requirements for Credit Terms. (OGC)
11. Amendment to Part 305 to remove the requirement that orders list the names of the Enforcement Division attorneys. (OGC)
12. Override of OMB Disapproval of the DBC Reporting Requirement. (OGC, OC)
13. Conforming changes to Part 250 to prepare for the end of the Board's domestic tariff authority. (OGC, BDA, OCCCA)
14. Docket 37444, International Cargo Rate Flexibility. (BIA, OGC)
15. Docket 40988, *Michael Arnone, et al.* v. *Tiger International and The Flying Tiger Line:* Docket 41013, *Paul Stamm and Erwin Zimmermann* v. *Tiger International and The Flying Tiger Line;* Docket 41046, *Sam Fishchel* v. *Tiger International and The Flying Tiger Line*, petitions for arbitration under Tiger International-Seaboard World labor protective provisions. (OGC)
16. Docket 38623, Arreement C.A.B. 28912 R-1 through R-20, IATA agreement proposing a new Europe-South West Pacific passenger fare structure. (BIA)
17. Docket 38961, Intra-Alaska Class Service Mail Rates. (BIA)
18. Dockest 40623, 40680, Capital Air, Inc., and United Air Lines, Inc., for issuance or amendment of certificate of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, as amended, to add authority to serve various Caribbean and Latin American points. (Memo 1642, BIA, OGC, BALJ)
19. Dockets 41110, 41128, Applications of Northwest Airlines, Inc. and Western Air Lines, Inc. for Los Angeles-Calgary/Edmondton certificate authority. Dockets 41111 and 41099, Applications of Northwest and United Air Lines, Inc. for San Francisco-Calgary/Edmonton certificate authority. (Memo 1645, BIA, OGC, BALJ)
20. Docket 41062, Transatlantic Certificate Amendments Show Cause Proceeding. (BIA, OGC)
21. Docket 40887, *U.S.-People's Republic of China Service Proceeding. (Phase II)* Request for Instructions. (OGC)
22. Report on the United Kingdom Capacity Talks. (BIA)
23. Discussion on Scandinavia. (BIA)
24. Discussion on Peru. (BIA)

STATUS: 1-21 Open, 22-24 Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-25-83 Filed 1-6-83; 3:13 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 AM, Thursday, January 13, 1983.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Kansas City Board of Trade Value Line Options Contract.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-23-83 Filed 1-6-83; 2:49 pm]

BILLING CODE 6351-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Wednesday, January 12, 1983, 10:00 a.m.

LOCATION: Third Floor Hearing Room, 1111-18th Street, N.W., Washington, D.C.

STATUS: Open to the public.

Pressed Wood Products: Status Report

The staff will brief the Commission on a Status Report on formaldehyde Emissions from Pressed Wood Products Manufactured with Urea Formaldehyde Resins.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207, 301-492-6800.

[S-26-83 Filed 1-6-83; 3:43 pm]

BILLING CODE 6355-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10:00 A.M., Thursday, January 13, 1983.

PLACE: Board Room, 6th Floor, 1700 G St., N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

MATTERS TO BE CONSIDERED:

Request for Further Extensions to Comply with Conditions for Commitment to Insure Accounts—(Proposed) Franklin Savings and Loan Association, Southfield, Michigan.

Applications for Bank Membership and Insurance of Accounts—Unified Savings and Loan Association, Los Angeles, California (In Organization).

Bank Membership—The Greater New York Savings Bank, Brooklyn, New York.

Applications for Bank Membership and Insurance of Accounts—Saratoga Savings

and Loan Association, Saratoga, California (In Organization).

No. 1, January 5, 1982.

[S-20-83 Filed 1-6-83; 9:27 am]

BILLING CODE 6720-01-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 5, 1983.

TIME AND DATE: 10:00 a.m., Wednesday, January 12, 1983.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will consider and act upon the following:

1. UMWA v. Secretary of Labor, Docket No. CENT 81-223-R. (Issues include whether the judge erred in concluding that a representative of miners lacks statutory authority to contest a citation issued under the Mine Act.)

2. Secretary of Labor *ex rel.* Bennett, Cox, et al. v. Emery Mining Corporation, Docket No. WEST 80-489-D(A). (Issues include whether the judge erred in concluding that the operator's qualifications for hire regarding miner training violated sections 105(c)(1) and 115 of the Mine Act.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

[S-21-83 Filed 1-6-83; 11:23 am]

BILLING CODE 6735-01-M

6

FEDERAL RESERVE SYSTEM, Committee on Employee Benefits

TIME AND DATE: 11:00 a.m., Friday, January 7, 1983.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to (a) the general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long-Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal, actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans.

Specific items will include proposed changes to the Retirement Plan for Employees of the Federal Reserve System. (This matter was originally announced for a meeting on December 10, 1982.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: January 5, 1983.

James McAfee,

Associate Secretary of the Board.

[S-2483 Filed 1-6-83; 3:13 pm]

BILLING CODE 6210-01-M

7

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2:30 p.m., Tuesday, January 11, 1983.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Emergency meeting—less than ten days' prior notice. Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-88 [Final] (Carbon Steel Wire Rod from Venezuela)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

S-19-83 Filed 1-6-83; 9:13 am]

BILLING CODE 7020-02-M

8

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-1]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 370, January 4, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, January 11, 1983.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report:* Automobile/Missouri Pacific Railroad Freight Train Collision, Woodland Drive, Lake View, Arkansas, July 9, 1982, and Recommendations to State of Arkansas and Missouri Pacific Railroad.

2. *Letter* to Union Pacific Railroad Company regarding its petition for reconsideration of probable cause of railroad accident involving the rear-end collision of trains Extra 3119 and Extra 8044 West, near Kelso, California, November 17, 1980 and its response to the Safety Board's recommendations.

3. *Board Position* on Ultralight Vehicle Accidents.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382-6525.

January 6, 1983.

[S-22-83 Filed 1-6-83; 2:23 pm]

BILLING CODE 4910-58-M

9

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 10, 1983, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Thursday, January 13, 1983, at 9:30 a.m. An open meeting will be held on Thursday, January 13, 1983, at 10:30 a.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Thomas, Longstreth, and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Thursday, January 13, 1983, at 9:30 a.m., will be:

Formal order of investigation.

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive action.

Chapter XI proceeding.

The subject matter of the open meeting scheduled for Thursday, January 13, 1983, at 10:30 a.m., will be:

Consideration of whether to publish for comment, as part of the Commission's Proxy Review Program, proposed amendments to Item 402 of Regulation S-K, governing the disclosure of management remuneration, and conforming amendments to Schedule 14A. The proposed amendments would comprehensively revise Item 402 by limiting the Remuneration Table to

disclosure of certain cash remuneration; by permitting other forms of remuneration to be disclosed pursuant to a narrative, tabular or other format; and by focusing on remuneration received or vested rather than including contingent remuneration. For further information, please contact Susan P. Davis or Arthur H. Miller at (202) 272–2589.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

January 6, 1982.

[S-27-83 Filed 1-6-83; 3:44 pm]

BILLING CODE 8010-01-M

federal register

Monday
January 10, 1983

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, HHS.

ACTION: Notice of Actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth actions taken by the Director, National Institute of Allergy and Infectious Diseases, by authority of the Director, NIH, under the August 1982 NIH Guidelines for Research Involving Recombinant DNA Molecules (47 FR 38048).

EFFECTIVE DATE: January 10, 1983.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205 (301) 496–6051.

SUPPLEMENTARY INFORMATION: Several major actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules are being promulgated today. These proposed actions were published for comment in the **Federal Register** of September 22, 1982 (47 FR 41924), and reviewed by the NIH Recombinant DNA Advisory Committee (RAC) at its meeting on October 25, 1982. In accordance with Section IV–C–1–b of the NIH Guidelines, these actions have been found to comply with the Guidelines and to present no significant risk to health or the environment.

Part I of this announcement provides background information on the actions. Part II provides a summary of the actions and an additional announcement of the Director, NIAID.

I. Decisions on Actions Under Guidelines

A. Revision of Appendix F

NIH staff proposed to revise Appendix F, Section F–1, second sentence, to clarify that the subject experiments are not in fact "prohibited," but rather fall under Section III–A of the Guidelines, which requires that the experiments receive RAC review and NIH and IBC approval before initiation. The current language is inaccurate.

The relevant sentence in Appendix F currently reads as follows:

> Cloning of genes coding for molecules toxic for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight [e.g., microbial toxins such as the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin] is prohibited.

NIH staff proposed that this sentence be amended to read as follows:

> The cloning of genes coding for molecules toxic for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram bodyweight [e.g., microbial toxins such as the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin] is covered under Section III–A–1 of the Guidelines and requires RAC review and NIH and IBC approval before initiation.

The proposal was published in the September 22, 1982, **Federal Register** (47 FR 41924). During the comment period, no comments were received.

At its October 25, 1982, meeting, the RAC, by a vote of one in favor, thirteen opposed, and no abstentions, rejected a proposal to add additional wording to this section to indicate that such experiments would not ordinarily be allowed. The RAC then agreed by a vote of fourteen in favor, none opposed, and no abstentions, to recommend the change as published in the **Federal Register** on September 22, 1982, to make Appendix F consistent with the main text of the Guidelines.

I accept this recommendation to revise Appendix F.

B. Request for Permission To Clone a Shiga-like Toxin Structural Gene from E. coli

In a letter dated September 29, 1982, Dr. Alison O'Brien of the Uniformed Services University of the Health Sciences requested permission, in collaboration with Dr. Randall Holmes, to clone in *Escherichia coli* K–12 the structural gene of the Shiga-like toxin from clinically isolated strains of *E. coli*. The *E. coli* Shiga-like toxin has activity similar to the activity of *Shigella dysenteriae* neurotoxin. The investigators proposed to clone the Shiga-like toxin gene in *E. coli* EK1 host-vector systems using plasmid, cosmid, or lambda cloning vectors under P1 conditions. In support of their proposal, Drs. O'Brien and Holmes offered the following arguments:

1. Clinical isolates of *E. coli* have already been demonstrated to elaborate large amounts of toxin indistinguishable from that produced by *Shigella dysenteriae* 1 (Shiga). Therefore, the genes for Shiga-like toxin production are present in the *E. coli* gene pool found in nature.

2. Human volunteers fed large numbers of *Shigella dysenteriae* 1 organisms that produced Shiga toxin but could not colonize the bowel did not become ill. Therefore, any accidental ingestion of the organism to be manufactured, a toxin-producing *E. coli* K–12 strain that cannot colonize the human intestinal tract, should pose little hazard to man.

3. Purification of Shiga toxin in several laboratories and *E. coli* Shiga-like toxin in the investigators' laboratory has not identified any excessive risk from the aerosolization of toxin that probably occurs during the process of toxin preparation. In one laboratory, toxin was isolated from 500 liters of culture with only P1 physical containment.

4. Shiga toxin is a potent cytotoxin for a subline of HeLa cells (a human cervical carcinoma tissue culture cell line) but the toxin has no effect on many other human, monkey, and rodent tissue culture cells. Therefore, the toxin is quite cell-type specific, and this limited spectrum of activity suggests that it would be non-toxic for most cells in the human body.

5. Contrary to the old literature, Shiga toxin is not a neurotoxin. By 1955, it was established that the paralysis observed in rabbits and mice (but *not* monkeys, guinea pigs, hamsters, or rats) when toxin is given intravenously is a reflection of the effect of toxin on the endothelium of small blood vessels, not a direct effect on nerve cells.

The request was summarized in the **Federal Register** of September 22, 1982 (47 FR 41924). One comment on a related issue was received during the comment period. Dr. K. N. Timmis of the Universite de Geneve, suggested that the NIH Guidelines for Research Involving Recombinant DNA Molecules, as they relate to the cloning of the Shiga toxin gene, be revised. Dr. Timmis argued that *Shigella* and *Escherichia* are closely related, and that the NIH recognizes the high degree of relatedness by including these two genera in Sublist A, Appendix A, of the Guidelines. Dr. Timmis, therefore, argued that no NIH review should be required (as now specified by Section III–A and Appendix F) when the Shiga toxin gene is to be cloned in *E. coli* K–12.

The RAC discussed the request submitted by Dr. O'Brien at the October 25, 1982, meeting. During that meeting, it was stated that taxonomically *Shigella* and *Escherichia coli* are so close that in the future they may be classified as the same organism. The toxin administered intravenously to rabbits and monkeys is very toxic; it is not very toxic to mice when administered intravenously. Many *E. coli* isolates, both pathogenic and nonpathogenic, express some toxin; therefore, shotgun cloning of *E. coli* into *E. coli* has undoubtedly already resulted in cloning of the toxin gene. One RAC member pointed out that in *Shigella* the

Shiga toxin gene is chromosomal, and he questioned what effect introducing that gene into a high copy number plasmid would have. Finally, questions were raised concerning the relationship of invasiveness to pathogenicity and to toxin toxicity. Most of these questions could not be answered as inadequate data exist. However, there was general agreement that P4 containment would be adequate. After hearing the arguments, the committee, by a vote of twelve in favor, none opposed, and one abstention, recommended that the initial experiments be performed under P4+EK1 containment conditions. A motion to approve the experiments at P3+EK1 failed by a vote of five in favor, seven opposed, and one abstention. A motion to approve the experiments using P3 laboratory practices and containment equipment in a P4 faculty failed to pass by a vote of five in favor, seven opposed, and one abstention.

I accept the RAC recommendation that P4+EK1 containment is adequate to contain safely the experiments proposed by Drs. O'Brien and Holmes and appropriate language has been added to Appendix F of the Guidelines. If the investigators wish to proceed with the experiments in the NIH P4 facility, a prior review will be conducted by an *ad hoc* group to advise NIH whether the proposal has sufficient scientific merit to justify the use of the NIH P4 facility.

C. Request for Permission To Clone a Hybrid Gene Involving the Gene Encoding Diphtheria Toxin

Dr. John Murphy of Harvard Medical School, in a letter dated October 5, 1982, requested permission to construct a hybrid molecule in which the gene coding for the melanocyte stimulating hormone (MSH) is joined to a segment of the gene encoding diphtheria toxin. The diphtheria toxin gene segment would encode the A subunit and portions of the B subunit. The segment would be devoid of the diphtheria toxin binding domain. The MSH gene would be a synthetic oligonucleotide. The MSH-diphtheria toxin hybrid gene would be introduced into poorly mobilizable plasmids such as pBR322, PUC9, or PUC8, and cloned in *E. coli* EK1 host-vector systems. Dr. Murphy proposed that work leading up to the gene fusion would be conducted under P1 + EK1 containment. P1 + EK1 containment would be appropriate for cloning the diphtheria toxin segment, as without a binding domain the polypeptide has very low toxicity. Dr. Murphy proposed that propagation of the hybrid gene in *E. coli* K–12 be conducted in the high containment Building 550 at the Frederick Cancer Research Facility (FCRF), since the specific toxicity of the hybrid gene product is unknown.

Dr. Murphy's request was summarized in the **Federal Register** of September 22, 1982. During the comment period, no comments were received.

This request was discussed at the October 25, 1982, meeting of the RAC. Immediately preceding this discussion, the RAC discussed a previous request from Dr. Murphy to clone in *E. coli* K–12 restriction fragments of *Corynephage Beta* carrying the structural gene for diphtheria toxin (i.e., not joined to MSH). This previous request of Dr. Murphy's had been recommeded on two previous occasions by the RAC (meetings of April 24, 1981, and September 11, 1981) and approved each time by NIH (**Federal Register** of July 1, 1981, and October 30, 1981). Because of a letter received urging against conducting this experiment, it was brought back to the RAC for reconsideration at this meeting. During a long discussion by the RAC, it was stated that this letter did not raise any issues of risk that were not previously considered by the RAC. A motion that the previous approval for this experiment be rescinded, was not seconded. Appendix F, Section F–IV–C, has been amended to indicate that the previous decision still stands that the P4 facility is judged to be adequate to contain safely the experiment; however, if the investigators wish to proceed with the experiment in the NIH P4 facility, a prior review will be conducted by an *ad hoc* group to advise the NIH whether the proposal has sufficient scientific merit to justify the use of the NIH P4 facility.

The RAC now turned to Dr. Murphy's new proposal to construct and propagate a hybrid molecule in which the gene coding for MSH is joined to a segment of the gene encoding diphtheria toxin. A motion was made that the experiment be allowed as requested by Dr. Murphy, i.e., work leading up to the gene fusion (with the separate fragments of the diphtheria toxin gene and of the synthetic MSH) could be done at P1 containment, but that the propagation of the hybrid toxin gene be done at P4 containment at the Frederick Cancer Research Facility. The motion passed by a vote of thirteen in favor, none opposed, and no abstentions. I accept the RAC recommendation as to the containment necessary to contain safely this experiment and appropriate language has been added to Appendix F of the Guidelines. If the investigators wish to proceed with the experiment in the NIH P4 facility, a prior review will be conducted by an *ad hoc* group to advise the NIH whether the proposal has sufficient scientific merit to justify the use of the NIH P4 facility.

The committee agreed that data on the characteristics of the recombinant organisms expressing the MSH-diphtheria toxin hybrid gene should be evaluated before the strains are permitted to leave the facility. By a vote of thirteen in favor, none opposed, and no abstentions, the RAC recommended that the *ad hoc* Working Group on Toxins be charged with review of the data on the *E. coli* strains carrying the MSH-diphtheria toxin hybrid gene and recommend whether the strains may be removed from P4 containment; the recommendation of the Working Group could be acted upon by NIH without action necessary by the full RAC although a report of the Working Group recommendations should be sent to the RAC. I accept this recommendation, and appropriate language has been added to Appendix F.

D. Request To Field-Test Transformed Tomato and Tobacco Plants

In a letter dated June 9, 1982, Dr. John Sanford of Cornell University requested permission to field-test tomato and tobacco plants transformed with bacterial (*E. coli* K–12) and yeast DNA using pollen as a vector. Plants would then be screened in the field to detect transformation events. Dr. Sanford argued that P1 containment is impractical when the screening of thousands of whole seedlings becomes necessary.

The proposal was summarized in the September 22, 1982, **Federal Register** (47 FR 41925). During the comment period, no comments were received.

The RAC discussed the proposal at the October 25, 1982, meeting. There was doubt expressed as to whether the experiments would actually work, since no one has yet reported transformation via pollen. There was some discussion about the introduction of kanamycin resistance into plants. A representative of the USDA said that antibiotics are used in agriculture to control bacterial diseases, particularly in citrus crops. Antibiotics are not used in the cultivation of tobacco. She noted that the plants will be tested in New York State under controlled conditions in a controlled access field.

The RAC then voted ten in favor, one opposed, with three abstentions, to recommend approval of the experiments as proposed.

Final action on this recommendation is being deferred pending a review of the proposal by the United States

Department of Agriculture Recombinant DNA Committee.

E. Request To Release Strains Of Pseudomonas Syringae and Erwinia Herbicola

Drs. Nickolas Panopoulos and Steven Lindow of the University of California, Berkeley, requested permission to construct and release *Pseudomonas syringae pv. syringae* and *Erwinia herbicola* carrying *in vitro* generated deletions of all or part of the genes involved in ice nucleation.

The aim of the experiments is to investigate possibilities for biological control of frost damage in plants.

The proposal was summarized in the September 22, 1982, Federal Register (47 FR 41925). During the comment period, no comments were received.

Certain bacteria, such as *Pseudomonas syringae* and *Erwinia herbicola* cause nucleation of ice crystals. These bacteria are common plant epiphytes. A causal relationship has been established between frost damage on frost-sensitive crop plants, in the temperature range 0° to -5°C, and the populations of ice nucleation active bacteria present on the plants. There are chemically induced mutants of *P. syringae* and and *E. herbicola* that do not cause ice nucleation, and their effectiveness under field conditions has been demonstrated. The investigators now propose to construct deletion mutants for ice nucleation activity in prototype strains of *P. Syringae* and *E. Herbicola* and to evaluate their efficacy as biological competitors of naturally occurring populations of these bacteria. The investigators state that the advantages of such mutants compared to chemically-induced equivalents are genetic stability and the absence of silent mutations which may adversely effect competitive fitness. Prior to the field applications, the investigators plan to test the mutant strains in a contained environment, such as growth chambers and greenhouse, to verify that they do not induce frost or other injury to plants, and that they are capable of colonizing leaves. It was pointed out that fields have already been sprayed with the chemically induced mutant organisms.

The RAC reviewed the proposal at the October 25, 1982, meeting. Several members of the RAC expressed concern about the lack of data on these organisms, including the host range of the constructed organisms, and the broad approval being requested. One RAC member expressed concern about marking the strains with resistance to antibiotics such as rifamycin in the absence of more information about these organisms. The necessity for releasing the organisms in six different field and experiment stations was questioned. In addition, it was noted that ice nucleation active bacteria can enter the atmosphere as aerosols and may be important in atmospheric precipitation processes. What effect might these experiments have on rainfall patterns in California? On the other hand, it was pointed out that field testing of (non-recombinant-DNA) mutants of these bacteria is already being done.

The RAC then passed a motion noting that similar (non-recombinant-DNA) field tests are already being done, and recommending approval of the requested field tests, by a vote of seven in favor, five opposed, with two abstentions.

Because of concerns raised at the RAC meeting, approval of the proposed field tests is being withheld. The investigators may bring this or a modified proposal back for consideration at a future RAC meeting and may at that time wish to submit additional data resulting from experiments conducted in the laboratory or greenhouse.

II. Summary of Actions Under the Guidelines

Revision of Appendix F of the Guidelines

A. Appendix F, Section F–I, second sentence, is amended to read as follows:

"The cloning of genes coding for molecules toxic for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight [e.g., microbial toxins such as the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin] is covered under Section III–A–I of the Guidelines and requires RAC review and NIH and IBC approval before initiation."

B. A new Section, Appendix F–IV–H, is added to Appendix F as follows:

"Appendix F–IV–H. The structural gene of the Shiga-like toxin from clinically isolated strains of *E. coli* may be safely cloned in *E. coli* K–12 under P4 + EK1 containment conditions. If the investigators wish to proceed with the experiments in the NIH P4 facility, a prior review will be conducted by an *ad hoc* group to advise NIH whether the proposal has sufficient scientific merit to justify the use of the NIH P4 facility."

C. Appendix F, Section F–IV–C, is amended to read as follows:

"Restriction fragments of *Corynephage Beta* carrying the structural gene diphtheria toxin may be safely cloned in *E. coli* K–12, in high containment Building 550 at the Frederick Cancer Research Facility. Laboratory practices and containment equipment are to be specified by the IBC. If the investigators wish to proceed with the experiments, a prior review will be conducted by an *ad hoc* group to advise NIH whether the proposal has sufficient scientific merit to justify the use of the NIH P4 facility."

D. A new Section, Appendix F–IV–I, is added to Appendix F as follows:

"A hybrid gene in which the gene coding for the melanocyte stimulating hormone (MSH) is joined to a segment of the gene encoding diphtheria toxin may be safely propagated in *E. coli* K–12, under P4 containment in high containment building 550 at the Frederick Cancer Research Facility. If the investigators wish to proceed with the experiment, a prior review will be conducted by an *ad hoc* group to advise NIH whether the proposal has sufficient scientific merit to justify the use of the NIH P4 facility. Before any of the strains may be removed from the P4 facility, data on their safety shall be evaluated by the RAC Working Group on Toxins, and the Working Group recommendation shall be acted upon by NIH."

Additional Announcement of the Director, NIAID

To correct a typographical error, Section Appendix F–IV–B is amended to read as follows:

"Appendix F–IV–B. The pyrogenic exotoxin type A (Tox A) gene of *Staphylococcus aureus* may be cloned in an HV2 *Bacillus subtilis* host-vector system under P3 containment conditions."

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: December 22, 1982.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health.

[FR Doc. 83–441 Filed 1–7–83; 8:45 am]

BILLING CODE 4140–01–M

federal register

Monday
January 10, 1983

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Permanent Regulatory Program; Erosion Control

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 816 and 817

Permanent Regulatory Program; Erosion Control

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

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is amending its rules which previously regulated air pollution from surface coal mining and reclamation operations. The final rules will instead regulate erosion and air pollution related to erosion, in accordance with the statutory language authorizing these performance standards.

OSM is also amending its rules which relate to stabilizing rills and gullies associated with surface coal mining and reclamation operations. OSM has amended the rules to require the stabilization of rills and gullies if they (1) disrupt the approved postmining land use or the reestablishment of the vegetative cover; or (2) cause or contribute to a violation of water quality standards for receiving streams.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Barbara Berschler, Division of Surface Mining, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, 202–343–5207.

SUPPLEMENTARY INFORMATION:

I. Background and Rules Adopted
II. Responses to Public Comments on Proposed Rules
III. Procedural Matters

I. Background and Rules Adopted

On February 18, 1982 (47 FR 7384), OSM published a notice of proposed rulemaking (1) to amend 30 CFR 816.95 and 817.95 [1] relating to air resources protection for surface coal mining and reclamation operations and (2) to remove 816.106 and 817.106 relating to regrading or stabilizing rills and gullies. A public hearing was scheduled for March 15, 1982, but no one requested to testify. During the 30-day comment period, OSM received 12 comments from State agencies, industry, and environmental groups.

The relevant provisions of the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1201 *et seq.*, are Sections 515(b)(4) and 516(b)(10), 30 U.S.C. 1265(b)(4) and 1266(b)(10). Section 515(b)(4) requires that all surface coal mining and reclamation operations:

> [S]tabilize and protect all surface areas including spoil piles affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution.

Under Section 516(b)(10) of the Act, similar requirements apply to underground mining operations.

In *In re: Permanent Surface Mining Regulation Litigation*, CA 79–1144 (D.D.C., May 16, 1980), §§ 816.95 and 817.95 of the rules were remanded by the trial judge to the Secretary of the Interior for revision because the Act's legislative history "indicates that the Secretary's authority to regulate [air] pollution is limited to activities related to erosion." *Id.*, slip op. at 28. The Secretary appealed this decision to the U.S. Court of Appeals. No decision has yet been rendered on that appeal.

OSM has reconsidered this entire issue in the context of the rulemaking. The final rule reflects OSM's decision to concur in the conclusions of the U.S. District Court and is consistent with that decision. This reconsideration consisted of both a review of the public comment on the proposed rule and a careful search of the Act's legislative history. As the U.S. District Court points out, the language of Section 515(b)(4) of the Act, 30 U.S.C. 1265(b)(4), is not without its ambiguities. Section 515(b)(4) could be read to require the Secretary to regulate air pollution as well as erosion or to control erosion, alone with air pollution which is only attendant to erosion. As the U.S. District Court notes: "the statutory construction argument may turn either way." *Id.*

Suspended particulates are the primary air pollutants associated with coal mining. Emissions of particulates from a duct or stack at a stationary source are subject to comprehensive regulation under the Clean Air Act, as amended (42 U.S.C. 8157 *et seq.*) and related State laws. Other particulate contributions result from wind erosion and the operation of nonstationary sources. This background is important for it refocuses the primary inquiry: Did Congress in enacting Section 515(b)(4) of the Act intend to create a program for the regulation of pollution that may result from the operation of nonstationary sources related to coal mining. OSM believes that the legislative history resolves any statutory ambiguity in favor of the more narrow interpretation.

An early version of the Act contained a provision substantially the same as Section 515(b)(4). (See H.R. 11500, 93d Cong., 2d Sess., 211(b)(6), 1974). The report of the House Committee on Interior and Insular Affairs explained that Section 211(b)(6) of H.R. 11500 required operators "to stabilize and protect all surface areas including spoil piles to control air and water pollution." H.R. Rep. No. 93–1072, 93d Cong., 2d Sess. 134 (1974). The same House committee reported a subsequent bill, H.R. 13950, 94th Cong., 2d Sess. (1976), which contained a provision identical to Section 515(b)(4) that required operators to "stabilize and protect all surface areas including spoil piles to control air and water pollution." H.R. Rep. No. 94–1445, 94th Cong., 2d Sess. 118 (1976). Finally, the House Interior and Insular Affairs Committee Report for H.R. 2, the bill which was enacted, when highlighting the "major provisions" of the environmental performance standards of Section 515, made no reference to the regulation of air quality. H.R. Rep. No. 95–218, 95th Cong., 1st Sess. 173–174 (1977). However, the report did say that "[s]tandards to assure the stability of spoil mass as well as to control surface erosion are prescribed for surplus soil from all types of mining operations." *Id.*

Thus, the language of these three reports dealt with erosion and its effects rather than air quality control. OSM believes that the absence of any reference to the major undertaking of air quality control in these committee descriptions of the environmental performance standard is most telling and supports the direction of the final rule.[2]

After reviewing Section 515(b)(4) of the Act and its legislative history, OSM has decided to adopt the interpretation of the U.S. District Court in this final rule. In making this decision, it should be noted that the EPA, under the Clean Air Act, has developed a complex system of regulation to protect air quality in each State. Under this program, each State must develop a comprehensive State Implementation Plan designed to bring the State into compliance or to assure continued compliance with National Ambient Air Quality Standards for public health and welfare and to prevent significant deterioration of clean-air areas. Such plans can include consideration of pollution from coal mines in the particular region or locale. As the District Court observed, "if Congress

[1] Sections 816.95 and 817.95 were suspended by the Department on August 4, 1980 (45 FR 51549).

[2] *See also* S. Rep. 95–128, 95th Cong., 1st Sess. 82 (1977). (In the section-by-section analysis the Senate Committee on Energy and Natural Resources did not include air quality control as one of the 22 listed environmental protection standards to be enacted.)

wanted the Secretary to develop regulations protecting air quality, it could have done so in a straightforward manner." *In re: Permanent Surface Mining Regulations Litigation, supra.*, p. 29. Accordingly, the final rule will require operators to take steps to stabilize and protect all exposed surface areas in order to effectively control erosion and air pollution related to erosion; but it will not regulate fugitive dust emissions from the operation of equipment and trucks.

In a related vein, OSM is aware that roads can be a major source of fugitive dust from surface coal mining and reclamation operations. The classification and maintenance of these roads are governed by §§ 816.150–816.176 and §§ 817.150–817.176 of the permanent program rules. OSM suspended those sections in response to Judge Flannery's decision, in *In re: Permanent Surface Mining Reclamation Litigation, supra*, p. 32–36, to remand those rules to the Secretary. 45 FR 51547 (August 4, 1980). OSM has proposed revisions to the road rules which include provisions for road maintenance and more specific standards with respect to erosion control. The relevant sections are proposed §§ 816.150(a), 816.180(a)(1), 817.150(a), and 817.180(a)(1), which are discussed at 47 FR 16594 and 16595 (April 16, 1982).

Additionally, OSM had proposed to remove §§ 816.106 and 817.106 of the permanent regulatory program which required the regrading and stabilizing of rills and gullies deeper than 9 inches. OSM was of the opinion that the proposed erosion control rules requiring protection and stabilization of all exposed surface areas would include stabilization of rills and gullies. OSM continues to believe that a separate design criterion for rills and gullies is not needed to assure erosion stabilization of rills and gullies and that such a problem will be governed by the general performance standard for the section. However, in response to public comment which pointed out that rills and gullies can create reclamation problems separate from erosion problems, OSM has developed a performance standard for their control which incorporates other specific reclamation requirements of the Act and rules. The new rules will require the operator to take remedial action if rills and gullies develop which (1) disrupt the approved postmining land use or the reestablishment of a vegetative cover or (2) cause or contribute to a violation of water quality standards for receiving streams. The revised standard will be included as §§ 816.95(b) and 817.95(b).

Finally the titles of §§ 816.95 and 817.95 have been changed to reflect more accurately their content.

II. Responses to Public Comments on Proposed Rules

Section 816.95(a) and 817.95(a)

Two commenters found that the proposed §§ 816.95 and 817.95 merely restated the statutory language and provided no guidance for implementation. Another commenter thought the rules were so vaguely worded that they would require no specific minimum level of action and could result in discriminatory enforcement by the regulatory authority.

OSM believes that the new rules succinctly set out the required performance standards. Most of the measures specified in the previous rules pertained to the control of fugitive dust. Their retention would not be appropriate in the revised rules. As with other performance standards proposed by OSM, regulatory authorities will have flexibility to develop stabilization measures consistent with local terrain, climate, soils, and other conditions existing within the State. Appropriate techniques to stabilize exposed areas can be determined by the regulatory authority and operators in conjunction with local Soil Conservation Districts and air quality agencies, as appropriate. Furthermore, in order for a State program to be approved, the State must satisfy OSM that it has the capability to carry out the provisions and purposes of the Act. 30 U.S.C. 1253. During implementation these programs will be subject to OSM oversight.

One commenter was concerned that after OSM deleted the air quality control measures from the rules, they would simply be placed in a guidance manual which would still be considered by OSM for permit approval. The commenter's concern appears misplaced for two reasons: First, permit approval will be based upon standards included in the State regulatory programs and implemented as legally enforceable in that State, and not guidelines that may be developed by OSM. And second, any OSM guidance manual would simply provide advice and not mandatory direction for State regulatory authorities. For these reasons the comment is rejected.

Several commenters generally supported the proposal but added recommendations that would limit the rule's coverage or clarify its application. These suggestions included limiting stabilization efforts to exposed areas of 1 percent or more of the permit area; controlling the surface areas only as required; and stabilizing only those surface areas that are exposed from mining operations. These comments are rejected. The Act's language is clear on this matter. Section 515(b)(4) applies to the entire area that has been disturbed by mining and includes spoil piles. The extent of the stabilization and erosion control activities required is to be determined on the basis of local conditions and may include such techniques as prompt revegetation of disturbed areas or other surface stabilization techniques.

Related to the concern over the breadth of the rules was a comment on whether operators, particularly in the West, would have to create better conditions than those which exist naturally in the surrounding area. As previously indicated, effective erosion control may vary from State to State. The intent of the rule is to ensure that surface areas are protected from erosion and to minimize air pollution resulting from such erosion. These actions should be consistent with the approved postmining land use and the plan for revegetation. Comparisons with surrounding areas may be used by the regulatory authority in determining whether such standards are met.

One commenter recommended that the rule provide for erosion control by meeting applicable Federal and State air quality laws and regulations and suggested that Section 515(b)(4) did not extend OSM's erosion control authority or air pollution control authority. The commenter's interpretation of Section 515(b)(4) as not providing general erosion control authority is not accepted. The Act does provide for control of erosion, which these rules address. As indicated above, however, these rules are not intended to cover all aspects of air pollution or to provide a means of regulating ambient air quality. Although some particulate omissions may not be regulated by OSM under the final rule, they can be regulated by a State as necessary under a State Implementation Plan adopted pursuant to the Clean Air Act.

One commenter believed it was necessary to amend the permit application rules found at §§ 780.15 and 784.26 for consistency. These provisions require fugitive dust control plans in accordance with §§ 816.95 and 817.95 as part of a permit application. Because the revised §§ 816.95 and 817.95 will no longer specify fugitive dust control practices, OSM agrees that it will be necessary to amend the permit application rules related to erosion. OSM will consider this as a future independent rulemaking.

One commenter objected to OSM proposing a rule which was not consistent with the position taken by it before the District and Appellate Courts in the litigation challenging the 1979 permanent program rules. The court in *In re: Permanent Surface Mining Reclamation Litigation, supra,* remanded the air resources protection rules to the Secretary. As indicated above, OSM has reviewed the legislative history and the comments received on the proposed rule and has decided to adopt a final rule consistent with the District Court's ruling in that case.

One commenter thought that the coverage of the proposed rules did not extend far enough and that OSM should propose new rules to include impacts on air quality that are unrelated to erosion. As indicated above, this interpretation has been rejected in the final rule which has been developed in accordance with the District Court's opinion in *In re: Permanent Surface Mining Regulation Litigation, supra.* In that case, Judge Flannery ruled that Section 514(b)(4) of the Act, which is the statutory authority for §§ 816.95 and 817.95 of the rules, is limited to the control of erosion and air pollution resulting from erosion-related sources.

In a related vein, a Midwestern State agency expressed the opinion that it was not logical to assume that the intent of Congress in drafting Section 515(b)(4) was to control air pollution only attendant to erosion. In the State agency's experience, the primary sources of fugitive dust were from excavation, blasting, haul roads, and preparation plants, rather than from erosion. Therefore, the commenter believed that the emphasis of the rules should be on the source of air pollution. OSM disagrees that it is not logical to regulate air pollution attendant to erosion. OSM believes that the stabilization of disturbed surface areas to control erosion can be effectively integrated with other aspects of the regulatory program.

One commenter believed that the proposed rule changes were being examined out of context with closely related rules also being proposed for revision. OSM completed an environmental assessment which analyzed the cumulative impacts of adopting these rules in relation to other proposed rules. In that analysis, this rule was identified as a rule that did not have a significant interrelationship with the other proposals and that it could proceed independently. If it develops that regulatory adjustments are necessary due to subsequent rulemakings, then proposed revisions will be made as needed.

The same commenter thought that the proposed rules were ambiguous as to which sources of air pollution were covered and what air quality goals must be reached. This commenter was concerned that there would be little preplanning to take a preventative approach to air pollution control and that enforcement would depend on citizen complaints and the attitude of individual inspectors rather than on an objective and uniform program. The commenter recommended adopting a flexible approach to air quality control which would base the level of control on the proximity of the minesite to sensitive areas such as residential communities, transportation routes, and recreation areas.

OSM thinks that the performance standards are sufficiently clear as to the standards to be imposed to control erosion. These can be expanded upon by individual regulatory authorities as necessary on the basis of local conditions. As previously explained, the final rule reflects the interpretation of Section 515(b)(4) that limits the applicability to the stabilization of exposed surface areas, erosion control, and control of air pollution attendant to erosion. It is not intended to regulate air quality in general or establish air quality goals. Development of an approach for general air quality controls are the responsibility of the State and EPA as the enforcers of National Ambient Air Quality Standards and of MSHA as the enforcer of the Federal Mine Safety and Health Act of 1977. This can be accomplished as necessary through individual State Implementation Plans.

A commenter thought that if the final rules are to be limited to air pollution attendant to erosion, then the removal of specific control measures would prevent the regulatory authority from requiring additional and enumerated measures, especially in light of the restriction in some State programs against the adoption of rules that are more stringent than those prescribed by OSM.

OSM believes that the performance standards have been written so that States can develop the necessary specifics. OSM's role in reviewing State programs and amendments for consistency with the Subchapter K performance standards, provided under the procedures of 30 CFR Part 732, ensures that State program provisions will adequately meet the OSM standard. This rule is intended to implement the requirements of Section 515(b)(4). Under Section 505 of the Act, 30 U.S.C. Section 1255, a State may adopt provisions in addition to the requirements of the Act, including provisions specifically related to air quality if authorized under State law. These rules are not intended to preclude State legislatures from adopting or not adopting provisions more stringent than those required under the Act.

The same commenter felt that the final rules should contain measures to minimize air pollution from erosion in all phases of mining and reclamation operations. OSM believes that the final rules will be broad enough to control air pollution originating from erosion in all phases of mining and reclamation operations as necessary based on local conditions.

One commenter recommended including language in the rule that measures to stabilize surface areas not conflict with approved State Implementation Plans adopted to meet the requirements of the Clean Air Act. These rules are not expected to conflict with approved State Implementation Plans. The Act (Sections 503 and 702) specifically requires that these rules not conflict with laws such as the Clean Air Act. Because general compliance with Federal and State air quality laws is accounted for in the regulations of the air pollution control agencies, OSM does not believe it is necessary to reference such requirements in §§ 816.95 and 817.95.

The same commenter recommended defining key terms such as "attendant air pollution" and "effective control measures." By "attendant air pollution," OSM means generally any air borne particulates or fugitive dust directly caused by erosion associated with a surface mining and reclamation operation. OSM does not believe it is necessary at this time to include specific regulatory definitions of these terms because these words' meanings will vary depending upon local and site specific conditions. If at a future point significant problems are identified in the interpretation of these terms, OSM will consider providing additional guidance.

Sections 816.95(b) and 817.95(b)

In the opinion of one commenter, the proposed removal of §§ 816.106 and 817.106 concerning rills and gullies would reduce uncertainty and ambiguity

between existing sections and other applicable requirements. For a number of reasons, other commenters opposed removing the provision mandating the regrading of rills and gullies. One thought the requirement to regrade rills and gullies that are deeper than 9 inches was a specific and enforceable performance standard. Others believed that the language of the rules relating to erosion and attendant air pollution was not adequate to assure a land surface without large rills and gullies. One State felt that the rills and gullies themselves posed a serious impediment to the maintenance of water quality and the establishment of postmining land uses as required by the Act.

After reviewing the specific comments concerning the nature of rills and gullies and the reclamation problems which they can create, OSM has decided to remove §§ 816.106 and 817.106 and, in their stead, to incorporate provisions for regrading rills and gullies in §§ 816.95 and 817.95. Specifically, the amendments will require operators to fill, regrade, or otherwise stabilize rills and gullies, to replace lost topsoil, and to reseed or replant if the rills and gullies disrupt the approved postmining land use or the reestablishment of a vegetative cover or if they cause or contribute to the violation of water quality standards for receiving streams. The amended language will be a general performance standard. States may continue to include specific size limitations on rills and gullies as appropriate.

III. Procedural Matters

Federal Paperwork Reduction Act

The Department of the Interior (DOI) has determined that this final rule does not require the collection of information as defined under 44 U.S.C. 3501 *et seq.*

Executive Order 12291

The DOI has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

Regulatory Flexibility Act

The DOI certifies that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Pub. L. 96–354.

National Environmental Policy Act

An environmental assessment (EA) was prepared analyzing the individual impacts on the human environment which the amendments to §§ 816.95, and 817.95, will have. On the basis of this EA, it was determined that adopting these rules will not constitute a major Federal action significantly affecting the quality of the human environment. In addition, an EA was prepared which analyzed the cumulative impacts of adopting these rules in relation to certain other proposed revised rules. In a Finding of No Significant Impact (FONSI) based on this latter EA, the amendments to §§ 816.95 and 817.95 were considered to be in category I, a category of revisions for which the analysis of impacts was sufficiently certain to support a finding of no significant impact. Both EAs and FONSIs are on file in the Administrative Record located at 1100 L Street, NW., Room 5315, Washington, D.C.

List of Subjects

30 CFR Part 816

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Underground mining.

For the reasons set forth in the preamble, Parts 816 and 817 of Chapter VII, Title 30, of the Code of Federal Regulations are amended as set forth herein.

Dated: October 1, 1982.

Wm. P. Pendley,

Assistant Secretary, Energy and Minerals.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

1. Section 816.95 is revised to read as follows:

§ 816.95 Stabilization of surface areas.

(a) All exposed surface areas shall be protected and stabilized to effectively control erosion and air pollution attendant to erosion.

(b) Rills and gullies, which form in areas that have been regraded and topsoiled and which either (1) disrupt the approved postmining land use or the reestablishment of the vegetative cover, or (2) cause or contribute to a violation of water quality standards for receiving stream; shall be filled, regraded, or otherwise stabilized; topsoil shall be replaced; and the areas shall be reseeded or replanted.

§ 816.106 [Removed]

2. Section 816.106 is removed.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

3. Section 817.95 is revised to read as follows:

§ 817.95 Stabilization of surface areas.

(a) All exposed surface areas shall be protected and stabilized to effectively control erosion and air pollution attendant to erosion.

(b) Rills and gullies which form in areas that have been regraded and topsoiled and which either (1) disrupt the approved postmining land use or the reestablishment of the vegetative cover, or (2) cause or contribute to a violation of water quality standards for receiving streams; shall be filled, regraded, or otherwise stabilized; topsoil shall be replaced; and the areas shall be reseeded or replanted.

§ 817.106 [Removed]

4. Section 817.106 is removed.

(Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*)

[FR Doc. 83-599 Filed 1-7-83; 8:45 am]
BILLING CODE 4310-05-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Listing of Public Laws

Last Listing January 7, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

H.R. 6211 / Pub. L. 97-424 Surface Transportation Assistance Act of 1982. (Jan. 6, 1983; 96 Stat. 2097) Price $4.75.