8-12-82
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federal register

Thursday
August 12, 1982

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Federal Aviation Administration

Aircraft
Federal Aviation Administration

Animal Biologics
Animal and Plant Health Inspection Service

Armed Forces Reserves
Defense Department

Aviation Safety
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 303]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 13–August 19, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona Valencia orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act by establishing and maintaining, in the interests of producers and consumers, an orderly flow of oranges to market, and avoiding unreasonable fluctuations in supplies and prices. This action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the Act.

This action is consistent with the marketing policy for 1981–82 which was recommended by the committee following discussion at a public meeting on February 5, 1982. The committee met again publicly on August 10, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

1. Section 908.603 is added as follows:

§ 908.603 Valencia Orange Regulation 303.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 13, 1982, through August 19, 1982, are established as follows:

(1) District 1: 259,000 cartons;

(2) District 2: 291,000 cartons;

(3) District 3: Unlimited cartons.

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

Dated: August 11, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–22191 Filed 8–11–82; 11:29 am]

BILLING CODE 3410–02–M

7 CFR Part 932

Olives Grown in California; Grade and Size Requirements for Limited Use Olives

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule extends until July 31, 1983, the current grade and size requirements for processed olives which are used in the production of limited use styles olives (e.g. halved, segmented (wedged), sliced, or chopped canned ripe olives). This action affords handlers opportunity to market larger quantities of olives and permits use of olives too small to be desirable for use as whole (pitted or unpitted) ripe olives to be utilized in the production of other styles of olives. This action will benefit olive users and producers.

EFFECTIVE DATE: August 9, 1982.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California olive crop for benefit of producers, and will not substantially

affect costs for the directly regulated handlers. These regulations are issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon recommendation and information submitted by the California Olive Administrative Committee, and other information. This regulation reflects the committee's appraisal of the 1982–83 olive crop and current marketing conditions. It is hereby found that this action will tend to effectuate the declared policy of the act.

Section 932.52(a)(3) provides that use of processed olives smaller than the sizes prescribed for whole and pitted style may be established annually for limited use and the subparagraph further provides that such minimum sizes may also include a size tolerance as recommended by the committee and approved by the Secretary. Therefore, this action approves establishment of minimum sizes contained in § 932.52(a)(3) for olives from the 1982–83 crop. These requirements are the same as have been established in 10 of the past 11 fiscal years.

This action with respect to California olives was recommended at a public meeting at which all present could state their views. It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that: (1) There is insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act; (2) the handling of the 1982 crop of domestic olives is expected to begin soon, and it is intended that this action be applicable to all olives of such crop; (3) handlers are aware of this action as proposed by the Olive Administrative Committee; and (4) compliance with this regulation will require no special preparation by handlers because this regulation is the same as the one currently in effect.

List of Subjects in 7 CFR Part 932

Marketing agreements and orders, Olives, California.

PART 932—OLIVES GROWN IN CALIFORNIA

Therefore, § 932.153 of Subpart—Rules and Regulations (7 CFR 932.108–932.161) is amended to read as follows:

§ 932.153 Establishment of minimum grade and size requirements for 1982–83 crop olives used in limited use styles.

(a) *Grade.* On and after August 1, 1982, any handler may use processed olives of the respective variety groups in the production of limited use styles of canned ripe olives if such olives were processed after July 31, 1982, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* On and after August 1, 1982, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were harvested during the period August 1, 1982, through July 31, 1983, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives harvested before August 1, 1982, or after July 31, 1983;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh $\frac{1}{90}$ pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than $\frac{1}{90}$ pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weight $\frac{1}{140}$ pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than $\frac{1}{140}$ pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weight $\frac{1}{180}$ pound: *Provided,* That not to exceed 10 percent of the olives in any lot or sublot may be smaller than $\frac{1}{180}$ pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weight $\frac{1}{140}$ pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than $\frac{1}{140}$ pound.

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

Dated: August 9, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-21940 Filed 8-11-82; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

General License for Shipment in Packages Approved for Use by Another Person

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations concerning the transportation of radioactive material. Specifically, it is changing the recordkeeping requirements of the general license authorizing an NRC licensee to use a package that the Commission has previously evaluated and specifically authorized another licensee to use. Previously, as a condition of the general license, the general licensee was required to possess copies of all documents referred to in the Commission's specific authorization. This amendment will require the general licensee to possess only those drawings and other documents relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment.

EFFECTIVE DATE: August 12, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Donovan A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443–5825.

SUPPLEMENTARY INFORMATION: On May 18, 1982, the Nuclear Regulatory Commission published in the **Federal Register** (47 FR 21269) a notice of proposed amendment to 10 CFR Part 71 to modify the recordkeeping requirements of the general license in § 71.12 for shipment in packages specifically approved by the Commission or by a foreign national competent authority. The amendment to § 71.12 pertains only to the documents which users of the general license must possess.

Background

In 1970 the U.S. Atomic Energy Commission (AEC) amended its transportation regulations to provide a general license for persons shipping licensed material in packages which the Commission had previously evaluated, found to meet the standards of Part 71, and specifically authorized another licensee to use.

The general license procedure adopted in 1970 provided authority for any AEC licensee to use any package which had been specifically licensed by the AEC if the general licensee (1) had a copy of the specific licensee and related documents authorizing use of the type of package, (2) complied with the terms and conditions of the specific license, and (3) notified the AEC of the specific licensee's name and license number and the model number of the packaging.

The general license published by AEC (now in § 71.12 of the NRC regulations) has been effective in reducing paperwork; however, one of its requirements has caused questions about the documents which the general licensee must possess. As a condition of the general license, the general licensee has been required to have a copy of "* * * all documents referred to in the license, certificate, or other approval * * *"

By letter dated March 10, 1980, the Foster Wheeler Energy Corporation filed a petition for rulemaking (Docket No. PRM 71–8) requesting that the Commission exempt persons licensed under 10 CFR Part 34 for industrial radiography from the requirement for the general licensee to have a copy of all the documents referred to in the specific approval.

Upon consideration of the information that would contribute to safe shipment, the Commission proposed amendment of the general license so that the general licensee would not be required to have "all" referenced documents, but would be required to have those drawings and other documents which relate to the use and maintenance of the packaging and to the actions to be taken prior to shipment.

The proposed amendment provided a period of 30 days for public comment. Eleven comments were received. The comments are general in nature and support the proposed amendment.

The Regulation

The final rule is the same as the proposed amendment. It modifies the requirement of § 71.12(b)(1)(i) that the general licensee have all documents referred to in the Commission's specific approval of the package. As modified, the regulation requires that the general licensee have those drawings and other documents relating to use and maintenance of the packaging and to the actions to be taken prior to shipment.

The final rule also amends § 71.12(c)(1) to clarify that the requirement for users of foreign-approved packages to possess documents relating to use and maintenance and preparation of the packages for use, includes an obligation to possess pertinent drawings.

Paperwork Reduction Act Statement

The Office of Management and Budget will be notified of the reduction of a recordkeeping requirement contained in Part 71.

Regulatory Flexibility Certification

Since this amendment reduces a present recordkeeping requirement, the Commission, in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Persons using the general license in § 71.12 will be required to possess fewer documents and thus should incur a reduction of approximately 50 percent in paperwork and recordkeeping costs.

List of Subjects in 10 CFR Part 71

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Reporting requirements.

Since the following amendment relieves rather than imposes restrictions under regulations currently in effect, it will become effective August 12, 1982, pursuant to 5 U.S.C. 553(d).

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 amendment of Title 10, Chapter I, Code of Federal Regulations, Part 71, is published as a document subject to codification.

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORTATION AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

1. The authority citation for 10 CFR Part 71 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232 and 2233); secs. 201, 202, and 206, 88 Stat. 1242, as amended, 1244, and 1246 (42 U.S.C. 5841, 5842 and 5846).

Sections 71.4 (r) and (s), 71.5a and 71.5b also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789–790.

For the purposes of sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273), §§ 71.3, 71.5 (a) and (b), 71.31, 71.32, 71.33, 71.42 (a) and (b), 71.52, 71.53, 71.54 and 71.55 are issued under sec. 161b, 68 Stat. 948, as amended, (42 U.S.C. 2201(b)); and §§ 71.5(b), 71.51(a), 71.61, 71.62 and 71.63 are issued under sec. 161o, 68 Stat. 950, as amended, (42 U.S.C. 2201(o)).

2. Section 71.12 is amended by revising paragraphs (b)(1)(i) and (c)(1) to read as follows:

§ 71.12 General license for shipment in DOT specification containers, in packages approved for use by another person, and in packages approved by a foreign national competent authority.

A general license is hereby issued to persons holding a general or specific license issued pursuant to this chapter, to deliver licensed material to a carrier for transport, provided the license has a quality assurance program whose description has been submitted to and approved by the Commission as satisfying the provisions of § 71.51.

* * * * *

(b) In a package for which a license, certificate of compliance or other approval has been issued by the Commission's Director of Nuclear Material Safety and Safeguards or the Atomic Energy Commission, provided that:

(1) The person using a package pursuant to the general license provided by this paragraph:

(i) Has a copy of the specific license, certificate of compliance, or other approval authorizing use of the package, and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment.

* * * * *

(c) In a package which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency and the use of which has been approved in a foreign national competent authority certificate which has been revalidated by the Department of Transportation: *Provided,* That the person using a package pursuant to the general license provided by this paragraph:

(1) Has and complies with the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment; and

* * * * *

Dated at Bethesda, Md., this 26th day of July 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 82–21937 Filed 8–11–82; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 500 and 503

[Docket No. ERA-R-80-24]

Powerplant and Industrial Fuel Use Act of 1978; Cogeneration Exemption; Final Rules; Correction

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Final rules; correction.

SUMMARY: This notice makes technical corrections to final rules governing the cogeneration exemption under the Powerplant and Industrial Fuel Use Act of 1978, issued by the Department of Energy on June 25, 1982 (47 FR 29209 (July 6, 1982)).

FOR FURTHER INFORMATION CONTACT: Constance L. Buckley, Fuels Conversion Division, Office of Fuels Programs, Department of Energy, 1000 Independence Avenue, SW., Room GA-093, Washington, D.C. 20585, (202) 252-8678.

Henry K. Garson, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION: On June 25, 1982, the Department of Energy (DOE) revised its final rules governing the cogeneration exemption under section 212(c) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) so as to minimize unnecessary regulatory intervention in fuel use decision making by private industry (47 FR 29209 (July 6, 1982)). The purpose of this notice is to correct several technical errors in those final rules, as follows:

1. Under the heading "Effective Date," the section number at the beginning of the second column on page 29209 is corrected to read § 503.37," instead of § 503.47."

2. Under the preamble heading "B. Definition of Electric Generating Unit," the last sentence preceding the heading "C. Calculation of Oil and Gas Savings" in the first column on page 29210 is deleted, and the following two sentences are inserted in lieu thereof:

"Excluded from the phrase 'sold or exchanged for resale' are sales or exchanges to or with a utility for resale to the cogenerating supplier, and sales or exchanges among owners of the cogenerator."

3. Under the rule section title, "§ 500.2 General definitions." paragraph (2) under the definition of "Electric generating unit" on page 29211 is deleted, and the following is inserted in lieu thereof:

"(2) Any cogeneration facility from which less than 50 percent of the net annual electric power generation is sold or exchanged for resale. Excluded from 'sold or exchanged for resale' are sales or exchanges to or with an electric utility for resale by the utility to the cogenerating supplier, and sales or exchanges among owners of the cogeneration facility."

Issued in Washington, D.C., on August 5, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-21908 Filed 8-11-82; 8:45 am]

BILLING CODE 6450-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

[Revision 1, Amdt. 3]

Procurement Assistance; Eligibility Requirements for Certificate of Competency Applicants

AGENCY: Small Business Administration.

ACTION: Interim rule.

SUMMARY: This amendment revises the wording of the Certificate of Competency (COC) regulations regarding program eligibility, parts of which have been subject to misinterpretation by some applicants. Additionally, the amendment now permits contracting agencies the discretion to determine if contracts valued less than $10,000 should be referred to the Small Business Administration (SBA) under the COC requirements. This revision will provide a clear understanding of the requirements of the COC Program.

EFFECTIVE DATE: August 12, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Moffitt, Director, Office of Industrial Assistance (202) 653-7035.

SUPPLEMENTARY INFORMATION: SBA has recently discovered that the wording of 13 CFR 125.5 (f) and (g), COC regulations, is being misinterpreted by COC applicants. In its present form, paragraph (f) reads as follows:

(f) A small business concern shall not be eligible for a COC unless it performs a significant portion of the contract with its own facilities and personnel to assure SBA that the bidder is simply not an agent.

Some applicants have interpreted this paragraph as a test to determine the existence of an "agency relationship" between the bidder and other firms. Although we understand how this interpretation may be made from the current wording, SBA's intent was solely to insure that the benefits of the COC program passed to the small bidder directly rather than as an intermediary.

The requirement that the bidder perform a significant portion of the contract with its own facilities and personnel is adequate to assure that result. The words at the end of § 125.5(f), "to assure SBA that the bidder is not simply an agent," are not needed; thus, are being eliminated from this paragraph. Section 125.5(f) is now set forth as § 125.5(b) in the revised regulation.

The application of § 125.5(g) has also been the basis of confusion to some COC applicants. The portion of the paragraph which has created the problem is as follows:

§125.5(g) * * * The product of a large buisness may only be supplied on a non-set-aside procurement and that product and the responsibility of the manufacturer must be acceptable to the procuring activity.

This regulation was added to allow small non-manufacturers (dealers) to receive COC's on unrestricted procurements regardless of the size of the original manufacturer. Prior to this regulation, a small business dealer was required to supply the product of a small business manufacturer. SBA felt that this requirement was unduly burdensome and restrictive upon small business, and that small business firms bidding on unrestricted Government procurements and requiring a COC should not be held to a more restrictive standard than the solicitation imposes on the field of bidders.

In most instances, the current wording of § 125.5(g) has not posed any problems; however, some small business dealers have inferred that the current regulation allows the supply of foreign manufactured products and still remain eligible to receive a COC.

COC procedures require an extensive review of the applicant's ability to perform prior to an affirmative COC action; and, although we do not certify the responsibility of the large manufacturer, an evaluation of its ability is considered. In situations where a foreign manufacturer is the source of supply, this evaluation becomes impossible.

SBA did not intend for this paragraph to permit the supply of foreign manufactured products, nor do we feel it can be interpreted as such; however, rather than continue with the possibility of such misinterpretation, a rewording of § 125.5(g) will clarify the matter. Paragraph 125.5(g) is now set forth as § 125.5(c) and contains the revised wording.

Additionally, the COC Program has experienced dramatic growth in the last four or five years without corresponding increases of resources. The determination has been made that the agency must use its existing resources in the most cost effective way. Consequently, it has been determined that contracts valued less than $10,000 need not be referred by the contracting agency unless so desired. SBA feels that the cost incurred by both the small business concern in applying for a COC, and the Federal Government in processing the application, outweighs the possible benefits derived from the award of a COC on contracts less than $10,000. In this regard, based on information made available to SBA from contracting agencies, this proposal would effect approximately 100 contracts annually, each having a value of less than $10,000 which amounts to less than $1,000,000 per year.

SBA hereby certifies that this regulation, if promulgated in final form, will not have a significant economic impact on a substantial number of small businesses. In addition, SBA also certifies that this rule, if promulgated in final form, would not constitute a major rule for the purpose of Executive Order 12291.

These regulations are effective upon publication, because delaying their effective date would be contrary to the public interest. In this regard, it is essential that SBA continue to process COC applications in order that contractors eligible under these regulations are assisted on a timely basis. Further, it is essential that contracting agencies have immediate guidance as to changes in policy so that they will be able to properly coordinate contracting opportunities with SBA. Interested parties are encouraged to submit written comments regarding these interim regulations, and materials submitted will be evaluated and acted upon in the same manner as if this document were a proposal. If the comments received so warrant, SBA will make needed changes in these regulations in the future.

List of Subjects in 13 CFR Part 125

Certificates of competency, Government contracts, Government procurement, Small businesses, Technical assistance.

PART 125—PROCUREMENT ASSISTANCE

Therefore, 13 CFR 125.5 is amended to read as follows:

§ 125.5 Certificate of competency program.

The Certificate of Competency (COC) Program is authorized under section 8(b)(7) of the Small Business Act as amended. A COC is a written instrument issued by SBA to a Government contracting officer, certifying that a small concern (or a group of such concerns) named therein possesses a responsibility and/or eligibility to perform a specific Government procurement (or sale) contract.

(a) To be eligible for the program, a firm must be:

(1) A "small business concern" using the size standard as of the date of the determination and the SIC Code contained in the solicitation; or

(2) A "group of such concerns" in the form of a small business pool approved under the Small Business Act.

(b) A manufacturing, construction, or service concern shall not be eligible for a Certificate unless it performs a significant portion of the contract with its own facilities and personnel.

(c) A non-manufacturing concern which submits a bid or offer on a set-aside contract shall not be eligible for a COC unless the end items to be furnished under the contract will be manufactured by a small business concern in the United States; when an unrestricted procurement or a procurement utilizing small purchase procedures, an otherwise qualified non-manufacturer may supply any domestically produced or manufactured product. The responsibility of the small non-manufacturer is certified, not the large manufacturer. In the event of a tie bid, preference shall be given to the concern supplying the product of a small business. Tool kit assemblers are required to provide items manufactured by small business concerns amounting to more than 50 percent of the kit material value.

(d) Government procurement officers, and officers engaged in the sale and disposal of Federal property, upon determining and documenting that a small business lacks certain elements of responsibility, including but not limited to competency, capability, capacity, credit, integrity, perseverance, and tenacity, shall notify SBA of such determination where the contract value is $10,000 or greater. It is within the discretion of the contracting officer to determine if a referral should be made when the contract value is less than $10,000. Award is withheld by the contracting officer for a period up to 15 working days following the date of receipt by SBA of notice of such determination (with appropriate documentation) in order to permit SBA to investigate and certify as to the bidder's responsibility.

(e) Upon receipt of this notification, SBA personnel then contact the company concerned to inform it of the impending decision, and to offer the opportunity to apply to SBA for a Certificate. A concern wishing to apply advises the SBA regional office for the geographic region within which the concern is located. Upon timely receipt of required documentation, SBA personnel may be sent to the firm to review the responsibility of the applicant and make recommendations to the Regional Administrator.

(f) If the Regional Administrator's decision is negative, the COC is denied and both the firm and procuring agency are notified. If the Regional Administrator's decision is affirmative and the procurement is less than $500,000, the Regional Administrator issues a Certificate. Contracting officers will be informed in advance of issuing. For procurements in excess of $500,000, if the Regional Administrator recommends issuance of the Certificate, the Associate Administrator for Procurement and Technology Assistance, SBA Central Office, causes a review to be made and either issues or denies the Certificate. If the Associate Administrator's decision is negative, the firm and procuring activity are so informed; if affirmative, a letter, certifying the responsibility of the firm as to the elements of responsibility referred (the COC) is sent to the procuring activity and the applicant informed of such issuance by the regional office.

(g) The notification to an unsuccessful applicant concern will briefly state the reason for denial and inform the applicant that a meeting may be requested with the appropriate SBA regional personnel to discuss the reasons for denial. Upon receipt of a request for such a meeting, the appropriate regional personnel will confer with the applicant and explain fully the reasons for SBA's action. However, such conference will be for the sole purpose of enabling the applicant to improve or correct deficiencies and will not constitute a basis for reopening the case in which the Certificate was denied.

(h) After a Certificate is issued and the contract is let to the applicant, SBA keeps a close watch on the progress. Progress reviews are made by SBA field personnel who report to the Central Office on the status of the contract. In

this way, SBA assistance is constantly available to the contractor.

(i) A Government procurement officer documenting that a small concern is ineligible due to the provisions of section 35(a) of Title 41, U.S.C. (the Walsh-Healey Public Contracts Act) must notify SBA of such determination. SBA shall either certify that the concern is eligible for the specific contract or concur with the finding of ineligibility and refer the matter to the Secretary of Labor for final disposition.

(j) By terms of the Small Business Act, as amended, the COC is conclusive as to responsibility. Contracting officers are directed to award a contract without requiring the firm to meet any other requirement with respect to responsibility and eligibility.

James C. Sanders,

Administrator.

August 5, 1982.

[FR Doc. 82-21941 Filed 8-11-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-71-AD; Amdt. 39-4436]

Airworthiness Directives; Rockwell International Models NA 265-60 (Modified by STC SA687NW) and NA 265-65 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) which requires initial and repetitive inspections to detect potentially defective internal bearings in the flap screwjack actuators of all Sabreliner Model NA 265-65 series airplanes, and Model NA 265-60 airplanes which are modified per STC SA687NW. A modification of the actuators has now been developed and approved that provides for failsafe operation in the event of a bearing failure and, when incorporated, eliminates the need for the repetitive inspections. Incorporation of this modification is optional with the operator.

EFFECTIVE DATE: September 13, 1982. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: Sabreliner Service Bulletins No. 81-14 dated December 28, 1981, and No. 82-1 dated June 30, 1982, pertain to this matter. These bulletins may be obtained from Rockwell International, Sabreliner Division, 6161 Aviation Drive, St. Louis, Missouri 63134; Telephone (314) 731-2260.

FOR FURTHER INFORMATION CONTACT: Marvin D. Beene, Aerospace Engineer, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7005.

SUPPLEMENTARY INFORMATION: AD 82-10-02, Amendment 39-4376 (47 FR 19987), requires repetitive inspections of the flap screwjack actuators to detect failed internal ball bearings. This failure could, in turn, cause a malfunction of the screwjack allowing the flap to be skewed such that flap and aileron interference may result. Loss of lateral control of the airplane is then possible. A modification of the actuator has since been developed which provides for failsafe operation of the screwjack in the event a bearing should fail. AD 82-10-02 is therefore amended to incorporate terminating action of the repetitive inspections by reworking each flap screwjack actuator to incorporate an extended gear shaft, a secondary failsafe bearing, and provisions for visually inspecting the actuator gear train. Since this amendment provides an alternate means of compliance, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 82-10-02, Amendment 39-4376, by adding a new paragraph E. to read as follows:

E. Rework of all flap actuators in accordance with Rockwell International Service Bulletin 82-1 dated June 30, 1982, constitutes terminating action for the requirements of paragraph A. above.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request from Rockwell International, Sabreliner Division, 6161 Aviation Drive, St. Louis, Missouri 63134. These documents may also be examined at FAA Central Region, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective September 13, 1982.

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

Note.—The FAA has determined that this amendment is relieving and does not impose any additional burden on any person. Therefore: (1) It is not major under Executive Order 12291 (46 FR 13193; February 19, 1981), and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is relieving in nature and because it involves few, if any, small entities.

Issued in Seattle, Washington, on July 29, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-21577 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-CE-21-AD; Amendment 39-4421]

Airworthiness Directives; EMBRAER Models EMB-110P1 and EMB-110P2 Airplanes

Correction

In FR Doc. 82-19864 appearing on page 32064 in the issue of Monday, July 26, 1982, make the following correction:

In the heading of the document, the Amendment Number given as "Amendment 39-4221" should have read "Amendment 39-4421".

BILLING CODE 1505-01-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-36]

Alteration of Transition Area, Allendale, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Allendale, South Carolina, transition area by correcting the description of an arrival area extension to coincide with a change to the VOR instrument approach

procedure which serves Allendale County Airport. No significant change in airspace is intended.

DATES: Effective date: 0901 G.m.t., October 28, 1982. Comments must be received on or before September 28, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, ATTN: 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 correcting the description of an arrival area extension due to realignment of the VOR final approach course from 329° true to 315° true 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.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of the Allendale, South Carolina, transition area by realigning the arrival area extension for the VOR instrument approach procedure which serves Allendale County Airport. Section 71.181 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 transition area so that the arrival area extension is aligned properly with the VOR final approach course. Therefore, I find that notice or public procedures under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective on October 28, 1982.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., October 28, 1982, as follows:

Allendale, South Carolina—[Amended]

By removing "* * * 329° * * *" and substituting "* * * 315° * * *" therefor.

(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 August 3, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc 82–21884 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 91

[Docket No. 21022A; Reg. Notice No. 91–100]

Emergency Air Traffic Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (FAR) (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This document provides notice of regulations already adopted that were immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91–100, emergency regulations implementing Special Federal Aviation Regulation (SFAR) No. 44, as amended that were necessary to respond to a shortage in air traffic control personnel.

DATES: *Effective Date/Time:* As stated in each regulation listed.

ADDRESSES: Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn. Rules Docket (AGC–204), Docket No. 21022A, 800 Independence Avenue SW., Washington, DC 20591. Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 426–3731.

SUPPLEMENTARY INFORMATION:

Comments Invited

The regulations issued under § 91.000 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et. seq.* In issuing the regulations in this notice, the FAA has found that the conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more frequently, as air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated

individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.000, comments on economic impact are specifically invited.

Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made. "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

Effect of Publication

Publication, in the **Federal Register**, of emergency air traffic regulations issued under § 91.100 provides constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this contructive legal notice of immediately effective emergency regulations that have already been adopted. Additional emergency rules will be published periodically if the need for their adoption continues.

Availability Prior To Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffic regulations and NOTAMs under § 91.100 and the publication of these regulations in the **Federal Register**, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic Division offices prior to **Federal Register** publication and as long as they remain effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning each flight.

Air Traffic Controller Shortage: SFAR No. 44, As Amended

The air traffic regulations listed in this amendment to Notice 91–100 follow the adoption of SFAR Nos. 44 through 44–3, in response to an organized air traffic controller job action. The emergency aspects of the action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To ensure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100.

Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations that are not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they were issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If these regulations are later determined to be significant, 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."

List of Subjects in 14 CFR Part 91

Air traffic control, Airspace, Aviation safety.

Notice Of Adoption

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.100 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100, 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulations have been adopted and covered by NOTAMs under that section.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1472, 1443, 1510, and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, section 2 of Notice 91–100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC No. 2/1344.

Air Traffic Controller Shortage of 1981, and Related Emergency Conditions (SFAR–44, as Amended; Docket No. 21022A).

* * * * *

FDC 2/1404 Emergency Flight Rules July 26–August 8. Flight Plan Filing—Oshkosh, Wisconsin/Experimental Aircraft Association (EAA) Annual Convention Reservation Rule effective June 15, 1982, 2015 G.m.t.

The 1982 EAA convention is expected to cause approximately 2,500 IFR aircraft operations to be added to the air traffic control (ATC) system. Current rules issued under SFAR No. 44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, only a departure reservation, regardless of destination, is required under the General Aviation Reservation Rule (GAR). This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination. Further, under the GAR, departure reservations cannot be obtained earlier than 24 hours prior to the estimated departure time. This provision doesn't facilitate accommodation planning.

To accommodate this traffic without excessive delays and inconvenience to the public, increased ATC staffing and reservations will be required. Pilots proposing general aviation flight to the Oshkosh area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation. Departure reservations for IFR flight from the Oshkosh area will be required and advance requests and filing will be necessary.

Reservations for VFR flight will not be required, however; appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Pilots who plan IFR return flights and obtain IFR departure reservations under this rule have the advantage of being able to know their return departure date and time prior to leaving their "home" for the Oshkosh area.

Accordingly, pursuant to the SFAR No. 44, as amended, and FAR § 91.100, the following rule is effective immediately to provide for the safe, orderly handling, and movement of IFR traffic:

1. No person may operate a nonscheduled general aviation flight under IFR into or out of the Oshkosh area during the effective periods of this rule without a reservation issued under this rule.

2. The Oshkosh area includes the airspace within a 45-nautical mile radius of Oshkosh, Wisconsin, and includes the following airports:

Wittman Field (OSH)
Outagamie Co. (ATW)
Fond Du Lac Co. (FLD)

Austin-Straubel Fld. (GRB)
New Holstein Municipal (8DI)
Sheboygan CO. Mem (SBM)
Manitowoc, CO (MTW)

3. The effective periods are as follows:
Arrivals—July 30, 0600 to 2000 CDT;—July 31 to August 7, 0600 to 1600 CDT daily.
Departures—July 31, 1600 to August 8, 2000 CDT.

4. Each person planning IFR under this rule shall comply with, in lieu of the GAR, the following:

A. Reservations may only be requested after 1400 GMT on July 26, 1982.

B. An arrival reservation to the Oshkosh area is required and must be obtained from the Central Flow Control Facility (Telephone Number (202) 382–6866).

C. A departure reservation from the Oshkosh area is required and must be obtained from the Green Bay FSS (Telephone Number (414) 233–7928, or 233–7976).

D. Flight plans may only be filed after receiving a reservation, but must be filed at least 4 hours prior to the proposed departure time.

E. Flight plans for flights from the Oshkosh area must be filed with Green Bay FSS between the hours of 1100 and 0300 G.m.t.

5. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

FDC 2/1431 Emergency Flight Rules—IFR Flight Plan Filing—General Aviation Reservation Rule effective June 21, 1982, 0600 Local Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the IFR Flight Plan Filing/ General Aviation Reservation Rule (GAR). Some ARTCC's are able to accommodate more operations under certain conditions without requiring reservations under the GAR rule. Other operators will also benefit from this relaxation because there will be less demand for available reservations. Although it has been possible to relax the GAR in some cases, it has also become necessary to require a minimum distance for turbojet operations at FL 290 and above because of problems created by aircraft attempting to attain that altitude on short trips. Accordingly, pursuant to SFAR No. 44, as amended, and FAR § 91.100, the following regulation is effective in the 20 conterminous ARTCC areas to provide for the safe, orderly handling and movement of IFR traffic.

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 LCL to 1959 LCL shall file a flight plan with and obtain a departure/ enroute pick-up reservation from an FAA Flight Service Station at least 30 minutes before but not more than 24 hours before his/ her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 30 minutes after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided—

A. The conditions of paragraph 1 above, are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1, above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. FAR Part 93, Subpart K, flights to or from high density airports during the period airport reservations are required. Reservations at these airports: John F. Kennedy Airport, LaGuardia Airport, Chicago O'Hare Airport, and Washington National Airport, may be adjusted consistent with the pro rata reductions in effect for the time the reservation is requested.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Turboprop and turbosupercharged aircraft operations at FL 180 through FL 280 between the following ARTCC's:

Salt Lake.
Seattle.

L. All flights conducted entirely within but not between the following ARTCC's:

Salt Lake.
Seattle.

M. Turboprop and turbosupercharged aircraft operations at FL 180 through FL 280 conducted entirely within the Albuquerque ARTCC.

5. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

FDC 2/1449 Cancel FDC 2/1235 and FDC 2/1236 Emergency Flight Rules—GAR.

FDC 2/1632 Emergency Flight Rules July 19–July 25. Flight Plan Filing—Dayton International Airshow Reservation Rule, Dayton, Ohio, effective July 12, 1982, 2108Z.

The Dayton Airshow is expected to cause approximately 500 IFR aircraft operations to be added to the air traffic control (ATC) system. Current rules issued under SFAR No. 44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, only a departure reservation regardless of destination, is required under the General Aviation Reservation Rule (GAR). This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination. Further, under the GAR, departure reservations cannot be obtained earlier than 24 hours prior to the estimated departure time. This provision does not facilitate accommodation planning.

To accommodate this traffic without excessive delays and inconvenience to the public, increased ATC staffing and reservations will be required. Pilots proposing general aviation flight to the Dayton area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation. Departure reservations for IFR flight from the Dayton area will be required and advance requests and filing will be necessary.

Reservations for VFR flight will not be required, however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Pilots who plan IFR return flights and obtain IFR departure reservations under this rule have the advantage of being able to know their return departure date and time prior to leaving their "home" for the Dayton area.

Accordingly, pursuant to the SFAR No. 44, as amended, and Federal Aviation Regulations Section 91.100, the following rule is effective immediately to provide for the orderly handling, and safe movement of IFR traffic:

1. No person may operate a nonscheduled aviation flight under IFR into/or out of the Dayton area during the effective periods of this rule without a reservation issued under this rule.

2. The Dayton area includes the airspace within a 45-nautical-mile radius of Dayton, Ohio, and includes the following airports:
Dayton International (DAY)—Piqua (I17).
Springfield Municipal (SGH)—Sidney (I12).
Dayton General South (MGY)—Greene County (I19).

3. The effective periods are as follows:
Arrivals—July 23 through July 25, 0600 to 2000 EDT daily.
Departures—July 24, 1700 to 2200 EDT. July 25, 1700 to 2200 EDT.

4. Each person planning IFR under this rule shall comply with, in lieu of the GAR, the following:

A. Reservations may only be requested after 1400 GMT on July 19, 1982.

B. An arrival reservation to the Dayton area is required and must be obtained from the Central Flow Control Facility (Telephone Number (202) 382–6866).

C. A departure reservation from the Dayton area is required and must be obtained from the Dayton FSS (Telephone Number (513) 898–3692).

D. Flight plans may only be filed after receiving a reservation, but must be filed at least 4 hours prior to the proposed departure time.

E. Flight plans for flights from the Dayton area must be filed with Dayton FSS between the hours of 1100 and 0300 GMT.

5. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

FDC 2/1633 Emergency Flight Rules—IFR Flight Plan Filing—General Aviation Reservation Rule effective July 19, 1982, 0600 Local Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the IFR Flight Plan Filing/ General Aviation Reservation Rule (GAR). Some ARTCC's are able to accommodate more operations under certain conditions without requiring reservations under the GAR Rule. Other operators will also benefit from this relaxation because there will be less demand for available reservations. Accordingly, pursuant to SFAR No. 44, as amended, and Federal Aviation Regulations Section 91.100, the following regulation is effective in the 20 conterminous ARTCC areas provide for the safe, orderly handling and movement of IFR traffic.

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure/enroute pick-up reservation from and FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 30 minutes after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above, are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 21 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidental flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. FAA Part 93, Subpart K, flights to or from high density airports reservations are required: Reservations at these airports: John F. Kennedy Airport, La Guardia Airport, Chicago O'Hare Airport, and Washington National Airport, may be adjusted consistent with the pro rata reductions in effect for the time the reservation is requested.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Turboprop and turbosupercharged aircraft operations at FL 180 through FL 280 between the following ARTCC's:

Salt Lake.
Seattle.

L. All flights conducted entirely within but not between the following ARTCC's:

Salt Lake.
Seattle.
Albuquerque.

5. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

FDC 2/1662 Emergency Flight Rules—IFR Flight Plan Filing—General Aviation Reservation Rule effective July 19, 1982, 0600 Local Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the IFR Flight Plan Filing/ General Aviation Reservation Rule (GAR) as follows: (1) designated ARTCC's are now able to allow unrestricted access to those aircraft that will remain within the designated ARTCC's airspace; and (2) requests for IFR ATC clearances up to 1 hour after proposed departure times may now be accommodated. The first step will release more reservations to those operators that are restrained by the GAR rule. These changes are reflected, respectively, in paragraphs 2 and 4L of the GAR rule.

Pursuant to SFAR No. 44, as amended, and Federal Regulations Section 91.100, the following regulation is effective in the 20 conterminous ARTCC areas to provide for the orderly handling and safe movement of IFR traffic.

1. All aircraft operators planning a flight under IFR with a proposed flight plan with and obtain a departure/enroute pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/ enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above, are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. FAA Part 93, Subpart K, flights to or from high density airports, reservations are required: Reservations at these airports: John F. Kennedy Airport, La Guardia Airport, Chicago O'Hare Airport, and Washington National Airport, may be adjusted consistent with the pro rata reductions in effect for the time the reservation is requested.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Turboprop and turbosupercharged aircraft operations at FL 180 through FL 280 between the following ARTCC's:

Salt Lake.
Seattle.

L. All flights conducted entirely within but not between the following ARTCC's:

Salt Lake.
Seattle.
Albuquerque.

5. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

Cancel FDC Nos. 1633 and 1634.

Issued in Washington, DC, on August 2, 1982.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 82–21866 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 23234; Amdt. No. 1222]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, 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 description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

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

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

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

List of Subjects in 14 CFR Part 97

Aviation safety, Standard instrument approaches

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 September 30, 1982*

Rockford, IL—Greater Rockford, VOR Rwy 12, Amdt. 1
Detroit, MI—Detroit City, VOR Rwy 33, Amdt. 23
Detroit, MI—Willow Run, VOR Rwy 23L, Amdt. 5
Muskegon, MI—Muskegon County, VOR–A (TAC), Amdt. 17

** * * Effective September 16, 1982*

Fayetteville, AR—Drake Fld, VOR–A, Amdt. 20
Fayetteville, AR—Drake Fld, VOR/DME–B, Amdt. 5
Springdale, AR—Springdale Muni, VOR Rwy 18, Amdt. 9
Springdale, AR—Springdale Muni, VOR/DME Rwy 36, Amdt. 3
Mt. Vernon, IL—Mt. Vernon-Outland, VOR Rwy 5, Amdt. 11
Mt. Vernon, IL—Mt. Vernon-Outland, VOR Rwy 23, Amdt. 10
Peoria, IL—Greater Peoria, VOR/DME or TACAN Rwy 30, Amdt. 4
Robinson, IL—Robinson Muni, VOR Rwy 17, Amdt. 1
Robinson, IL—Robinson Muni, VOR Rwy 27, Amdt. 1
Northampton, MA—LaFleur, VOR/DME–A, Original
Bridgeport, TX—Bridgeport Muni, VOR–A, Amdt. 2
New Braunfels, TX—New Braunfels Muni, VOR/DME–A, Amdt. 5
Wise, VA—Lonesome Pine, VOR/DME Rwy 24, Original

** * * Effective September 2, 1982*

Torrance, CA—Torrance Muni, VOR Rwy 11L, Amdt. 13
Bemidji, MN—Bemidji-Beltrami County, VOR Rwy 13, Amdt. 14
Bemidji, MN—Bemidji-Beltrami County, VOR/DME or TACAN Rwy 31, Amdt. 10

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

** * * Effective September 30, 1982*

Rockford, IL—Greater Rockford, LOC BC Rwy 18, Amdt. 12
Detroit, MI—Willow Run, LOC BC Rwy 23L, Amdt. 8
Kalamazoo, MI—Kalamazoo Muni, LOC BC Rwy 17, Amdt. 14
Muskegon, MI—Muskegon County, LOC BC Rwy 14, Amdt. 5
Muskegon, MI—Muskegon County, LOC Rwy 24, Amdt. 5

** * * Effective September 16, 1982*

Fayetteville, AR—Drake Fld, LOC Rwy 16, Amdt. 10
Fort Lauderdale, FL—Ft. Lauderdale-Hollywood Intl, LOC Rwy 9R, Orig.

** * * Effective September 2, 1982*

Torrance, CA—Torrance Muni, LOC Rwy 29R, Amdt. 4, cancelled

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

** * * Effective September 30, 1982*

Rockford, IL—Greater Rockford, NDB Rwy 36, Amdt. 22
Battle Creek, MI—W. K. Kellogg Regional, NDB Rwy 22, Amdt. 13
Detroit, MI—Detroit City, NDB Rwy 15, Amdt. 19
Detroit, MI—Detroit Metropolitan Wayne County, NDB Rwy 21R, Amdt. 9
Detroit, MI—Detroit Metropolitan Wayne County, NDB Rwy 21C, Amdt. 10
Detroit, MI—Willow Run, NDB Rwy 5R, Amdt. 6
Jackson, MI—Jackson County-Reynolds Field, NDB Rwy 23, Amdt. 8
Kalamazoo, MI—Kalamazoo Muni, NDB Rwy 35, Amdt. 15
Muskegon, MI—Muskegon County, NDB Rwy 32, Amdt. 8
Obyan, Saipan Is., Mariana Is., Saipan Intl, NDB Rwy 7, Amdt. 1

** * * Effective September 16, 1982*

DeQueen, AR—Sevier County, NDB Rwy 8, Amdt. 3
Leesburg, FL—Leesburg Muni, NDB Rwy 31, Amdt. 1
Peoria, IL—Greater Peoria, NDB Rwy 30, Amdt. 10
Robinson, IL—Robinson Muni, NDB Rwy 17, Amdt. 4
Monticello, IN—White County, NDB Rwy 36, Amdt. 3
Portland, IN—Portland Muni, NDB Rwy 9, Original
Grand Rapids, MI—Kent County Intl, NDB Rwy 26L, Amdt. 15
Minneapolis, MN—Minneapolis-St. Paul Intl/Wold-Chamberlain, NDB Rwy 4, Amdt. 15
Camden, SC—Woodward Field, NDB Rwy 23, Amdt. 2
Dallas, TX—Addison, NDB-C, Original, cancelled
Perryton, TX—Perryton Ochiltree County, NDB-A, Amdt. 3

** * * Effective September 2, 1982*

Bemidji, MN—Bemidji-Beltrami County, NDB Rwy 31, Amdt. 3
Duluth, MN—Duluth Intl., NDB Rwy 9, Amdt. 21

** * * Effective July 28, 1982*

Houston, TX—David Wayne Hooks Memorial, NDB Rwy 17R, Amdt. 9

** * * Effective July 19, 1982*

Okmulgee, OK—Okmulgee Muni, NDB Rwy 17, Amdt. 2

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

** * * Effective September 30, 1982*

Battle Creek, MI—W. K. Kellogg Regional, ILS Rwy 22, Amdt. 13
Detroit, MI—Detroit City, ILS Rwy 15, Amdt. 5
Detroit, MI—Detroit City, ILS Rwy 33, Amdt. 8
Detroit, MI—Detroit Metropolitan Wayne County, ILS Rwy 21R, Amdt. 17
Detroit, MI—Willow Run, ILS Rwy 5R, Amdt. 9
Jackson, MI—Jackson County—Reynolds Field, ILS Rwy 23, Amdt. 8
Kalamazoo, MI—Kalamazoo Muni, ILS Rwy 35, Amdt. 17
Muskegon, MI—Muskegon County, ILS Rwy 32, Amdt. 13
Rockford, IL—Greater Rockford, ILS Rwy 36, Amdt. 25
Obyan, Saipan Is., Mariana Is., Saipan Intl, ILS/DME Rwy 7, Orig.

** * * Effective September 16, 1982*

Livermore, CA—Livermore Muni, ILS Rwy 25, Amdt. 1
Miami, FL—Miami Intl, ILS Rwy 12, Orig.
Mt. Vernon, IL—Mt. Vernon-Outland, ILS Rwy 23, Amdt. 5
Peoria, IL—Greater Peoria, ILS Rwy 12, Amdt. 1
Peoria, IL—Greater Peoria, ILS Rwy 30, Amdt. 1
Grand Rapids, MI—Kent County Intl, ILS Rwy 8R, Amdt. 1
Grand Rapids, MI—Kent County Intl, ILS Rwy 26L, Amdt. 16
Minneapolis, MN—Minneapolis-St. Paul Intl/Wold-Chamberlain, ILS Rwy 4, Amdt. 20
Greenwood, MS—Greenwood-LeFlore, ILS/DME Rwy 18, Amdt. 1

** * * Effective September 2, 1982*

Torrance, CA—Torrance Muni, ILS Rwy 29R, Original
Portland, ME—Portland Intl Jetport, ILS Rwy 11, Amdt. 17
Bemidji, MN—Bemidji-Beltrami County, ILS Rwy 31, Original
Bemidji, MN—Bemidji-Beltrami County, MLS Rwy 31 (Interim), Amdt. 3
Duluth, MN—Duluth Intl, ILS Rwy 9, Amdt. 16
Duluth, MN—Duluth Intl, ILS Rwy 27, Amdt. 5

** * * Effective July 19, 1982*

Okmulgee, OK—Okmulgee Muni, ILS Rwy 17, Amdt. 2

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

** * * Effective September 30, 1982*

Rockford, IL—Greater Rockford, RADAR-1, Amdt. 3
Detroit, MI—Willow Run, RADAR-1, Amdt. 3
Muskegon, MI—Muskegon County, RADAR-1, Amdt. 9

** * * Effective September 16, 1982*

Peoria, IL—Greater Peoria, RADAR-1, Amdt. 8
Grand Rapids, MI—Kent County Intl, RADAR-1, Amdt. 7
Houston, TX—Houston Intercontinental, RADAR-1, Amdt. 2, cancelled

** * * Effective September 2, 1982*

Duluth, MN—Duluth Intl, RADAR-1, Amdt. 17

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

** * * Effective September 30, 1982*

Muskegon, MI—Muskegon County, RNAV Rwy 14, Amdt. 6

** * * Effective September 16, 1982*

Mt. Vernon, IL—Mt. Vernon-Outland, RNAV Rwy 5, Amdt. 4
Peoria, IL—Greater Peoria, RNAV Rwy 4, Amdt. 3
Peoria, IL—Greater Peoria, RNAV Rwy 22, Amdt. 4
Greenwood, MS—Greenwood-LeFlore, RNAV Rwy 18, Amdt. 4
Dallas, TX—Addison, RNAV Rwy 33, Amdt. 1, cancelled

** * * Effective July 28, 1982*

Houston, TX—David Wayne Hooks Memorial, RNAV Rwy 17R, Amdt. 1
Houston, TX—David Wayne Hooks Memorial, RNAV Rwy 35L, Amdt. 1

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

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

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

Issued in Washington, D.C. on July 30, 1982.

John M. Howard,

Acting Manager, Aircraft Programs Division.

[FR Doc. 82-21576 Filed 8-11-82: 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 121 and 145

[Docket No. 21269; Amdt. Nos. 121-179 and 145-19]

Operations Review Program; Amendment No. 11

Correction

In FR Doc. 82-20737, beginning on page 33384 in the issue of Monday,

August 2, 1982, the headings should have read as they appear above.

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 923, 927, 928, and 931

Improving Coastal Management in the United States; Confirmation of Effective Date of Final Rule

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

ACTION: Confirmation of effective date of final rule.

SUMMARY: On May 17, 1982, NOAA issued a notice of final rulemaking in the Federal Register on regulations for improving the administration of the national coastal zone management program under the Coastal Zone Management Act (CZMA), as amended. According to Pub. L. 96-184, the final rule would become effective unless, within 60 calendar days of continuous session after submission to the Congress for review, both Houses of Congress adopted a concurrent resolution disapproving the final rule. The 60 day period expired on August 6, 1982 without Congressional action to disapprove the final rule.

EFFECTIVE DATE: The final rules on improving coastal management in the United States are effective August 7, 1982.

FOR FURTHER INFORMATION CONTACT: Vickie Allin, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, Telephone: (202) 634-4245.

Dated: August 9, 1982.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-21936 Filed 8-11-82; 8:45 am]

BILLING CODE 3510-08-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3094]

National Association of Scuba Diving Schools, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Long Beach, CA corporation, in connection with the issuance or authorization of various seals of approval, to cease, among other things, representing that any diving equipment or product bearing their seal or insignia meets an objective standard of safety or reliability unless such equipment has been competently and credibly tested. The order bars any misrepresentations concerning the significance of any seal or insignia and requires the corporation to provide those who utilize the seals with a copy of the order and a letter explaining its provisions; discontinue doing business with any user of such seals who does not comply with the order's provisions; and institute a program of reasonable surveillance to insure compliance with the order.

DATES: Complaint and order issued July 30, 1982.[1]

FOR FURTHER INFORMATION CONTACT: Carleton C. Eastlake, Acting Director, 7R, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Blvd., Los Angeles, CA 90024. (213) 824-7575.

SUPPLEMENTARY INFORMATION: On Tuesday, May 18, 1982, there was published in the Federal Register, 47 FR 21272, a proposed consent agreement with analysis In the Matter of National Association of Scuba Diving Schools, Inc., a corporation, for the purpose of soliciting public comment. Interested Parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1890 Safety; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Diving equipment, Marine safety, Seals and insignias.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 82-21944 Filed 8-11-82; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

16 CFR Part 13

[Docket 8548]

National Dairy Products Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and modifies the Commission's final order issued on October 2, 1969 (34 FR 17870), to ease restrictions on pricing for jams, jellies and preserves, so that only those price differences that injure competition would violate the order. The Commission declined Kraft's request to rescind the order or have it expire in 1987.

DATES: Final Order issued Oct. 2, 1969. Modifying Order issued July 27, 1982.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580. (202) 634-4602.

SUPPLEMENTARY INFORMATION: In the Matter of National Dairy Products Corporation, a corporation. Codification appearing at 34 FR 17870 remains unchanged.

List of Subjects in 16 CFR Part 13

Jams, Jellies, Preserves.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

The Order Modifying Final Order is as follows:

In the matter of National Dairy Products Corporation, a corporation.

Whereas, a "Petition of Kraft, Inc. to Reopen And Modify Cease And Desist Order" was filed on March 10, 1982 by Kraft, Inc. the successor to National Dairy Products Corporation, pursuant to section 2.51 of the Commission's rules of practice, 16 CFR 2.51, wherein Kraft, Inc. seeks to have the order that was issued on October 2, 1969 rescinded or modified;

Whereas, the matter was thereafter placed on the public record for thirty

(30) days pursuant to section 2.51(c) of the Commission's rules of practice, 16 CFR 2.51(c), during which time comments from the public were received; and

Whereas, the Commission thereafter considered the petition presented by Kraft, Inc. and all of the information submitted as comments on the petition and has determined that the petition makes a satisfactory showing that changed conditions of fact or law or that the public interest requires that the order be reopened for the purpose of modification.

Accordingly, it is ordered that the matter be reopened and that the order be modified so that it will read:

It is ordered, that respondent Kraft, Inc. a corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporate device, in connection with the sale or offering for sale of jam, jelly or preserve products of its Retail Foods Group, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Discriminating, directly or indirectly, in price between different purchasers of such products of like grade and quality for resale at the same level of distribution where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in the manufacture of jam, jelly or preserve products; *Provided, however,* that it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish any affirmative defense set forth in Sections 2(a) or 2(b) of the Clayton Act of Section 8 of the Motor Carrier Act of 1980."

It is further ordered that respondent's request to rescind the order or to have the order expire in 1987 is denied.

Issued: July 27, 1982.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-21943 Filed 8-11-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 79

[DoD Directive 1412.2]

Contributions to State Retirement Programs for National Guard Technicians

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule.

SUMMARY: This rule updates established DoD policy and procedures for National Guard technicians who elected coverage under a state requirement plan instead of the Civil Service Retirement and Disability Fund under title 5, U.S. Code 8334. The reissuance adds the provisions of title 10, U.S. Code § 709 relating to employer and employee contributions to state-sponsored retirement programs for National Guard technicians who have elected participation.

EFFECTIVE DATE: This rule was approved and signed by the Deputy Secretary of Defense on June 15, 1982, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: James T. Jasinski, Office of the Deputy Assistant Secretary of Defense (Management Systems), Room 3A882, Pentagon, Washington, D.C. 20301, telephone 202-697-0536.

SUPPLEMENTARY INFORMATION: In FR Doc. 69-3161, appearing in the **Federal Register** on March 15, 1969 (34 FR 5293), the Office of the Secretary of Defense (OSD) published this Part. OSD has now revised this Part to reflect mandated changes.

List of Subjects in 32 CFR Part 79

National Guard.

Accordingly, 32 CFR Chapter 1 is amended by revising Part 79, reading as follows:

PART 79—CONTRIBUTIONS TO STATE RETIREMENT PROGRAMS FOR NATIONAL GUARD TECHNICIANS

Sec.

Authority: E.O. 10996, 5 U.S.C. 5518, 8331-8348, and 32 U.S.C. 709.

§ 79.1 Reissuance and purpose.

This Part is reissued to update the policies that implement Title 5, U.S.C. Sections 5518 and 8331-8348, E.O. 10996, and Title 32, U.S.C. Section 709 for employer and employee contributions to state-sponsored retirement programs for National Guard technicians who have elected participation.

§ 79.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense and the Departments of the Army and the Air Force.

(b) Its provisions establish terms and conditions governing federal and employee contributions for National Guard technicians who have elected participation in a state-sponsored employee retirement program not later than January 1, 1969. An eligible state employee retirement program may extend to disability and survivor benefits.

§ 79.3 Definitions.

(a) *National Guard.* The Army and Air National Guard of a state.

(b) *State.* A state or territory of the United States, including the Commonwealth of Puerto Rico.

(c) *Technician.* A federal employee of the National Guard, consistent with Title 26, U.S.C. Section 3111, exclusive of National Guard Bureau employees.

§ 79.4 Policy.

It is the policy of the Department of Defense to: (a) Negotiate agreements with states for federal employees' contributions to a state or state-sponsored contributory retirement program; and (b) cooperate and process agreements with each state requesting a withholding agreement covering technicians of the National Guard for a state-sponsored retirement program.

§ 79.5 Procedures.

(a) Section 6(a) of Pub. L. 90-486 requires technicians who elected to continue coverage under a state retirement plan to make such an election by January 1, 1969. If a technician filed a valid election to remain covered by an employee retirement system sponsored by a state, the U.S. Government may pay the amount of the employer's contribution and withhold the employee's designated share for deposit to the state program that becomes due for the period beginning on or after January 1, 1969.

(b) The federal share of payments, including employer's taxes imposed by 26 U.S.C. 3111, may not exceed the amount that the employing agency otherwise would contribute on behalf of the technician to the Civil Service Retirement and Disability Fund under 5 U.S.C. 8334.

(c) A person covered under a state-sponsored program shall not concurrently earn credits toward retirement or receive an annuity under 5 U.S.C. 8334.

(d) A person who retires under a state retirement program shall not be eligible for any rights, benefits, or privileges to which retired civilian employees of the United States may be entitled.

(e) Agreements with states shall comply with the standards contained in § 79.7.

§ 79.6 Responsibilities.

(a) The *Assistant Secretary of Defense (Comptroller)* shall establish policy and procedures regarding state retirement programs for National Guard

technicians and shall update agreements with authorized state officials for the Secretary of Defense.

(b) The *Secretary of the Army* shall (1) implement the provisions of this Directive; (2) coordinate actions with the Secretary of the Air Force; and (3) designate the National Guard Bureau as the responsible agent for maintaining existing agreements with states and for coordinating administrative actions, to include preparing updated agreements.

§ 79.7 Standards for contribution agreements with state retirement programs for National Guard Technicians.

Each agreement between the Secretary of Defense and the Governor, or other authorized state official, for employer and employee contributions to a state retirement program for National Guard technicians shall be completed within 120 days of receipt of a state request, Provided, that—

(a) State law provides for payment of employee contributions to a state-sponsored employee retirement system by withholding sums from the employee's compensation and making payment to the official designated to receive sums withheld.

(b) The program is limited to technicians of the National Guard.

(c) Each agreement is consistent with this Directive and contains a clause that subjects the agreement to any statutory amendments occurring after the effective date of the agreement.

(d) The agreement shall comply with the requirements of state law that specify who is eligible for such state-sponsored retirement programs.

(e) The commencement date for contributions must be specified.

(f) Contribution procedures, filing requirements, and payment instructions conform, when practicable, to the usual fiscal practices of the Department of the Army and the Department of the Air Force.

(g) The agreement does not impose requirements on the Department of Defense that are more burdensome than those requirements imposed on departments, agencies, or subdivisions of the state concerned.

(h) Except to the extent that an agreement may be inconsistent with this Directive, it shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 6, 1982.

[FR Doc. 82-21888 Filed 8-11-82; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 370

[DOD Directive 5136.8]

DOD Health Council

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: This rule revises the DOD Health Council, establishes the DOD Dental Chiefs Council and the Medical Mobilization and Deployment Steering Committee, sets forth responsibilities, and provides a forum for consultation, discussion and advice on DOD health plans and policies. The Council will advise the Assistant Secretary of Defense (Health Affairs) on defense health matters in accordance with Part 367 of this title.

EFFECTIVE DATE: The Deputy Secretary of Defense approved and signed this rule [DOD Directive 5136.8] on July 8, 1982, and it is effective as of that date.

FOR FURTHER INFORMATION CONTACT: LTC A. Galenas, Office of the Assistant Secretary of Defense, (Health Affairs), The Pentagon, Washington, D.C. 20301. Telephone 202-674-4705.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-15868, appearing in the **Federal Register** on May 23, 1980 (45 FR 34880) the Office of the Secretary of Defense published the charter of the DOD Health Council. This Part has been revised and expanded.

List of Subjects in 32 CFR Part 370

Organization and functions (government agencies), Health affairs.

Accordingly, 32 CFR is being amended by revising Part 370, reading as follows:

PART 370—DOD HEALTH COUNCIL

Sec.

Authority: 10 U.S.C. 133.

§ 370.1 Reissuance and purpose.

This Part is reissued to update the DoD Health Council (DHC) charter, and to authorize the establishment of the DoD Dental Chiefs Council (DCC) and the Medical Mobilization and Deployment Steering Committee (MMDSC) as subordinate elements. The DCC and MMDSC charters are § 370.6 and 370.7.

§ 370.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, and the Organization of the Joint Chiefs of Staff (OJCS). The term, "Military Service," refers to the Army, Navy, Air Force, and Marine Corps.

§ 370.3 Organization and management.

(a) The DHC is composed of the Assistant Secretary of Defense (Health Affairs) (ASD(HA)), who serves as the chair, the Surgeons General from each of the Military Departments, and one representative from the OJCS and from the Uniformed Services University of the Health Sciences.

(b) The Council meets regularly at the call of the chair.

(c) The Council is supported by an Executive Director who is selected by the ASD(HA). To assist the Executive Director, each member of the DHC, other than the ASD(HA), designates an officer or civilian employee within its organization on a part-time basis to prepare issue items.

(d) The Executive Director of the DHC, subject to the direction of the chair:

(1) Plans, organizes, and manages the administrative activities of the DHC.

(2) Coordinates the development of reports and issues for consideration by the DHC.

(3) Develops and coordinates plans and programs that are required to accomplish the DHC's responsibilities.

(4) Performs other directed duties.

§ 370.4 Policy.

The DHC complements the statutory responsibilities of the ASD(HA), in accordance with 32 CFR Part 367, by advising him on DoD health matters; provides a forum for consultation, discussion, and advice on DoD health plans, policies, and related issues; and facilitates coordination among the organizations represented by the DHC members.

§ 370.5 Responsibilities.

(a) In carrying out the provisions of this charter Part, the *Chair, DHC,* shall:

(1) Advise the ASD(HA) on policy changes required to improve wartime readiness and the delivery of health care.

(2) Advise the ASD(HA) on coordination with other federal agencies to enhance health care delivery.

(3) Develop and maintain health objectives with appropriate tasks and priorities approved by the ASD(HA) that:

(i) Increase the wartime medical readiness of the Military Departments.

(ii) Increase the productivity, efficiency, and economy of the Armed

Forces health care system without unnecessary duplication of resources.

(iii) Enhance recruitment, retention, training, and use of health care professionals within the Armed Forces health care system to meet Military Service requirements.

(iv) Improve the effectiveness of the direct and indirect health care delivery system to meet the demands of the eligible beneficiary population.

(b) The *Assistant Secretary of Defense (Health Affairs)* shall report to the Secretary of Defense on any issue of importance that comes before the DHC and that warrants the Secretary's consideration.

§ 370.6 Charter, Dental Chiefs Council (DCC).

(a) *Purpose.* The DCC is hereby established to serve the DoD Health Council (DHC) on all matters pertaining to dental health. The DCC shall provide a forum for consultation, discussion, and advice on DoD dental health plans, policies, and related issues, and shall facilitate coordination among the Dental Corps of the Military Departments.

(b) *Organization and management.* (1) The DCC shall be composed of the three Dental Corps chiefs who represent the Army, Navy, and Air Force. Each year, on a rotating basis, one of these chiefs will serve as chair of the DCC. The DCC shall meet on a scheduled basis and at the call of the chair. The chair or another designated member will be available to attend meetings of the DHC at which dental matters are considered.

(2) The DCC shall be supported by an executive secretary. The Special Assistant for Dental Affairs, Office of the ASD(HA), shall serve in this capacity. The Dental Corps chiefs shall designate an officer or civilian employee within their Military Departments to assist the executive secretary on a part-time basis in the preparation of issue and agenda items.

(3) Matters referred to the DHC will be coordinated through the DHC executive director.

(c) *Responsibilities.* (1) In carrying out the purposes and provisions of this charter, the *Dental Chiefs Council* shall:

(i) Advise the DHC through each Military Department's Surgeon General when policy changes are required to improve wartime readiness and the delivery of dental health care.

(ii) Coordinate with other federal dental health agencies to enhance dental health care delivery.

(iii) Develop and maintain dental health objectives that will:

(A) Increase the wartime dental readiness of the Military Departments;

(B) Increase dental care productivity, efficiency, and economy within the Armed Forces health care system without unnecessary duplication of resources.

(C) Enhance recruitment, retention, training, and use of dental health care professionals within the Armed Forces health care system to meet military requirements.

(D) Improve the effectiveness of the direct and indirect dental health care delivery system to meet the demands of the eligible beneficiary population.

(2) The *Executive Secretary of the DCC* shall, subject to the direction of the chair:

(i) Plan, organize, and manage the activities of the DCC.

(ii) Coordinate the development of reports and issues for consideration by the DCC.

(iii) Develop and coordinate the plans and programs to accomplish the responsibilities of the DCC.

(iv) Perform such other duties as may be directed by the chair.

§ 370.7 Charter, Medical Mobilization and Deployment Steering Committee.

(a) *Purpose.* The MMDSC is hereby established, replacing the Medical Mobilization and Deployment Steering Group that was established under ASD(HA) Memorandum, "Medical Mobilization and Deployment Steering Group," May 8, 1981 (hereby canceled). The MMDSC acts as the agent of the Defense Health Council (DHC) in identifying and recommending solutions to problems in medical readiness, mobilization, and deployment; and by reporting to the DHC on those issues.

(b) *Organization and Management.*

(1) The MMDSC comprises the Deputy Assistant Secretary of Defense (Medical Readiness) (DASD(MR)), Office of the ASD(HA), who serves as the chair; a flag or general officer from each of the Military Services; and one representative each from the OJCS, the Defense Logistics Agency, and the Office of the ASD (MRA&L).

(2) The MMDSC meets regularly at the call of the chair.

(3) The MMDSC is supported by the staff of the DASD(MR). Each member of the MMDSC provides additional support from his or her organization, as required.

(4) The DASD(MR) directs the preparation of the agenda and minutes of the MMDSC. Any member of the MMDSC may recommend agenda items.

(c) *Responsibilities.*

(1) The *Medical Mobilization and Deployment Steering Committee* shall:

(i) Develop objectives for inter-Service management of wartime medical logistics and material, and review and coordinate that management.

(ii) Develop objectives for cross-Service utilization of medical personnel, and review and coordinate their attainment.

(iii) Review and coordinate peacetime training in wartime medical skills to ensure an adequate level of medical readiness.

(iv) Recommend to the DHC any policy changes needed to achieve the goal of medical readiness.

(v) Convene in time of crisis to coordinate tri-Service medical mobilization or other appropriate responses, including:

(A) The allocation of returning overseas casualties among military and civilian components of the civilian/military contingency hospital system; and

(B) The provision of medical care to military dependents, retirees and their dependents, and survivors of military members, both within the military health care system and through the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(2) The *Chair of the MMDSC* shall report to the DHC on any issue requiring its attention or resolution by higher authority.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 9, 1982.

[FR Doc. 82-21945 Filed 8-11-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 127 and 165

[CGD 82-081; CGD 13-82-03]

Temporary Security Zone—Strait of Juan de Fuca and Hood Canal, Washington

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment transfers the placement of the temporary security zone in docket CGD 13-82-03 from Part 127 to Part 165 of Title 33, Code of Federal Regulations. This clerical reorganization is needed to be consistent with the recent consolidation of all permanent safety and security zones into Part 165. The consolidation of permanent zones was published in the Federal Register of July 8, 1982.

DATE: This amendment becomes effective on August 10, 1982.

FOR FURTHER INFORMATION CONTACT: Alfred F. Bridgman, Jr. (202) 426–1534.

SUPPLEMENTARY INFORMATION: This amendment is being published without prior notice and is being made effective immediately. Publishing a notice of proposed rulemaking and providing for a delayed effective date are unnecessary steps since the amendment is procedural and involves only a clerical reorganization.

The temporary security zone in docket CGD 13–82–03 was published in the **Federal Register** of June 14, 1982, beginning at Page 25519. A correction document was published in the **Federal Register** of June 28, 1982, at page 27858.

Drafting Information

The drafter of this amendment was William R. Register, Office of the Chief Counsel, U.S. Coast Guard.

List of Subjects in 33 CFR Parts 127 and 165

Harbors, Marine safety, Navigation (waters), Security measures, Vessels, Waterways.

§ 127.1309 [Redesignated as § 165.1309]

In consideration of the foregoing, the section number designation for the temporary security zone in CGD 13–82–03 is redesignated to be § 165.1309. The old section number was § 127.1309.

(50 U.S.C. 191; E.O. 10173; and 33 CFR 6.04–6)

Dated: August 10, 1982.

Richard L. Brown,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 82–22004 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–14–M

National Highway Traffic Safety Administration

49 CFR Part 537

[Docket No. FE 77–03; Notice 7]

Automotive Fuel Economy; Semi-annual Reports

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice amends the agency's automotive fuel economy reporting requirements by deleting certain information submission requirements. The deleted requirements applied to information the agency has determined to be no longer necessary for it to monitor the automotive industry's progress in achieving higher levels of average fuel economy. The agency is adopting this amendment as proposed, to permit the vehicle manufacturers to take advantage of the reduced requirements in the next reports required to be submitted. However, the agency will continue to evaluate comments responding to the request in its proposal regarding suggestions for further reductions in the requirements.

DATE: This action is effective on August 12, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Strombotne, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–472–6902).

SUPPLEMENTARY INFORMATION: Section 505 of the Motor Vehicle Information and Cost Savings Act requires each automobile manufacturer (other than those small manufacturers which have been granted an alternative fuel economy standard under section 502(c) of the Act) to submit to the agency semi-annual reports relating to that manufacturer's efforts to comply with average fuel economy standards. The Act specifies that each report must contain a statement as to whether the manufacturer will comply with average fuel economy standards for that year, a plan describing the steps the manufacturer has taken or will take to comply, and any other information the agency may require. Whenever a manufacturer determines that a plan it submitted in one of its reports is no longer adequate to assure compliance, it must submit a revised plan. Section 505(c) of the Act also authorizes the agency to require further reports to be submitted, as necessary for the agency to carry out its responsibilities under the Act. The Act requires the agency to issue rules establishing the form and content of all reports.

On December 12, 1977, in 42 FR 62374, the agency established form and content requirements for fuel economy reports. Those requirements were designed to elicit information necessary to monitor compliance with standards and to assist the agency in its standard-setting activities for passenger automobiles and light trucks. However, in light of the agency's determination that, for the foreseeable future, market forces appear to provide adequate incentive for the production of and demand for fuel efficient vehicles (see 46 FR 22243, April 16, 1981) and that the establishment of additional passenger automobile fuel economy standards is therefore unnecessary, some of the information required to be submitted in fuel economy reports was found to be no longer needed by the agency. Therefore, on February 22, 1982, the agency proposed deleting portions of its fuel economy reporting requirements which were originally established principally to assist future rulemaking. See 47 FR 7706.

The agency's December 1977 rule required the submission of five general categories of information: (1) The manufacturer's projected average fuel economy; (2) the projected fuel economy and sales for each model type; (3) a variety of technical and sales data for each vehicle configuration; (4) a description of technology and sales changes from the preceding model year which increase the manufacturer's average fuel economy, and of changes made during the model year which will affect average fuel economy; and (5) a description of marketing measures the manufacturer expects to use to improve average fuel economy. The proposed revisions to the reporting requirements would have required the submission of the detailed configuration data only once per year, instead of requiring it for each semi-annual report, and would have deleted the requirements for submission of sales and technology change information and information on marketing measures.

The agency received ten comments on the proposed changes, eight from vehicle manufacturers and two from consumer organizations. The vehicle manufacturers generally supported the proposed reductions and suggested additional areas where information submission requirements might be reduced. The consumer organizations opposed the reductions, arguing that the agency should continue to establish fuel economy standards for each model year and that even if the agency merely monitors the need for future standards, much of the no-longer-required information would still be highly useful.

For the reasons set forth below, the agency disagrees with the arguments set forth by the two consumer groups. As an immediate measure, the agency is promulgating an amended reporting rule identical to the proposed amendment. This step was suggested by Ford Motor Company in its NPRM comments. Taking that action will permit a less stringent rule to be in effect in time for the preparation and submission of future reports. The agency will review the comments by the vehicle manufacturers to determine whether additional reductions in the reporting requirements are appropriate and consistent with the agency's statutory obligations.

The Environmental Policy Institute and the Center for Auto Safety both argued that the agency should not adopt the proposed modifications to the

reporting rule because the agency should proceed to establish fuel economy standards for model years after 1985. Under section 502(a)(1) of the Act, Congress established an average fuel economy standard of 27.5 miles per gallon for passenger automobiles manufactured in the 1985 model year and thereafter. However, under section 502(a)(4) of the Act, the agency is authorized to amend the standard for 1985 or any model year thereafter to a level determined to be the maximum feasible average fuel economy level. The agency's April 16 notice announced the agency's determination that it is not now necessary to exercise the discretionary authority granted under section 502(a)(4) of the Act to issue additional passenger automobile standards, given current high gasoline prices and demand for fuel efficient vehicles and announced plans of the vehicle manufacturers to produce efficient vehicles. The agency reaffirmed that position in denying a petition from the Center for Auto Safety to commence rulemaking on such standards (see 46 FR 48383, October 1, 1981) and still remains of that view.

The standards-related information previously required to be submitted in the semi-annual reports and now being deleted was useful when the agency engaged in major fuel economy standard setting proceedings virtually every year, as it did from 1976–1980. However, even for those proceedings, it was necessary to supplement those reports with some detailed information obtained through the use of questionnaires and special orders to the manufacturers. The agency simply sees no need for the continued submission of certain information semi-annually. If changed circumstances create a need in the future for the issuance of additional passenger car standards, for example, the agency could obtain the necessary information in the same manner as in the earlier proceedings, i.e., through the use of questionnaires and special orders.

The Center for Auto Safety also argued that the fuel economy reporting rule should not be modified, since the agency still needs all the previously required data to fulfill its stated intent of monitoring the actions of the manufacturers in producing and marketing fuel efficient vehicles, as well as consumer demand for such vehicles. The agency disagrees. Long term trends in automative fuel efficiency can be ascertained with less detail and less frequently submitted information than is necessary to establish standards which must be enforced to the nearest 0.1 mile per gallon. Information on vehicle model types, along with the annual updates of more detailed configuration data, provides adequate information to assess such trends. Marketing measure information was more useful in times when manufacturers might have needed to use such measures to raise their average fuel economy levels enough to comply with applicable fuel economy standards. In the current market situation, compliance with standards is typically assured by comfortable margins. Thus, marketing measures are targeted to problems associated with inventories of over-stocked vehicles. With regard to technological change information, this material is typically available to the agency in the trade press. It can also be derived from the configuration and model type data in many cases. Finally, running changes are generally minor, unplanned product revisions caused by parts shortages or driveability complaints by consumers, such as a change in tire type or in carburetor calibration. Major actions which could significantly affect fuel economy are rarely implemented as running changes.

Paperwork Reduction Act

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act (Pub. L. 96–511) and have been assigned OMB Control Number 2127–0019.

The agency finds good cause for making this amendment effective immediately, since it would permit the manufacturers to avoid devoting resources to the preparation of information which the agency has determined to be of little value in carrying out its responsibilities. The immediate effective date is authorized under the Administrative Procedure Act for that reason and, since this rulemaking "relieves a restriction," within the meaning of 5 U.S.C. 553(d).

NHTSA has determined that this proceeding does not involve a major rule within the meaning of section 1, paragraph (b), of Executive Order 12291 because it is not likely to have an effect on the economy of $100 million or more, to result in a major increase in costs or prices, or to have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States firms to meet foreign competition. This action is also not significant for purposes of Department of Transportation procedures for internal review of regulatory actions. A regulatory evaluation of this action has been prepared and has been placed in the rulemaking docket for this notice. Copies of that document can be obtained from the agency's Docket Section at the address stated above.

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact of this rulemaking action on small entities. The agency certifies that this action will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis will not be required for this action. The agency has concluded that few, if any, manufacturers of passenger cars are small entities and that, in any event, any effect on such manufacturers will be positive in terms of reduced costs. NHTSA has also concluded that the environmental consequences of this action will be of such limited scope that they clearly will not have a significant effect on the quality of the human environment.

List of Subjects in 49 CFR Part 537

Energy conservation, Gasoline, Reporting requirements.

(Sec. 301, Pub. L. 94–163, 80 Stat. 901 (15 U.S.C. 2005); sec. 9, Pub. L. 89–670, 80 Stat. 931 (49 U.S.C. 1657); delegation of authority at 49 CFR 1.50)

Issued on August 5, 1982.

Raymond A. Peck, Jr.,

Administrator.

In consideration of the foregoing, 49 CFR Part 537 is revised to read as follows:

PART 537—AUTOMOTIVE FUEL ECONOMY REPORTS

Sec.

Authority: Sec. 9, Pub. L. 89–670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 U.S.C. 2005); delegation of authority at 41 FR 25015, June 22, 1976.

§ 537.1 Scope.

This part establishes requirements for automobile manufacturers to submit reports to the National Highway Traffic Safety Administration regarding their efforts to improve automotive fuel economy.

§ 537.2 Purpose.

The purpose of this part is to obtain information to aid the National Highway Traffic Safety Administration in valuating automobile manufacturers' plans for complying with average fuel economy standards and in preparing an annual review of the average fuel economy standards.

§ 537.3 Applicability.

This part applies to automobile manufacturers, except for manufacturers subject to an alternate fuel economy standard under section 502(c) of the Act.

§ 537.4 Definitions.

(a) *Statutory terms.* (1) The terms "average fuel economy standard," "fuel," "manufacture," and "model year" are used as defined in section 501 of the Act.

(2) The term "manufacturer" is used as defined in section 501 of the Act and in accordance with Part 529 of this chapter.

(3) The terms "average fuel economy," "fuel economy," and "model type" are used as defined in Subpart A of 40 CFR Part 600.

(4) The terms "automobile," "automobile capable of off-highway operation," and "passenger automobile" are used as defined in section 501 of the Act and in accordance with the determinations in Part 523 of this chapter.

(b) *Other terms.* (1) The term "loaded vehicle weight" is used as defined in Subpart A of 40 CFR Part 86.

(2) The terms "axle ratio," "base level," "body style," "car line," "combined fuel economy," "engine code," "equivalent test weight," "gross vehicle weight," "inertia weight," "transmission class," and "vehicle configuration" are used as defined in Subpart A of 40 CFR Part 600.

(3) The term "light truck" is used as defined in Part 523 of this chapter and in accordance with determinations in that part.

(4) The terms "approach angle," "axle clearance," "brakeover angle," "cargo carrying volume," "departure angle," "passenger carrying volume," "running clearance," and "temporary living quarters" are used as defined in Part 523 of this chapter.

(5) The term "incomplete automobile manufacturer" is used as defined in Part 529 of this chapter.

(6) As used in this part, unless otherwise required by the context:

(i) "Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513), as amended by the Energy Policy and Conservation Act (Pub. L. 94–163).

(ii) "Administrator" means the Administrator of the National Highway Traffic Safety Administration or the Administrator's delegate.

(iii) "Current model year" means:

(A) In the case of a pre-model year report, the full model year immediately following the period during which that report is required by § 537.5(b) to be submitted.

(B) In the case of a mid-model year report, the model year during which that report is required by § 537.5(b) to be submitted.

(iv) "Average" means a production-weighted harmonic average.

(v) "Total drive ratio" means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

§ 537.5 General requirements for reports.

(a) For each current model year, each manufacturer shall submit a pre-model year report, a mid-model year report, and, as required by § 537.8, supplementary reports.

(b)(1) The pre-model year report required by this part for each current model year must be submitted during the month of December (e.g., the pre-model year report for the 1983 model year must be submitted during December, 1982).

(2) The mid-model year report required by this part for each current model year must be submitted during the month of July (e.g., the mid-model year report for the 1983 model year must be submitted during July 1983).

(3) Each supplementary report must be submitted in accordance with § 537.8(c).

(c) Each report required by this part must:

(1) Identify the report as a pre-model year report, mid-model year report, or supplementary report as appropriate;

(2) Identify the manufacturer submitting the report;

(3) State the full name, title, and address of the official responsible for preparing the report;

(4) Be submitted in 10 copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington. D.C. 20590;

(5) Identify the current model year;

(6) Be written in the English language; and

(7)(i) Specify any part of the information or data in the report that the manufacturer believes should be withheld from public disclosure as trade secret or other confidential business information.

(ii) With respect to each item of information or data requested by the manufacturer to be withheld under 5 U.S.C. 552(b)(4) and 15 U.S.C. 2005(d)(1), the manufacturer shall:

(A) Show that the item is within the scope of sections 552(b)(4) and 2005(d)(1);

(B) Show that disclosure of the item would result in significant competitive damage;

(C) Specify the period during which the item must be withheld to avoid that damage; and

(D) Show that earlier disclosure would result in that damage.

(d) Each report required by this part must be based upon all information and data available to the manufacturer 30 days before the report is submitted to the Administrator.

§ 537.6 General content of reports.

(a) *Pre-model year and mid-model year reports.* Except as provided in paragraph (c) of this section, each pre-model year report and the mid-model year report for each model year must contain the information required by § 537.7(a).

(b) *Supplementary report.* Each supplementary report must contain the information required by § 537.8(b) (1), (2), or (3), as appropriate.

(c) *Exceptions.* (1) The pre-model year report is not required to contain the information specified in § 537.7 (b), (c) (1) and (2), or (c)(4) (xiv) and (xx) if that report is required to be submitted before the fifth day after the date by which the manufacturer must submit the preliminary determination of its average fuel economy for the current model year to the Environmental Protection Agency under 40 CFR 600.506, when such determination is required. Each manufacturer that does not include information under the exception in the immediately preceding sentence shall indicate in its report the date by which it must submit that preliminary determination.

(2) The pre-model year report and the mid-model year report submitted by an incomplete automobile manufacturer for any model year are not required to contain the information specified in § 537.7 (c)(4) (xv)–(xviii) and (c)(5). The information provided by the incomplete automobile manufacturer under § 537.7(c) shall be according to base level instead of model type or carline.

§ 537.7 Pre-model year and mid-model year reports.

(a)(1) Provide the information required by paragraphs (b)–(c) of this section for the manufacturer's passenger automobiles for the current model year.

(2) After providing the information required by paragraph (a)(1) of this section provide the information required by paragraph (b)–(c) for this section of each class, as specified in part 533 of this chapter, of the manufacturer's light trucks for the current model year.

(b) *Projected average fuel economy.* (1) State the projected average fuel economy for the manufacturer's automobiles determined in accordance with § 537.9 and based upon the fuel economy values and projected sales figures provided under paragraph (c)(2) of this section.

(2) State the projected final average fuel economy that the manufacturer anticipates having if changes implemented during the model year will cause that average to be different from the average fuel economy projected under paragraph (b)(1) of this section.

(3) State whether the manufacturer believes that the projection it provides under paragraph (b)(2) of this section, or if it does not provide an average under that paragraph, the projection it provides under paragraph (b)(1) of this section sufficiently represents the manufacturer's average fuel economy for the current model year for the purposes of the Act. In the case of a manufacturer that believes that the projection is not sufficiently representative for those purposes, state the specific nature of any reason for the insufficiency and the specific additional testing or derivation of fuel economy values by analytical methods believed by the manufacturer necessary to eliminate the insufficiency and any plans of the manufacturer to undertake that testing or derivation voluntarily and submit the resulting data to the Environmental Protection Agency under 40 CFR 600.509.

(c) *Model type and configuration fuel economy and technical information.* (1) For each model type of the manufacturer's automobiles, provide the information specified in paragraph (c)(2) of this section in tabular form. List the model types in order of increasing average inertia weight from top to bottom down the left side of the table and list the information categories in the order specified in paragraph (c)(2) of this section from left to right across the top of the table.

(2)(i) Combined fuel economy; and

(ii) Projected sales for the current model year and total sales of all model types.

(3) (*Pre-model year report only.*) For each vehicle configuration whose fuel economy was used to calculate the fuel economy values for a model type under paragraph (c)(2) of this section, provide the information specified in paragraph (c)(4) of this section either in tabular form or as a fixed format computer tape. If a tabular form is used then list the vehicle configurations, by model type in the order listed under paragraph (c)(2) of this section, from top to bottom down the left of the table and list the information categories across the top of the table from left to right in the order specified in paragraph (c)(4) of this section. Other formats (such as copies of EPA reports) which contain all the required information in a readily identifiable form are also acceptable. If a computer tape is used, any NHTSA approved fixed format structure may be used, but each vehicle configuration record should identify the manufacturer, model type, and for light trucks the drive wheel code, e.g., 2 or 4 wheel drive. At least the information categories specified here and in paragraph (c)(4) must be provided, but if preferred the tape may contain any additional categories. Each computer tape record must contain all the required categories of information to enable direct reading and interpretation in the fixed format that was approved. There should be no titles, column headings, page numbers, or attachment numbers on the tape. It must be possible to directly calculate and produce the tables specified in paragraph (c)(1) from the records on this tape.

(4)(i) Loaded vehicle weight;

(ii) Equivalent test weight;

(iii) Cubic inch (or liters) displacement of engine;

(iv) Number of engine cylinders;

(v) SAE net horsepower;

(vi) Engine code;

(vii) Fuel system (number of carburetor barrels or, if fuel injection is used, so indicate);

(viii) Emission control system;

(ix) Transmission class;

(x) Number of forward speeds;

(xi) Existence of overdrive (indicate yes or no);

(xii) Total drive ratio (N/V);

(xiii) Axle ratio;

(xiv) Combined fuel economy;

(xv) Projected sales for the current model year;

(xvi) (A) In the case of passenger automobiles:

(*1*) Interior volume index, determined in accordance with Subpart D of 40 CFR Part 600, and

(*2*) Body style;

(B) In the case of light trucks:

(*1*) Passenger-carrying volume, and

(*2*) Cargo-carrying volume;

(xvii) Performance of the function described in § 523.5(a)(5) of this chapter (indicate yes or no);

(xviii) Existence of temporary living quarters (indicate yes or no);

(xix) Frontal area;

(xx) Road load power at 50 miles per hour, if determined by the manufacturer for purposes other than compliance with this part to differ from the road load setting prescribed in 40 CFR 86.177–11(d);

(xxi) Optional equipment which the manufacturer is required under 40 CFR Parts 86 and 600 to have actually installed on the vehicle configuration, or the weight of which must be included in the curb weight computation for the vehicle configuration, for fuel economy testing purposes.

(5) For each model type of automobile which is classified as an automobile capable of off-highway operation under Part 523 of this chapter, provide the following data:

(i) Approach angle;

(ii) Departure angle;

(iii) Breakover angle;

(iv) Axle clearance;

(v) Minimum running clearance; and

(vi) Existence of 4-wheel drive (indicate yes or no).

(6) The fuel economy values provided under paragraphs (c) (2) and (4) of this section shall be determined in accordance with § 537.9.

§ 537.8 Supplementary reports.

(a)(1) Except as provided in paragraph (d) of this section, each manufacturer whose most recently submitted semiannual report contained an average fuel economy projection under § 537.7(b)(2) or, if no average fuel economy was projected under that section, under § 537.7(b)(1), that was not less than the applicable average fuel economy standard and who now projects an average fuel economy which is less than the applicable standard shall file a supplementary report containing the information specified in paragraph (b)(1) of this section.

(2) Except as provided in paragraph (d) of this section, each manufacturer that determines that its average fuel economy for the current model year as projected under § 537.7(b)(2) or, if no average fuel economy was projected under that section, as projected under § 537.7(b)(1), is less representative than the manufacturer previously reported it to be under § 537.7(b)(3), this section, or both, shall file a supplementary report containing the information specified in paragraph (b)(2) of this section.

(3) Each manufacturer whose pre-model year report omits any of the information specified in § 537.7 (b), (c) (1) and (2), or (c)(4) (xvi) and (xxiv) shall file supplementary report containing the information specified in paragraph (b)(3) of this section.

(b)(1) The supplementary report required by paragraph (a)(1) of this section must contain:

(i) Such revisions of and additions to the information previously submitted by the manufacturer under this part regarding the automobiles whose projected average fuel economy has decreased as specified in paragraph (a)(1) of this section as are necessary—

(A) To reflect the decrease and its cause;

(B) To indicate a new projected average fuel economy based upon these additional measures.

(ii) An explanation of the cause of the decrease in average fuel economy that led to the manufacturer's having to submit the supplementary report required by paragraph (a)(1) of this section.

(2) The supplementary report required by paragraph (a)(2) of this section must contain:

(i) A statement of the specific nature of and reason for the insufficiency in the representativeness of the projected average fuel economy;

(ii) A statement of specific additional testing or derivation of fuel economy values by analytical methods believed by the manufacturer necessary to eliminate the insufficiency; and

(iii) A description of any plans of the manufacturer to undertake that testing or derivation voluntarily and submit the resulting data to the Environmental Protection Agency under 40 CFR 600.509.

(3) The supplementary report required by paragraph (a)(3) of this section must contain:

(i) All of the information omitted from the pre-model year report under § 537.6(c)(2); and

(ii) Such revisions of and additions to the information submitted by the manufacturer in its pre-model year report regarding the automobiles produced during the current model year as are necessary to reflect the information provided under paragraph (b)(3)(i) of this section.

(c)(1) Each report required by paragraph (a) (1) or (2) of this section must be submitted in accordance with § 537.5(c) not more than 45 days after the date on which the manufacturer determined, or could have, with reasonable diligence, determined that a report is required under paragraph (a) (1) or (2) of this section.

(2) Each report required by paragraph (a)(3) of this section must be submitted in accordance with § 537.5(c) not later than five days after the day by which the manufacturer is required to submit a preliminary calculation of its average fuel economy for the current model year to the Environmental Protection Agency under 40 CFR 600.506.

(d) A supplementary report is not required to be submitted by the manufacturer under paragraph (a) (1) or (2) of this section:

(1) With respect to information submitted under this part before the most recent semiannual report submitted by the manufacturer under this part, or

(2) When the date specified in paragraph (c) of this section occurs:

(i) During the 60-day period immediately preceding the day by which the mid-model year report for the current model year must be submitted by the manufacturer under this part, or

(ii) After the day by which the pre-model year report for the model year immediately following the current model year must be submitted by the manufacturer under this part.

§ 537.9 Determination of fuel economy values and average fuel economy.

(a) *Vehicle configuration fuel economy values.* (1) For each vehicle configuration for which a fuel economy value is required under paragraph (c) of this section and has been determined and approved under 40 CFR Part 600, the manufacturer shall submit that fuel economy value.

(2) For each vehicle configuration specified in paragraph (a)(1) of this section for which a fuel economy value approved under 40 CFR Part 600, does not exist, but for which a fuel economy value determined under that part exists, the manufacturer shall submit that fuel economy value.

(3) For each vehicle configuration specified in paragraph (a)(1) of this section for which a fuel economy value has been neither determined nor approved under 40 CFR Part 600, the manufacturer shall submit a fuel economy value based on tests or analyses comparable to those prescribed or permitted under 40 CFR Part 600 and a description of the test procedures or analytical methods used.

(b) *Base level and model type fuel economy values.* For each base level and model type, the manufacturer shall submit a fuel economy value based on the values submitted under paragraph (a) of this section and calculated in the same manner as base level and model type fuel economy values are calculated for use under Subpart F of 40 CFR Part 600.

(c) *Average fuel economy.* Average fuel economy must be based upon fuel economy values calculated under paragraph (b) of this section for each model type and must be calculated in accordance with 40 CFR 600.506, using the configurations specified in 40 CFR 600.506(a)(2), except that fuel economy values for running changes and for new base levels are required only for those changes made or base levels added before the average fuel economy is required to be submitted under this part.

§ 537.10 Incorporation by reference.

(a) A manufacturer may incorporate by reference in a report required by this part any document other than a report, petition, or application, or portion thereof submitted to any Federal department or agency more than two model years before the current model year.

(b) A manufacturer that incorporates by references a document not previously submitted to the National Highway Traffic Safety Administration shall append that document to the report.

(c) A manufacturer that incorporates by reference a document shall clearly identify the document and, in the case of a document previously submitted to the National Highway Traffic Safety Administration, indicate the date on which and the person by whom the document was submitted to this agency.

§ 537.11 Public inspection of information.

Except as provided in § 537.12, any person may inspect the information and data submitted by a manufacturer under this part in the docket section of the National Highway Traffic Safety Administration. Any person may obtain copies of the information available for inspection under this section in accordance with the regulations of the Secretary of Transportation in Part 7 of this title.

§ 537.12 Confidential information.

(a) Information made available under § 537.11 for public inspection does not include information for which confidentiality is requested under § 537.5(c)(7), is granted in accordance with section 505 of the Act and section 552(b) of Title 5 of the United States Code and is not subsequently released under paragraph (c) of this section in accordance with section 505 of the Act.

(b) *Denial of confidential treatment.* When the Administrator denies a manufacturer's request under § 537.5(c)(7) for confidential treatment of information, the Administrator gives the manufacturer written notice of the denial and reasons for it. Public disclosure of the information is not made until after the ten-day period immediately following the giving of the notice.

(c) *Release of confidential information.* After giving written notice

to a manufacturer and allowing ten days, when feasible, for the manufacturer to respond, the Administrator may make available for public inspection any information submitted under this part that is relevant to a proceeding under the Act, including information that was granted confidential treatment by the Administrator pursuant to a request by the manufacturer under § 537.5(c)(7).

[FR Doc. 82-21793 Filed 8-11-82; 8:45 am]
BILLING CODE 4910-59-M

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49 CFR Part 575

[Docket No. 25; Notice 48]

Consumer Information Regulations; Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Interim final rule and request for comments.

SUMMARY: This notice makes a technical correction to the test procedures used in Uniform Tire Quality Grading (UTQG). A recently issued amendment to those procedures inadvertently omitted certain factors to be used in determining the load under which tires are to be tested for traction. This notice corrects the prior amendment. This notice also provides that, for a two-year period, tires whose test loads would change significantly as a result of the use of the treadwear, temperature resistance and traction load factors shall continue to be tested at the loads used in UTQG testing prior to June 14, 1982. The agency intends this notice to ensure that test loads will not significantly change from previously specified loads.

DATES: The UTQG amendment is effective on August 12, 1982. Comments on this notice must be received on or before October 12, 1982.

ADDRESS: Comments should refer to the docket numbers set forth above and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Docket hours are 8:00 a.m to 4:00 p.m. (E.D.T.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. (202-426-1740).

SUPPLEMENTARY INFORMATION: Under the UTQG system, tires sold in this country are tested and grades are assigned for treadwear, traction, and temperature resistance. Prior to June 15, 1982, the UTQG Standards provided that the tire rim size and test loads used for UTQG testing were to be obtained from the tire tables of Appendix A to Federal Motor Vehicle Safety Standard No. 109, New pneumatic tires. However, those tables were deleted from FMVSS 109 effective June 15, 1982. In order to provide a substitute means for determining rims and test loads for all three performance characteristics, NHTSA published an interim final rule on June 15, 1982 (47 FR 25930). The June 15 notice specified alternative methods for determining test rim sizes and test loads, without having to refer to the now-deleted tire tables of Standard 109.

Of relevance here is the new procedure for determining test loads. That procedure requires multiplying the maximum tire load appearing on the tire's sidewall by certain specified factors.

The agency's June 15 correction notice inadvertently omitted factors for traction testing. The factors which were listed in that notice were those appropriate for treadwear and temperature resistance testing only. Therefore, the agency is now correcting the table set forth in the June 15 notice to include the factors to be used in UTQG traction testing. The agency has selected these factors, like those specified in the June 15 notice for treadwear and temperature resistance testing, in an attempt to produce approximately the same test load as was previously specified by reference to the tire tables of Standard 109. The agency believes that for most tire types and sizes, this procedure will produce tire load specifications which differ from loads specified by the old procedure by less than 10 pounds. The agency believes that this difference will not be large enough to produce significant differences in test results, but invites comment on this point.

The agency has identified 14 individual tire sizes which would have differences of more than 10 pounds in test loads under the load factors for treadwear, temperature resistance or traction testing under UTQG. These discrepancies apparently result from differences in the manner in which various tire companies determine maximum tire loads and "design" loads. For these 14 tires, the agency is specifying as an interim measure that the loads previously determined by reference to the tire tables may continue to be used for a period of two years. The two year period will permit the tire manufacturers to make any design changes they feel necessary in these tires. While the agency believes that those 14 tire sizes represent the only tires now sold in the U.S. with load discrepancies of greater than 10 pounds, there may be others. Commenters are requested to inform the agency of any additional tires for which such a discrepancy exists. These tires will be added to that list when final action is taken on the interim final rule.

The agency finds good cause for issuing this amendment without prior notice and comment. The agency believes that prior notice and comment are unnecessary, since the revisions are technical and editorial in nature. They are intended to allow the continued implementation of the UTQG regulation in the same manner as it was before June 15, 1982. Although the agency has concluded that prior notice and comment are unnecessary, it has decided to go beyond the minimum requirements of the Administrative Procedures Act and provide a comment period on this amendment. For the same reasons set forth above and to permit continued implementation of the UTQG regulation, the agency finds good cause for making the revisions effective immediately.

Since this amendment is not intended to cause any signficant change in implementation of the UTQG regulation as it existed on June 14, 1982, NHTSA has determined that this proceeding does not involve a major rule within the meaning of Executive Order 12291 or a significant rule within the meaning of the Department of Transportation regulatory procedures. Further, there are virtually no economic impacts of this action so that preparation of a full regulatory evaluation is unnecessary.

The Regulatory Flexibility Act does not require the preparation of flexibility analyses with respect to rulemaking proceedings, such as this one, since the agency certifies that this action would not have a significant economic impact on a substantial number of small entities. As noted above, this action will make essentially no change in the implementation of the UTQG regulation.

NHTSA has concluded that this action will have essentially no environmental consequences and therefore that there will be no significant effect on the quality of the human environment.

Interested persons are invited to submit comments on the agency's action announced above and on any other topics relevant to this notice. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-

page limit. This limitation is intended to encourage commenters to detail their primary argument in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is required is in fact confidential within the meaning of section (b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items have previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, it is recommended that interested persons continue to examine the docket for new material. Those persons desiring to be notified upon receipt of their comments in the rulemaking 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.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

(Secs. 103, 112, 119, 201, 203, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.50)

Issued on August 5, 1982.

Raymond A. Peck, Jr.,

Administrator.

PART 575—CONSUMER INFORMATION REGULATIONS

In consideration of the foregoing, 49 CFR 575.104(h) is amended by revising Table 2 and by adding a new Table 2A to read as follows:

§ 575.104 Uniform tire quality grading standards.

* * * * *

(h) * * *

(5) * * *

TABLE 2 [1]

Maximum inflation pressure	Multiplier to be used for treadwear and temperature resistance testing	Multiplier to be used for traction testing
32 lb/in ^{2}	.851	.851
36 lb/in ^{2}	.870	.797
40 lb/in ^{2}	.883	.753
240 kPa	.866	.866
280 kPa	.887	.804
300 kPa	.866	.866

[1] Prior to July 1, 1984, the multipliers in the above table are not be used in determining loads for the tire size designations listed below in Table 2A. For those designations, the load specifications in that table shall be used in UTQG testing during that period. These loads are the actual loads at which testing shall be conducted and should not be multiplied by the 85 percent factors specified for treadwear and traction testing.

TABLE 2A

Tire size designation	Temp resistance			Traction	Treadwear		
	Max pressure				Max pressure		
	32	36	40		32	36	40
145/70 R13	615	650	685	523	523	553	582
155/70 R13	705	740	780	599	599	629	663
165/70 R13	795	835	880	676	676	710	748
175/70 R13	890	935	980	757	757	795	833
185/70 R13	990	1040	1090	842	842	884	926
195/70 R13	1100	1155	1210	935	935	982	1029
155/70 R14	740	780	815	629	629	663	693
175/70 R14	925	975	1025	786	786	829	871
185/70 R14	1045	1100	1155	888	888	935	982
195/70 R14	1155	1220	1280	982	982	1037	1088
155/70 R15	770	810	850	655	655	689	723
175/70 R15	990	1040	1090	842	842	884	927
185/70 R15	1100	1155	1210	935	935	982	1029
5.60–13	725	810	880	616	616	689	748

[FR Doc. 82–21794 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 47, No. 156
Thursday, August 12, 1982

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

Handling of Almonds Grown in California; Administrative Rules and Regulations Governing Crediting for Marketing Promotion

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given of a proposal to allow handlers of California almonds to receive credit against their pro rata expense assessment obligations for (1) the distribution of sample packages of almonds, and (2) the purchase of almond promotional materials from the Almond Board of California. These provisions would be added to the administrative rules and regulations established under the Federal marketing order for California almonds and are designed to provide handlers more flexibility in promoting the sale of almonds, almond products, or their uses.

DATE: Comments must be received by August 27, 1982.

ADDRESS: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

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

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 26 handlers.

J. S. Miller has determined that this proposal should be published with less than a 60-day comment period. The proposed provisions would give handlers increased flexibility in conducting their marketing promotion activities. Several handlers have expressed a desire to utilize these provisions and should be given the opportunity to do so as soon as possible.

This proposal would revise § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR 981.401-981.474; 47 FR 25001). Section 981.441 is issued under § 981.41(c) of the marketing agreement and Order No. 981 (7 CFR 981), both as amended, regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on a unanimous recommendation of the Almond Board of California, hereinafter referred to as the "Board", which works with USDA in administering the order.

Section 981.41(c) provides that the Board, with the approval of the Secretary, may allow handlers to receive credit for their direct marketing promotion expenditures, including paid advertising, against their pro rata expense assessment obligations for such activities. That paragraph also provides that a handler shall not receive credit for allowable expenditures that would exceed that portion of his assessment obligation which is designated for marketing promotion including paid advertising. Section 981.41(e) provides that before crediting is undertaken, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively regulate such activity.

Section 981.441 currently prescribes rules and regulations to regulate the crediting of paid advertising expenditures. The proposal would add provisions to that section to provide for the crediting of certain marketing promotion expenditures other than paid advertising.

Under the proposal, handlers would receive credit against their assessment obligations for sample packages of almonds distributed by them to charitable and educational institutions. These packages would be limited in size to one-half ounce or less of almonds, and would be packed under contract for the Board and sold by it to the distributing handlers at the Board's cost. That cost would also serve as the basis for determining the amount of credit to be granted by the Board to the distributing handler. "Cost" would include, but not be limited to, the value of the almonds, the packing charge, and the value of the packing material. The Board would furnish the packing material which would display its generic label, and could also be personalized to display the distributing handler's label. Credit would be granted when the Board receives "proof of distribution" in the form of a letter from the institution receiving the sample packages. The packages would have to be distributed free of charge by the institution and could not be resold.

Credit would be limited to the expense assessment obligation incurred on the first 8,000,000 redetermined kernel weight pounds received by a handler during a crop year. A handler could receive credit for 150 percent of the purchase price (cost) of the sample packages against the obligation incurred on the first 4,000,000 pounds received by him during a crop year and 100 percent credit against the obligation incurred on the second 4,000,000 pounds.

It is also proposed to allow handlers credit for almond promotional materials they purchase from the Board. These materials would be produced for the Board and sold at cost to handlers. Handlers would receive credit for 100 percent of the price they pay the Board for such materials, and could personalize these promotional materials with their own labels.

The Board believes that these new provisions would give handlers more flexibility in their promotion of almonds. The provisions would be especially beneficial to handlers who have no brand name and are, therefore, unable to take full advantage of the current provisions allowing crediting for paid advertising. The sample package provisions would be advantageous to small handlers whose yearly receipts do not exceed 8,000,000 kernel weight pounds. Finally, because handlers would be purchasing sample packages and

other promotional material directly from the Board, it would be easy for the Board to verify a handler's expenditures for these items and assure proper crediting.

The proposal would necessitate a reorganization of § 981.441. Separate paragraphs would be established to distinguish between provisions dealing solely with crediting for paid advertising and provisions dealing with crediting for marketing promotion other than paid advertising. The current regulation allowing a handler to defer up to 20 percent of his creditable obligation as of the June 30 redetermination report to December 31 of the subsequent crop year would be expanded to include marketing promotion other than paid advertising. Also, several other conforming changes would be made in the current wording of § 981.441.

List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, California.

PART 981—ALMONDS GROWN IN CALIFORNIA

Therefore, it is proposed to revise § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR 981.401–981.474; 47 FR 25001) to read as follows:

§ 981.441 Crediting for marketing promotion including paid advertising.

(a) In order for a handler to receive credit for his marketing promotion expenditures, including paid advertising, against his pro rata expense assessment obligation pursuant to § 981.41(c), the Board shall determine that such expenditures meet the applicable requirements of this section.

(b) Each paid advertisement must be published, broadcast, or displayed, and other marketing promotion activities must be conducted, during the crop year for which credit is requested, except that a handler may receive credit up to a maximum of 20 percent of his total creditable advertising and promotion obligation as of the June 30 redetermination report for expenditures made for advertisements published, broadcast, or displayed and other marketing promotion activities conducted no later than December 31 of the subsequent crop year. A handler utilizing this extension shall: (1) File any required documentation with the Board no later than the following January 31, and (2) certify to the Board, at the time of the June 30 redetermination, his planned expenditures during the extension period.

(c) The following requirements shall apply to crediting for paid advertising:

(1) Credit granted by the Board for paid advertising shall be that which is appropriate when compared to the applicable outlet rate published in the domestic or Canadian catalogs of Standard Rate and Data Service or station, publisher, or outdoor rate cards. In the case of claims for credit not covered by any such source, the Board shall grant the claim if it is consistent with rates for comparable outlets. For advertisements in markets other than the United States and Canada, subparagraph (4) shall apply.

(2) The clear and evident purpose of each advertisement shall be to promote the sale, consumption, or use of California almonds, and nothing therein shall detract from this purpose.

(3) Credit for paid advertising shall be granted:

(i) For 100 percent of a handler's payment to an advertising medium: (A) For a generic advertisement of California almonds; (B) for an advertisement of the handler's brand of almonds; (C) when either of these advertisements includes reference to a complementary commodity or product; or (D) for a trade media advertisement that displays branded food products containing almonds, or announces a handler's future promotion activities, including joint promotions, and the entire expenditure is borne by the handler.

(ii) For an advertisement resulting from joint participation by a handler and a manufacturer or seller of a complementary commodity or product, and including the brands of both, the credit shall be 50 percent of the total allowable payment to the advertising medium, or the handler's payment thereof, whichever is less.

(iii) For an advertisement resulting from joint participation by a handler and manufacturers or sellers of two complementary commodities or products, and including the brands of all three, the credit shall be one-third of the total allowable payment to the advertising medium, or the handler's payment thereof, whichever is less.

(iv) When almond products are advertised, the credit shall be 50 percent of the total allowable payment to the advertising medium, or the handler's payment thereof, whichever is less: *Provided:* That (A) The almond product does not contain nuts other than almonds, (B) the almond product contains at least 50 percent raw shelled almonds by weight, and (C) the almond product displays the handler's brand.

(4) Credit for media expenditures in a foreign market shall be granted:

(i) For the handler's unreimbursed media expenditures for advertising in any foreign market pursuant to a contract with the Foreign Agricultural Service, U.S. Department of Agriculture, provided the advertisements meet the requirements of paragraphs (c) (2) and (3) of this section, and the limitations of paragraph (c)(5) (i) and (ii), of this section.

(ii) For a handler's media expenditures for brand advertising of almonds in the following markets: Great Britain, France, Italy, West Germany, Denmark, Belgium, Ireland, Luxembourg, the Netherlands, Sweden, Norway, Finland, Switzerland, Singapore, Hong Kong, and Japan, credit shall be allowed when claims are substantiated by applicable rate cards. The provisions of this section applicable to domestic advertising shall also apply to the crediting of advertising in these markets. The total of the foreign credit shall not exceed 20 percent, or $500,000, whichever is greater, of a handler's advertising assessments in each crop year.

(5) Credit granted a handler shall be subject to other conditions as follows:

(i) No credit shall be granted to a handler when more than two complementary branded products are included in an advertisement.

(ii) Advertisements which, in addition to promoting California almonds, also mention or promote the sale of noncomplementary commodities or products, or of competing nuts, shall not be eligible for credit.

(iii) Advertisements which direct consumers to one or more named retail outlets, other than handler operated, shall not be eligible for credit.

(6) A handler must file a claim with the Board to obtain credit for an advertising expenditure. Except as provided in paragraph (b) of this section, no credit shall be granted unless a preliminary claim is filed on or before July 15 of the succeeding crop year and a final claim is filed on or before October 15 of the succeeding crop year. Each preliminary claim must be filed on an ABC Form 31 (claim for advertising credit), stating that documentation will be submitted as expeditiously as possible, but no later than October 15. If this preliminary claim is not filed on or before July 15, there will be no consideration of the claim under any circumstances. Each final claim must be submitted on ABC Form 31 and accompanied by appropriate proof of performance as follows:

(i) For published advertisements, submit a copy of the publication invoice, agency invoice, if any, and tear sheet of the advertisement.

(ii) For radio advertisements, submit a copy of the station invoice, a copy of the script, or reference to a copy on file with the Board, and the agency invoice, if any.

(iii) For television advertisements, submit a copy of the station invoice, a copy of the script and tape or story board of the advertisement, or a reference to these in the Board files, and the agency invoice, if any.

(iv) For outdoor advertisements, submit a copy of the company invoice, a photograph of the display or a reference to a photograph in the Board files, and the agency invoice, if any.

(v) Each claim shall also include a certification to the Secretary of Agriculture and to the Board that the claim is just and conforms to requirements set forth in § 981.41(c). The Board shall advise the handler promptly of the extent to which such claim has been allowed.

(d) The following requirements shall apply to crediting for marketing promotion other than paid advertising:

(1) Credit for marketing promotion expenditures shall be granted:

(i) For the distribution of sample packages containing one-half ounce or less of almonds to charitable or educational outlets. Such sample packages shall be packed for the Board under its generic label and sold to the distributing handlers at the price paid for them by the Board. Credit shall be based on the price a handler pays the Board for such packages and upon receipt by the Board of acceptable proof of distribution. Such sample packages may or may not be personalized with an individual handler's label. Credit applicable to the distribution of sample packages shall be subject to the following conditions.

(A) A handler may receive credit for 150 percent of the purchase price of such packages against the creditable assessment obligation incurred on the first 4,000,000 redetermined kernel weight pounds received by him during a crop year.

(B) A handler may receive credit for 100 percent of the purchase price of such packages against the creditable assessment obligation incurred on the second 4,000,000 redetermined kernel weight pounds received by him during a crop year.

(C) No credit shall be granted in excess of the creditable assessment obligation incurred on 8,000,000 redetermined kernel weight pounds received by a handler during a crop year.

(D) No credit shall be granted for sample packages distributed to market segments where almonds are already being sold. Handlers should obtain approval from the Board prior to distribution to ensure that this condition is met.

(E) No credit shall be applicable to the distribution of sample packages in outlets where they will be used for resale.

(F) No credit shall be granted without receipt by the Board of acceptable proof of distribution. This proof shall consist of a signed statement from the organization to which sample packages were distributed, on that organization's letterhead, stating: (*1*) The name and address of the handler from whom the packages were received, (*2*) the date of receipt, (*3*) the volume of packages received, (*4*) how such packages will be used, and (*5*) a statement that such packages will not be used for resale. Except as provided in paragraph (b) of this section, no credit shall be granted for a crop year unless this proof of distribution is submitted no later than July 15 of the succeeding crop year.

(ii) For promotion materials available from the Board and sold to handlers at the price paid for them by the Board. Credit shall be granted for the amount a handler pays the Board for such materials upon purchase. Such materials may or may not be personalized with the label of an individual handler.

Dated: August 9, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-21938 Filed 8-11-82; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1076

Milk in the Eastern South Dakota Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain provisions of the Eastern South Dakota Federal Milk Order. The provisions relate to how much milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants an still be priced under the order. Suspension of the provisions was requested by a cooperative association representing most of the producers supplying the market to prevent uneconomic movements of milk. The proposed suspension would be for the period of August 1982 through February 1983.

DATE: Comments are due not later than August 19, 1982.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U. S. Department of Agriculture, Washington. D. C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington, D. C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures in time to include August 1982 in the requested suspension period if this is found necessary. The initial request for the action was received on July 30, 1982.

It also has been determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accure from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Eastern South Dakota marketing area is being considered for August 1982 through February 1983:

In § 1076.13, paragraphs (c)(2) and (3).

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 19, 1982. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include August 1982 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would remove for August 1982 through February 1983 the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 35 percent of its total member milk received at all pool plants or diverted therefrom during the months of August through February. Similarly, the operator of a pool plant may divert up to 35 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of August through February.

The proposed suspension was requested by Land O'Lakes, Inc., a cooperative association that supplies most of the market's fluid milk needs and handles most of the market's reserve milk supplies. The basis for the request is that milk supplies from its members, as well as from other diary farmers, for the first six months of 1982 is approximately 16 percent higher than for the same period of 1981. Additionally, the cooperative stated that the market's fluid milk sales are down approximately three percent. Consequently, the cooperative expects its reserve milk supplies during August 1982 through February 1983 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. In the absence of the suspension, the cooperative expects that some of the milk of its member producers who have regularly supplied the fluid market would have to moved, uneconomically, first to pool plants and then to nonpool manufacturing plants in order to continue producer status for such milk during August 1982 through February 1983.

List of of Subjects in 7 CFR Part 1076

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on August 9, 1982.

William T. Manley,
Acting Administrator.

[FR Doc. 82-21939 Filed 8-11-82; 8:45 am]
BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 81-008]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements for Detection of Viable Bacteria and Fungi in Live Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the standard requirements for detection of extraneous viable bacteria and fungi in live vaccines by adding uniform tests for live bacterial vaccine serials and for Master Seed Bacteria. Presently, purity tests for live bacterial vaccines are specified in Outlines of Production filed by licensees with Veterinary Services (VS) for these products. These tests are generally similar, but not identical and may not be equally sensitive in detecting contamination. This revision would make available a set of uniform tests for all live bacterial and live viral vaccines and their Master Seeds. Changes in language are also proposed for clarification purposes.

DATE: Comments must be received on or before October 12, 1982.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "non-major" rule.

The proposed change would be applicable to producers of live bacterial vaccines. Some of the 12 licensed establishments producing these products and the National Veterinary Services Laboratories (NVSL) have been using the proposed standard bacterial vaccine purity test for over a year and find the test adequate. Production outline purity tests are generally similar for the products produced by most of the other establishments. The entire industry should be able to adopt the proposed test with no significant change in testing costs or in the bacterial vaccine serial rejection rate since the test is already widely used and acceptable to NVSL and the industry. Therefore, no change is expected in production costs or consumer prices resulting from destroying unsatisfactory serials of product.

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

Twelve licensed establishments produce 1 or more of 13 live bacterial vaccines licensed by the USDA totaling 26 products. Two of these establishments are considered small entities; i.e., businesses which are independently owned and operated and which are not dominant in the field of veterinary biologics manufacturing. This proposed bacterial vaccine purity test does not differ greatly from tests presently set forth in the licensed firms' Outlines of Production and should not significantly affect their production costs.

The present purity standard requirements in § 113.27 of the standards detail the specific tests used for serials of live viral vaccines and their Master Seed Viruses, but for serials of live bacterial vaccines the regulations only specify testing with "appropriate media." Nothing is stated regarding testing Master Seed Bacteria. The required purity tests for live bacterial vaccines, which were developed by the licensees, are specified in the Outline of Production for each product. There are several of these tests and they may not be equally effective in detecting extraneous bacteria and fungi.

One alternative action considered was revision of the live virus vaccine purity standard requirements which would specify a test for bacterial vaccines and make the satisfactory serial standards for both live bacterial and live viral vaccines more stringent than the current live virus standards. An industry survey of 18 firms evaluated their serial purity test results for viral and bacterial vaccines by the more stringent standards. The serials reviewed were produced during the past 2½ to 5 years. The results showed that a very significant number of these serials would have been adversely affected by the higher standards. Of 6,097 serials (9.3 billion doses) surveyed, 395 serials

(1.1 billion doses) would have been unsatisfactory by the more stringent standard under consideration. The great majority of these serials would have had to have been destroyed. Thirteen of the eighteen firms surveyed reported a potential annual loss of nearly $3.5 million. It is assumed that several times this projected dose/dollar loss of live viral and live bacterial products would be incurred by the entire licensed industry of 43 establishments.

Another alternative action considered was revision of the live vaccine purity standard requirement to specify a test for bacterial vaccines and establish the standards for all live vaccines at the same level as currently specified for live viral vaccines. Industry data showed a very low level of purity related problems in vaccinated animals with products produced under current viral standards. Data showed that of 395 serials released with growth in 1/10 or 1/20 test vessels as current viral product regulations permit, not one serial was involved in a field problem associated with extraneous organisms. The more stringent standard considered in the first alternative would have permitted no growth in any test vessel. The present test for virus vaccines has a slightly higher probability of accepting three or more contaminating organisms per ml of product than the more stringent standard considered. The lower probability of contamination associated with the more stringent standard considered is relatively insignificant. Therefore, it would be difficult to justify the more stringent standard of purity on a statistical basis. From an analysis of industry data and a comparison of the two alternatives it appears that current methods specified in the Standard Requirements are adequate to assure sufficient purity of the vaccines to avoid harm to the consumer. Therefore, the Department proposed to add Standard Requirements for live bacterial vaccines which would be very similar to those requirements currently used with live virus vaccines. It is estimated that the proposed bacterial vaccine purity test would not significantly change the current serial rejection rate and thus not change the production costs.

When standard requirements have been developed by VS through experience with a number of firms' products as specified in Outlines of Production and/or through the development of scientific knowledge at NVSL or elsewhere, such requirements are codified in the regulations. Codification assures uniformity and general applicability of the requirements to all licenses. Presently, the purity test requirements for live bacterial vaccines are in the firms' Outlines of Production filed with VS for these products in accordance with 9 CFR 114.8. This revision would make uniform requirements available to the general public and applicable to all licensees. Language changes are also proposed to clarify this section.

List of Subjects in 9 CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

Section 113.27 would be revised to read:

§ 113.27 Detection of extraneous viable bacteria and fungi in live vaccines.

Unless otherwise specified by the Deputy Administrator or elsewhere exempted in this part, each serial and subserial of live vaccine and each lot of Master Seed Virus and Master Seed Bacteria shall be tested for extraneous viable bacteria and fungi as prescribed in this section. A Master Seed found unsatisfactory shall not be used in vaccine production and a serial found unsatisfactory shall not be released.

(a) *Live viral vaccines.* Each serial and subserial of live viral vaccine shall be tested for purity as prescribed in this paragraph. However, products of chicken embryo origin recommended for administration other than parenteral injection may be tested as provided in paragraph (e) of this section.

(1) Soybean Casein Digest Medium shall be used.

(2) Ten final container samples from each serial and subserial shall be tested.

(3) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and desiccated vaccine shall be rehydrated as recommended on the label with accompanying diluent or with sterile purified water.

(4) To test for bacteria, place 0.2 ml of vaccine from each final container into a corresponding individual vessel containing at least 120 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination required in § 113.25(d) indicates the need for a greater dilution of the product. Incubation shall be at 30° to 35° C for 14 days.

(5) To test for fungi, place 0.2 ml of vaccine from each final container sample into a corresponding individual vessel containing at least 40 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination required in § 113.25(d) indicates the need for a greater dilution of the product. Incubation shall be at 20° to 25° C for 14 days.

(6) Examine the contents of all test vessels macroscopically for microbial growth at the end of the incubation period. If growth in a vessel cannot be reliably determined by visual examination, judgment shall be confirmed by subcultures, microscopic examination, or both.

(7) For each set of test vessels representing a serial or subserial the following rules shall apply:

(i) If growth is found in 2 or 3 test vessels of the initial test, one retest to rule out faulty technique may be conducted using 20 unopened final container samples.

(ii) If no growth is found in 9 or 10 of the test vessels in the initial test, or 19 or 20 vessels in the retest, the serial or subserial meets the requirements of the test.

(iii) If growth is found in 4 or more test vessels in the initial test, or 2 or more in a retest, the serial or subserial is unsatisfactory.

(b) *Live bacterial vaccines.* Each serial and subserial of live bacterial vaccine shall be tested for purity as prescribed in this paragraph.

(1) Soybean Casein Digest Medium and Fluid Thioglycollate Medium shall be used.

(2) Ten final container samples from each serial and subserial shall be tested.

(3) Immediately prior to starting the test, frozen liquid vaccine shall be thawed and desiccated vaccine shall be rehydrated, as recommended on the label, with accompanying diluent or with sterile purified water. Product recommended for mass vaccination shall be rehydrated at the rate of 30 ml sterile purified water per 1,000 doses.

(4) To test for extraneous bacteria, place 0.2 ml of vaccine from each final container into a corresponding individual vessel containing at least 40 ml of Fluid Thioglycollate Medium. Additional medium shall be used if the determination required in § 113.25(d) indicates the need for a greater dilution of the product. Incubation shall be at 30° to 35° C for 14 days.

(5) To test for extraneous fungi, place 0.2 ml of vaccine from each final container into corresponding individual vessel containing at least 40 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination required in § 113.25(d) indicates the need for a greater dilution of the product. Incubation shall be at 20° to 25° C for 14 days.

(6) Examine the contents of all test vessels macroscopically for atypical microbial growth at the end of the incubation period. If growth of extraneous microorganisms cannot be

reliably determined by visual examination, judgment shall be confirmed by subculturing, microscopic examination, or both.

(7) For each set of test vessels representing a serial or subserial the following rules shall apply:

(i) If extraneous growth is found in 2 or 3 test vessels of the initial test, one retest to rule out faulty technique may be conducted using 20 unopened final container samples.

(ii) If no extraneous growth is found in 9 or 10 test vessels in the initial test, or 19 or 20 vessels in the retest, the serial or subserial meets the requirements of the test.

(iii) If extraneous growth is found in 4 or more test vessels in the initial test, or 2 or more in a retest, the serial or subserial is unsatisfactory.

(c) *Master Seed Virus.* Not less than 4 ml of each lot of Master Seed Virus shall be tested. Frozen liquid Master Seed Virus shall be thawed, and desiccated Master Seed Virus shall be rehydrated with Soybean Casein Digest Medium immediately prior to starting the test.

(1) To test for bacteria, place 0.2 ml of the sample of Master Seed Virus into 10 individual vessels each containing at least 120 ml of Soybean Casein Digest Medium. Incubation shall be at 30° to 35° C for 14 days.

(2) To test for fungi, place 0.2 ml of the sample of Master Seed Virus into 10 individual vessels each containing at least 40 ml of Soybean Casein Digest Medium. Incubation shall be at 20° to 25° C for 14 days.

(3) Examine the contents of all test vessels macroscopically for microbial growth at the end of the incubation period. If growth in a vessel cannot be reliably determined by visual examination, judgment shall be confirmed by subcultures, microscopic examination, or both.

(4) For each set of test vessels representing a lot of Master Seed Virus the following rules shall apply:

(i) If growth is found in any test vessel of the initial test, one retest to rule out faulty technique may be conducted using a new sample of Master Seed Virus.

(ii) If growth is found in any test vessel of the final test, the lot of Master Seed Virus is unsatisfactory.

(d) *Master Seed Bacteria.* Not less than 4 ml of each lot of Master Seed Bacteria shall be tested. Frozen liquid Master Seed Bacteria shall be thawed, and desiccated Master Seed Bacteria shall be rehydrated with sterile purified water immediately prior to starting the test.

(1) To test for extraneous bacteria, place 0.1 ml of the sample of Master Seed Bacteria into 10 individual vessels each containing at least 40 ml of Fluid Thioglycollate Medium. Incubation shall be at 30° to 35° C for 14 days.

(2) To test for extraneous fungi, place 0.2 ml of the sample of Master Seed Bacteria into 10 individual vessels each containing at least 40 ml of Soybean Casein Digest Medium. Incubation shall be at 20° to 25° C for 14 days.

(3) Examine the contents of all test vessels macroscopically for atypical microbial growth at the end of the incubation period. If growth of extraneous microorganisms cannot be reliably determined by visual examination, judgment shall be confirmed by subcultures, microscopic examination, or both.

(4) For each set of test vessels representing a lot of Master Seed Bacteria the following rules shall apply:

(i) If extraneous growth is found in any test vessel of the initial test, one retest to rule out faulty technique may be conducted using a new sample of Master Seed Bacteria.

(ii) If extraneous growth is found in any test vessel of the final test, the lot of Master Seed Bacteria is unsatisfactory.

(e) Live viral vaccines of chicken embryo origin recommended for administration other than parenteral injection, which were not tested or have not been found free of bacteria and fungi by the procedures prescribed in paragraph (a) of this section, may be tested according to the procedures prescribed in this paragraph.

(1) Brain Heart Infusion Agar shall be used with 500 Kinetic (Kersey) units of penicillinase per ml of medium added just prior to pouring the plates.

(2) Ten final containers from each serial and each subserial shall be tested.

(3) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and lyophilized vaccine shall be rehydrated to the quantity recommended on the label using the accompanying sterile diluent or sterile purified water. Product recommended for mass vaccination shall be rehydrated at the rate of 30 ml sterile purified water per 1,000 doses.

(4) From each container sample, each of 2 plates shall be inoculated with vaccine equal to 10 doses if the vaccine is recommended for poultry or 1 dose if the vaccine is recommended for other animals. Twenty ml of medium shall be added to each plate. One plate shall be incubated at 30° to 35° for 7 days and the other plate shall be incubated at 20° to 25° C for 14 days.

(5) Colony counts shall be made for each plate at the end of the incubation period. An average colony count for the 10 samples representing the serial or subserial shall be made for each incubation condition.

(6) For each set of test vessels representing a serial or subserial, the following rules shall apply:

(i) If the average count at wither incubation condition exceeds 1 colony per dose for vaccines recommended for poultry, or 10 colonies per dose for vaccines recommended for other animals in the initial test, one retest to rule out faulty technique may be conducted using 20 unopened final containers.

(ii) If the average count at either incubation condition of the final test for a serial or subserial exceeds 1 colony per dose for vaccines recommended for poultry, or 10 colonies per dose for vaccines recommended for other animals, the serial or subserial is unsatisfactory. (37 Stat. 832–833; 21 U.S.C. 151–158)

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 6th day of August 1982.

Gerald J. Fichtner,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-21871 Filed 8-11-82; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-82-9]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to Federal Aviation Administration's (FAA's) rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain

petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before, October 12, 1982.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No.—, 800 Independence Avenue, SW., Washington, D.C. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

FOR FURTHER INFORMATION CONTACT: Ann Boylan at (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on August 5, 1982.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the rule requested
22555	Aerospace industries association	*Description of petition:* To amend the definitions of "Rated takeoff power" with respect to reciprocating, turbopropeller, and turboshaft engine type certification to include a ten minute rating for one-engine-inoperative takeoff operations. To amend § 25.1521(a) to permit takeoff power, for turbojet and turbopropeller engines, to be utilized for ten minutes for takeoff operations during which an engine becomes inoperative. *Regulations affected:* 14 CFR Part 1 and § 25.1521(a) *Petitioner's reason for rule:* Safety and economic benefits will result. Approval of ten minute rating during one-engine inoperative takeoffs will bring the United States rule into agreement with current certification rules in the United Kingdom, thus simplifying operational rules for transport category airplanes certified by both agencies. Current endurance tests for turbine engines provide adequate assurance that engines will function for the proposed extended period.
23062	Corporate Flight Inc.	*Description of petition:* To amend § 135.225 to permit air taxi pilots to conduct instrument approaches into airports not having approved weather reporting facilities. The air taxi aircraft would use 100 ft. higher minimums during these approaches and would contain two pilot crews with the pilot in command being airline transport rated. Both pilots will demonstrate these procedures to the Administrator every six months. *Regulations affected:* 14 CFR § 135.225 *Petitioner's reason for rule:* This revision will help eliminate inconsistency in the regulations that causes discrimination against air taxi pilots conducting similar services as professional corporate pilots. The revision will also help eliminate economic hardships incurred by communities served by secondary airports, companies chartering commercial aircraft and air taxi operators by allowing reliable, consistent air transportation of personnel and goods to and from those airports.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description and disposition of the rule requested
21779	Stuart R. Miller	*Description of petition:* Amend §§ 91.41 and 121.311(a) to require children age 4 or less, weighing less than 40 pounds, and less than 40 inches in height, to be seated in their own seats in an FAA-approved restraining device during takeoff, landing, and at the pilot's command. *Denied 7/2/82.*
21283	JT's Aero Maintenance	To amend FAR 43, Section 43.13 (b) and (c), Section 43.15(b) Section 43.15(b) and FAR 65, Section 65.91(c)(3) to refine and clarify those regulations. The intent of the petition is an upgrading of the qualifications of mechanics and authorized inspectors, an increase in safety, and a decrease in confusion in the aviation industry. *Denied 7/12/82.*
22095	Air Line Pilots Association	*Description of petition:* To amend 14 CFR § 121.307(e) to include operational accuracy requirements for fuel indication systems. Petitioner proposes revising the section to read: "A fuel quantity indicator system for each fuel tank to be used and for a total fuel quantity indicator system that is accurate within ± 3 percent of the amount indicated. ± 5 percent of full fuel throughout the full range (zero to full fuel). *Denied 7/12/82.*

[FR Doc. 82-21679 Filed 8-11-82; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AWA-9]

Proposed Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign VOR Federal Airway V-203 between Massena, NY, and Montreal, Canada. The proposed realignment would enhance traffic flow into Canadian airspace and improve traffic flow in the Mirabel and Dorval International Airports, Canada.

DATE: Comments must be received on or before September 13, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 82-AWA-9, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions

presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–AWA–9." The postcard will be date-time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of V–203 between Massena, NY, and Montreal, Canada, by realigning the airway via east dogleg. This action would improve traffic flow in the Mirabel, Canada, and Dorval, Canada, International Airports. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Federal airways.

The Proposed Amendment

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

V–203 [Amended]

By deleting the words "Massena, NY, St. Eustache, Quebec, Canada." and substituting for them the words "Massena, NY, INT Massena 045°T(060°M) and Montreal, Canada, 188°T(203°M) radials Montreal."

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

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

Issued in Washington, D.C., on August 6, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–21882 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AWA–16]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke certain alternate VOR Federal Airways and renumber other alternate airway segments in the central part of the U.S. This action would eliminate the assignment of alternate airway segments for the affected airways and support our commitment to the International Civil Aviation Organization (ICAO) to phase out alternate airway descriptions from the National Airspace System.

DATE: Comments must be received on or before September 13, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81–AWA–16, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AWA–16." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke V–50S between Pawnee City, NE, and St. Joseph, MO, and V–74N between Little Rock, AR, and Jackson, MS, and between Ft. Smith, AR, and Pioneer, OK, and renumber V–73 between Salina, KS, and Wichita, KS, and V–74N between Little Rock, AR, and Ft. Smith, AR, and V–74S between Little Rock, AR, and Pioneer City, OK, and V–71W between Hot Springs, AR, and Springfield, MO, and revoke V–88S between Vichy, MO, and the STEME INT. This action will reduce chart clutter by eliminating airway segments that are no longer needed for flight planning or for air traffic control (ATC) and also support our commitment to ICAO to phase out alternate airway descriptions from the National Airspace System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Federal airways.

The Proposed Amendment

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

V–50 [Amended]

By deleting the words "including a S alternate from Pawnee City to St. Joseph via INT Pawnee City 122° and Kansas City, MO, 310° radials, and INT Kansas City 310° and St. Joseph 178° radials;" and "The airspace at and above 10,000 feet MSL from Quincy to Capital is excluded during the time that the Howard MOA is activated by NOTAM. The airspace within the Lincoln MOA is excluded during the time that the MOA is activated by NOTAM."

V–61 [Amended]

By deleting the words ", to Pawnee City, NE, exluding the airspace within the Lincoln MOA during the time that the MOA is activated by NOTAM." and substituting for them the words"; Pawnee City, NE; to INT Pawnee 126°T(117°M) and St. Joseph, MO, 178°T(170°M) radials."

V–65 [Amended]

By deleting the words "From the INT Kansas City, MO, 310° and St. Joseph, MO, 178° radials" and substituting for them the words "From the INT Kansas City, MO, 307°T(299°M) and St. Joseph, MO, 178°T(170°M) radials"

V–71 [Amended]

By deleting after Springfield, MO, the words ", including a W alternate from Hot Springs to Springfield via Razorback, AR, excluding the airspace between the main and this W alternate" and "The airspace within the O'Neill MOA is excluded during the time that the MOA is activated by NOTAM."

V–527 [New]

By adding "V–527 From Hot Springs, AR; Razorback, AR; Springfield, MO."

V–73 [Amended]

By deleting the words ", including an east alternate from Wichita to Salina via INT Wichita 356° and Salina 169° radials."

V–74 [Amended]

By deleting the words ", including a N alternate via INT Pioneer 094° and Tulsa 319° radials" and ", including a N alternate via INT Tulsa 087° and Fort Smith 318° radials and a S alternate from Pioneer to Fort Smith via Okmulgee, OK." and ", including a N alternate and also a S alternate via INT Fort Smith 133° and Little Rock 278° radials" and ", including a N alternate via INT Little Rock 137° and Pine Bluff 006° radials" and after Greenville, MS ", including a N alternate."

V–532 [New]

By adding "V–532 From Little Rock, AR; INT Little Rock 278°T(273°M) and Fort Smith 133°T(126°M) radials; Fort Smith, AR; Okmulgee, OK; Pioneer, OK; Wichita, KS; INT Wichita 356°T(147°M) and Salina, KS 169°T(160°M) radials; to Salina."

V–534 [New]

By adding "V–534 From Little Rock, AR; INT Little Rock 308°T(303°M) and Fort Smith, AR, 097°T(090°M) radials; Fort Smith."

V–88 [Amended]

By deleting after Vichy, MO, the words ", including a south alternate from INT Springfield 058° and Forney (AAF), MO, 266° radials; Forney (AAF), INT Forney (AAF) 046° and Vichy 216° radials" and ", excluding that portion within R–4501A, R–4501B, R–4501C and R–4501D during their time of activation" and "The airspace at the above 8,000 feet MSL between Vichy and the INT Vichy 091° and St. Louis, MO, 171° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM."

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

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

Issued in Washington, D.C., on August 6, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–21883 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AWA–18]

Proposed Alteration of VOR Federal Airways—V–175, V–178 and V–304

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke three alternate VOR Federal Airways and renumber certain other alternate airway segments in the central part of the U.S. This action would reduce chart clutter by revoking airways that are no longer needed for flight planning or Air Traffic Control (ATC) and also support International Civil Aviation Organization (ICAO) agreement to phase out alternate airway descriptions from the National Airspace System.

DATE: Comments must be received on or before September 13, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81–AWA–18, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.

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

An informal docket may also be examined during normal business hours

at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt ot their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWA-18." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may by changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke V-178N and V-178S between Farmington, MO, and Cunningham, KY, and V-304W between Liberal, KS, and Borger, TX, and renumber V-175W between Vichy, MO, and Hallsville, MO. this action would reduce chart clutter by eliminating those airways that are no longer needed for flight planning or ATC. Other alternate airways are renumbered in support of our commitment to ICAO to phase out alternate airway descriptions from the National Airspace System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Federal airways.

The Proposed Amendment

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

1. V-175 [Amended]

By deleting the words ", including a west alternate via INT Vichy 321° and Hallsville 183° radials" and "The airspace at and above 8,000 MSL feet from 43 miles northwest of Malden to Vichy is excluded during the time that the Meramec Military Operations Area is activated by NOTAM. The airspace below 8,000 feet MSL between lat. 37°10'00"N., lat. 37°55'00"N., is excluded during the time that the Ozark MOA is activated by NOTAM."

2. V-178 [Amended]

By deleting the words "From Vichy, MO.;" and substituting for them the words "From Hallsville, MO; INT Hallsville 183°T(177°M) and Vichy, MO, 321°T(315°M) radials; Vichy;" and by deleting the words "including a north alternate from Farmington to Cunningham via INT Farmington 115° and Cunningham 306° radials; and also a south alternate from Farmington to Cunningham via INT Farmington 145° and Cunningham 276° radials;" and "The airspace at and above 8,000 feet MSL between Vichy and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM."

3. V-304 [Amended]

By deleting the words ", including a W alternate via INT Borger 354° and Liberal 234° radials"

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

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

Issued in Washington, D.C., on August 6, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-21869 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWA-17]

Proposed Alteration of VOR Federal Airways—V-89, V-120, V-129, V-159, and V-161

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to renumber certain alternate VOR Federal Airways and revoke other alternate airway segments in the central part of the U.S. This action would reduce chart clutter by revoking airways that are no longer needed for flight planning or Air Traffic Control (ATC) and also support International Civil Aviation Organization (ICAO) agreement to phase out alternate airway descriptions from the National Airspace System.

DATE: Comments must be received on or before September 13, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-17, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWA-17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber V-89E, between Chadron, NE, and Cheyenne, WY, and V-159 between Sioux City, IA, and Omaha, NE, and revoke V-102N between Mason City, IA, and Waterloo, IA; V-161W between Mason City, IA, and Rochester, MN, and V-167E between Rochester, MN, and Waterloo, IA. This action would reduce chart clutter by revoking airways that are no longer needed for flight planning or ATC. The renumbering of alternate airways is in accordance with ICAO agreement to phase out alternate airway descriptions from the National Airspace System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Federal airways.

The Proposed Amendment

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

1. V-89 [Amended]

By deleting the words ", including an east alternate from Denver to Cheyenne via Gill, CO, and INT Gill 003° and Cheyenne 131° radials; Chadron, including an E alternate from Cheyenne to Chadron via Scottsbluff, NE" and substituting for them the words "; Chadron, NE."

2. V-81 [Amended]

By adding after Denver, CO, the words "; Gill, CO; INT Gill 003°T(350°M) and Cheyenne, WY, 131°T(118°M) radials; Cheyenne; Scottsbluff, NE; Chadron, NE"

3. V-120 [Amended]

By deleting after Waterloo, IA, the words ", including a north alternate via INT Mason City 106° and Waterloo 323° radials"

4. V-67 [Amended]

By deleting the words ", including an east alternate. The airspace at and above 10,000 feet MSL from Capital to 28 miles south of Burlington is excluded during the time that the Allen MOA is activated by NOTAM."

5. V-161 [Amended]

By deleting after Rochester, MN, the words ", including a W alternate via INT Mason City 023° and Rochester 243° radials"

6. V-159 [Amended]

By deleting after Sioux City, IA, the words ", including a west alternate via INT Omaha 320° and Sioux City 174° radials"

7. V-307 [Amended]

By adding after Omaha, NE, the words "; INT Omaha 320°T(312°M) and Sioux City, IA, 174°T(165°M) radials; Sioux City."

8. V-129 [Amended]

By deleting after Dubuque, IA; the words "INT Dubuque 348° and Nodine, MN, 150° radials, Nodine, including a W alternate from Dubuque to Nodine via Waukon, IA" and substituting for them the words "INT Dubuque 348°T(344°M) and Nodine, MN, 150°T(146°M) radials; Nodine" and by deleting the words "The airspace at and above 10,000 feet MSL from Capital to 25 miles north, is excluded during the time that the Allen MOA is activated by NOTAM."

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

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

Issued in Washington, D.C., on August 6, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-21879 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AWA-3]

Proposed Alteration and Designation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of VOR Federal Airway V-2 between Dickinson, ND, and Rochester, NY, by deleting alternate airway segments and renumbering other airway segments. This action supports our agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate airway descriptions from the National Airspace System.

DATE: Comments must be received on or before September 13, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief,

Air Traffic Division, Docket No. 82-AWA-3, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AWA-3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of VOR Federal Airway V-2 between Dickinson, ND, and Rochester, NY, by deleting the alternate route segments. Also, those alternate routes required for air traffic control will be renumbered V-510. This action supports our agreement with ICAO to eliminate all alternate route designations from the National Airspace System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Federal airways.

Proposed amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

V-2 [Amended]

By deleting the words "Dickinson, ND; 10 miles, 60 miles, 38 MSL, Bismarck, ND, including an N alternate from Dickinson, 10 miles 38 MSL INT Dickinson 078° and Bismarck 290° radials, 28 miles, 38 MSL, to Bismarck; 14 miles, 62 miles, 34 MSL Jamestown, ND, including an N alternate from Bismarck 14 miles, 65 miles, 34 MSL, Jamestown; 7 miles, 43 miles, 28 MSL, Fargo, ND, including an N alternate from Jamestown, 7 miles, 46 miles, 28 MSL, Fargo; Alexandria, MN, including a N alternate, Gopher, MN; Nodine, MN, including a N alternate; Lone Rock, WI, including a south alternate via INT Nodine 150° and Lone Rock 286° radials; Madison, WI; Badger, WI; Muskegon, MI, including a S alternate via INT Badger 102° and Muskegon 252° radials, Lansing, MI, including a S alternate from Muskegon to Lansing via INT Muskegon 154° and Grand Rapids, MI, 284° radials and Grand Rapids (7 miles wide, 3 miles north and 4 miles south of centerline); Grand Rapids to Lansing; Salem, MI, including a N alternate via INT Lansing 091° and Salem 308° radials;" also, "Buffalo; Rochester, NY, including a north alternate via INT of Buffalo 045° and Rochester 273° radials;" and substituting for them the words, "Dickinson, ND; 10 miles, 60 miles, 38 MSL, Bismarck, ND; 14 miles, 62 miles, 34 MSL Jamestown, ND; Fargo, ND; Alexandria, MN; Gopher, MN; Nodine, MN; Lone Rock, WI; Madison, WI; Badger, WI; Muskegon, MI; Lansing, MI; Salem, MI;" and "Buffalo; Rochester, NY;" respectively.

V-510 [New]

By adding "V-510 from Dickinson, ND; INT Dickinson 078°T (064°M) and Bismarck, ND, 290°T (278°M) radials, 28 miles, 38 MSL Bismarck; INT Bismarck 067°T (055°M) and Jamestown, ND, 279°T (269°M) radials, 14 miles, 65 miles, 34 MSL, Jamestown; Fargo, ND; INT Fargo 110°T (101°M) and Alexandria, MN 321°T (314°M) radials; Alexandria; Gopher, MN; INT Gopher 116°T (110°M) and Nodine, MN, 328°T (324°M) radials; Nodine; Lone Rock. From Muskegon, MI; INT Muskegon 154°T (155°M) and Grand Rapids, MI, 284°T (285°M) radials, Grand Rapids (7 miles wide, 3 miles N and 4 miles S of the centerline); Grand Rapids; Lansing, MI; INT Lansing 091°T (093°M) and Salem, MI, 308°T (311°M) radials; Salem. From Buffalo 045°T (053°M) and Rochester, NY, 273°T (282°M); Rochester."

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

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

Issued in Washington, D.C., on August 6, 1982.

John W. Baier,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-21880 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 82-ASO-25]

Proposed Designation of Restricted Area R-2930, Cape Kennedy, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate new Restricted Area R-2930 located near the Kennedy Space Center,

Cape Canaveral, FL. The proposed joint use restricted area would provide adequate protected airspace required for space shuttle recovery and astronaut training. This restricted area is intended for infrequency use in support of the NASA space program and frequent use is not authorized.

DATE: Comments must be received on or before September 13, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 82-ASO-25, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submittion such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASO-25." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to designate new Restricted Area R-2930, Cape Kennedy, FL. The proposed joint use restricted area would provide adequate protected airspace for space shuttle recovery and astronaut training. Nonparticipating aircraft can expect clearance to transit the area after appropriate coordination and approval between controlling and using agencies. It is intended that this area be used infrequently in support of the NASA space program and routine or frequent use is not authorized. Section 73.29 of Part 73 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 73

Restricted area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as follows:

R-2930 Cape Kennedy, FL [New]

Boundaries. Beginning at lat. 28°47'20"N., long. 81°05'00"W.; to lat. 28°58'00"N., long. 80°47'00"W.; thence south 3 NM from and parallel to the U.S. coast to lat. 28°51'15"N., long. 80°42'20"W.; to lat. 28°51'15"N., long. 80°47'15"W.; to lat. 28°49'10"N., long. 80°50'45"W.; to lat. 28°42'10"N., long. 80°48'20"W.; to lat. 28°38'00"N., long. 80°47'02"W.; to lat. 28°31'20"N., long. 80°43'50"W.; to lat. 28°24'30"N., long. 80°41'45"W.; to lat. 28°22'30"N., long. 80°40'50"W.; to lat. 28°22'30"N., long. 80°35'00"W.; to lat. 28°24'30"N., long. 80°30'00"W.; thence south 3 NM from and parallel to the U.S. Coast; to lat. 28°19'00"N., long. 80°33'30"W.; to lat. 28°19'00"N., long. 80°46'30"W.; thence to point of beginning.

Designated altitudes: 11,000 feet MSL to unlimited.

Times of Use: Intermittent by NOTAM beginning one week prior to space shuttle launch date until shuttle recovery.

Using agency: Eastern Space and Missile Center (ESMC) Patrick Air Force Base, FL

Controlling agency: Federal Aviation Administration ARTCC (Miami) Miami, FL

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

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

Issued in Washington, D.C. on August 6, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-21881 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 821 0086]

ConAgra, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require an Omaha, Neb. manufacturer and seller of bakery and hard wheat flour, among other things, to timely divest seven specified flour production facilities to a Commission-approved buyer(s), capable of maintaining the facilities as competitive entities. Additionally, the

order would prohibit the company from acquiring any interest, for a period of ten years, in any flour milling plant in eleven western states without prior Commission approval.

DATE: Comments must be received on or before October 12, 1982.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pa. Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, Thomas J. Campbell, Washington, D.C. 20580; (202) 523–3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Wheat flour.

In the matter of ConAgra, Inc., a corporation File No. 821–0086 agreement containing consent order

The Federal Trade Commission having initiated an investigation of the merger of Peavey Company into ConAgra, Inc., and it now appearing that ConAgra, Inc., hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order with respect to the acquisition being investigated,

It is hereby agreed by and between ConAgra, Inc., by its duly authorized officer and attorney, and counsel for the Federal Trade Commission that:

1. ConAgra, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware with its offices and principal place of business located at One Central Park Plaza, Omaha, Nebraska 68102.

2. Peavey Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota with its office and principal place of business located at 730 Second Avenue South, Minneapolis, Minnesota 55402.

3. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

4. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft to complaint here attached.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to the proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this Order,

(a) "ConAgra" means ConAgra, Inc., its subsidiaries, affiliates, divisions, successors and assigns, together with any of their officers, directors and employees;

(b) "Peavey" means Peavey Company, its subsidiaries, affiliates, divisions, successors and assigns, together with any of their officers, directors and employees;

(c) "Salt Lake City Plant" means the assets acquired by ConAgra from Peavey that are located in Salt Lake City, Utah, and that are used in the production of wheat flour;

(d) "Ogden Plant" means the assets acquired by ConAgra from Peavey that are located in Ogden, Utah, and that are used in the production of wheat flour;

(e) "Billings Plant" means the assets acquired by ConAgra from Peavey that are located in Billings, Montana, and that are used in the production of wheat flour;

(f) "Great Falls Plant" means the assets of ConAgra that are located in Great Falls, Montana, and that the used in the production of wheat flour;

(g) "San Francisco Terminal" means the bulk flour terminal, acquired by ConAgra from Peavey that is located at 790 Pennsylvania Street, San Francisco, California;

(h) "Standard Flour" means the flour distribution plant known as Standard Flour, acquired by ConAgra from Peavey, that is located at 6414 Gayhart Street, City of Commerce, California;

(i) "Coast-Dakota" means the baking mix plant and flour distribution plant, acquired by ConAgra from Peavey, that are located at 2430 Union Street, Oakland, California, and 400 Oak Street, Oakland, California;

(j) "Facilities" means the Salt Lake City Plant, the Ogden Plant, the Billings Plant, the Great Falls Plant, the San Francisco Terminal, Standard Flour and Coast-Dakota; and

(k) "Western Region" means the States of Oregon, Washington, California, Arizona, New Mexico, Nevada, Utah, Wyoming, Colorado, Idaho and Montana.

I

It is ordered that within fifteen (15) months of the date on which this Order becomes final and subject to the prior approval of the Federal Trade Commission, ConAgra shall divest the Facilities absolutely and in good faith to one or more third parties that represent that they intend to use the Facilities in the production of wheat flour. Pending divestiture, ConAgra shall neither make nor permit any deterioration of the Facilities, except for normal wear and tear, that might impair their operating abilities, competitive viability or market value.

II

It is further ordered that, for a period of ten (10) years from the date on which this Order becomes final, ConAgra shall not acquire, without the prior approval of the Federal Trade Commission, directly or indirectly, any stock, assets, or interest in any flour milling plant located in the Western Region; provided, however, that nothing in this Paragraph II shall prohibit ConAgra from acquiring in the ordinary course of business used equipment for the milling of wheat flour.

III

It is further ordered that within sixty (60) days after the date this Order becomes final, and every sixty (60) days thereafter until ConAgra has fully complied with the provisions of Paragraph I of this Order, ConAgra shall submit to the Federal Trade

Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying with, or has complied with that provision. All compliance reports shall include, among other things that are required from time to time, a full description of contracts or negotiations with any party for the sale of plants pursuant to Paragraph I of this order, and the identity of all such parties. ConAgra shall furnish to the Federal Trade Commission copies of all written communications to and from such parties, and all internal memoranda, reports, and recommendations concerning divestiture.

On the first anniversary of the date this Order becomes final and on every anniversary date thereafter for the following nine (9) years, ConAgra shall submit to the Federal Trade Commission a verified written report setting forth the manner and form in which it has complied or is complying with Paragraph II of this Order.

IV

It is further ordered that ConAgra notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in ConAgra, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other proposed change in the corporation, which may affect compliance obligations arising out of this Order.

Separate Statement of Commissioner Pertschuk

I voted to accept this settlement in order to assure a majority of the Commission supported achieving some relief in this case. I previously had moved to seek a preliminary injunction and to issue an administrative complaint, both alleging a violation in an eastern United States market as well as a western market. Because, in my view, the acquisition in the east constituted an unlawful merger, the Commission should have insisted on an extraordinarily good settlement in the western U.S. market in order to accept a settlement only involving the west. Unfortunately, we did not achieve it.

Dissenting Statement of Commissioner Patricia P. Bailey

I have voted not to accept the proposed consent and wish to make two points. First, I consider the consent, by reason of the nature and location of the four mills to be divested, inadequate to remedy the competitive problems raised by the merger in either the Eastern or Western United States. Secondly, I am troubled by the failure of a majority of the Commission to support seeking a preliminary injunction of this merger. I believe it to be a well-expressed Congressional intent that acquisitions which we have reason to believe have violated Clayton Act section 7 should be subject to the provisions of section 13(b) of the FTC Act. Our information is that in the western market for hard wheat production this merger would combine the first and third-ranked firms, raising the Herfindahl index from 1332.2 to 1845 (+512.8) and the four firm concentration ratio from 64.3% to 74.6%. I fear that today's action by the Commission may lead observers to suspect that there is in process an administrative repeal of section 13(b).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from ConAgra, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that ConAgra, Inc., has acquired the stock and assets of Peavey Company, and may thereby substantially lessen competition in an eleven-state Western market for bakery flour and hard wheat bakery flour.

The consent agreement provides as follows:

1. Within 15 months following entry of the order, ConAgra must divest to an acquirer or acquirers approved by the Commission the flour production facilities in Salt Lake City and Ogden, Utah, and Great Falls and Billings, Montana. Within the same time period, ConAgra also must divest the bakery flour terminal facilities at Oakland, San Francisco, and City of Commerce, California.

2. For a period of ten (10) years, ConAgra may not acquire any flour milling plant located within the eleven-state Western market without the prior approval of the Commission.

The agreement also contains provisions relating to the preservation of assets pending divestiture, and requiring the periodic filing of compliance reports by ConAgra.

The proposed divestitures and the ban on future acquisitions are intended to restore any competition that may have been eliminated by ConAgra's merger with Peavey. The divestiture of the four flour mills and other facilities is expected to assist new or smaller firms to become significant competitive factors in the western bakery flour business.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 82-21895 Filed 8-11-82; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1610

Standard for the Flammability of Clothing Textiles; Proposed Amendment of Rules Establishing Requirements for Testing and Recordkeeping To Support Guaranties

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend the regulations which prescribe requirements for testing and recordkeeping to support guaranties of products, fabrics, and related materials subject to the Standard for the Flammability of Clothing Textiles. The proposed amendments would require each person or firm issuing guaranties to devise and implement a program of reasonable and representative tests to support those guaranties, but would not prescribe any specific requirements for the number or frequency of tests. The proposed amendments would also reduce the period required for retention of records of testing to support guaranties from three years to one year. The Commission is proposing these amendments because it believes that the requirements for testing and recordkeeping to support guaranties of items subject to the Standard could be made less burdensome to the regulated industry without diminishing the level of safety afforded to the public.

DATES: Interested persons are invited to submit on or before October 12, 1982 written comments concerning the proposed amendments.

Proposed Effective Date: The Commission proposes that the amendments to the regulations prescribing requirements for testing and recordkeeping to support guaranties of items subject to the Standard should become effective 30 days after issued on a final basis.

ADDRESS: Comments and any accompanying material should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, and titled "Clothing Textiles Standard, Proposed Amendments of Regulations Prescribing

Requirements for Testing and Recordkeeping to Support Guaranties."

FOR FURTHER INFORMATION CONTACT: L. James Sharman, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone: (301) 492–6554. Inquiries from the press or broadcast media should be addressed to Lou Brott, Office of Public Affairs. Telephone: (202) 634–7780.

SUPPLEMENTARY INFORMATION: The Standard for the Flammability of Clothing Textiles (the Standard, 16 CFR Part 1610) and the Flammable Fabrics Act (FFA, 15 U.S.C. 1191 *et seq.*) require that articles of wearing apparel and fabrics used or intended for use as clothing textiles must not exhibit "rapid and intense burning" when tested in accordance with the Standard.

The manufacture for sale, importation into the United States, or introduction in commerce of any item of wearing apparel or fabric which is subject to the Standard and which exhibits "rapid and intense burning" when tested in accordance with the Standard violates section 3 of the FFA (15 U.S.C. 1192) and section 5 of the Federal Trade Commission Act (15 U.S.C. 45). Such a violation may give rise to an administrative order to cease and desist from further violation of the FFA and the FTCA, as well as to a civil action in a United States District Court under provisions of the FFA for injunction or seizure of items which fail to comply with an applicable standard of flammability.

In addition to seeking an administrative order, or initiating civil actions for violation of the Standard, the FFA, and the FTCA, the Commission may also proceed under section 7 of the FFA (15 U.S.C. 1196) to seek criminal penalties against any person who "willfully" violates the FFA.

Section 8(a) of the FFA (15 U.S.C. 1197(a)) provides that no person shall be subject to criminal prosecution under section 7 of the FFA if that person establishes a guaranty received in good faith which meets all requirements set forth in section 8 of the FFA. A guaranty does not provide the holder any defense to an administrative action for an order to cease and desist from further violation of the applicable standard, the FFA, and the FTCA; nor to any civil action for injunction or seizure brought under the FFA.

Requirements for Guaranties

Section 8 of the FFA provides for two types of guaranties. The first is an initial guaranty, which must be based on "reasonable and representative tests" made in accordance with the applicable standard of flammability issued under the FFA. The second is a guaranty based on a guaranty, received in good faith, to the effect that reasonable and representative tests made in accordance with the applicable standard show conformance with that Standard.

Neither the FFA nor the Standard require any person or firm to issue guaranties of items subject to the Standard. However, the Commission has information to the effect that approximately 1,000 firms conduct testing each year to support initial guaranties of items subject to the Standard. That information also indicates that on the average, each of these firms conducts approximately 100 tests, for an industry total of 100,000 tests each year. (1, 7)[1]

Requirements for the types and amounts of testing deemed to be "reasonable and representative" for purposes of supporting initial guaranties of items subject to the Standard appear in regulations implementing the Standard at § 1610.37. Sections 1610.31 through 1610.36 also contain some requirements applicable to testing for guaranty purposes, and a policy statement at § 1610.61 is intended to clarify ambiguities in the text of the Standard which came to the Commission's attention after it assumed responsibility for administration and enforcement of the FFA.

Recordkeeping requirements for persons and firms issuing guaranties under the clothing textiles standard are in § 1610.38.

Review of Standard

Earlier this year, the Commission staff completed a review of the Standard and implementing regulations to determine if any burden which they may impose on the textiles industry could be eliminated or reduced, without decreasing the level of safety available to consumers. Among the alternatives considered by the staff were the following:

1. Revocation of the Standard and implementing regulations.
2. Simplification of the test procedures in the Standard.
3. Revision of the regulations implementing the Standard which prescribe the frequency of testing required to support guaranties.
4. Revision of the regulations implementing the Standard which prescribe requirements for maintenance of records of testing to support guaranties.

The staff prepared a memorandum describing its review of the Standard and implementing regulations and setting forth recommendations for revisions of the implementing regulations intended to reduce the burden imposed by the Standard on the regulated industry without diminishing the level of safety afforded to consumers. (1)

Staff Recommendations

The staff recommended against revocation of the Standard after concluding that the Standard is still needed to protect the public from risks of injury and death which might otherwise result from garments made from fabrics which are dangerously flammable because of rapid and intense burning. (1, 4, 5, 6)

With regard to the possibility of simplifying the test procedures in the Standard, the staff observed that issuance of an administrative rule to allow use of alternate apparatus and procedures for testing to support guaranties of fabrics and garments subject to the Standard could result in a significant reduction of the burden now imposed on the textile industry by the Standard and implementing regulations. (1, 8) In the **Federal Register** of May 17, 1982 (47 FR 21081), the Commission proposed a rule to allow persons and firms performing testing to support guaranties to use apparatus and procedures other than the ones specified in the Standard, provided that the apparatus or procedure is as stringent as, or more stringent than, the apparatus and procedure prescribed by the Standard. The Commission will consider written comments received in response to the proposal of May 17, 1982, before deciding to issue the rule on a final basis or to withdraw the proposal.

The staff memorandum recommended revision of section 1610.37 of the regulations implementing the Standard to allow persons and firms issuing guaranties greater flexibility to determine the amounts and frequency of testing to support guaranties of items subject to the Standard. (1, 4, 6) In its present form, section 1610.37 prescribes the amount and frequency of testing which will be deemed "reasonable and representative" for purposes of supporting guaranties. That section now provides that the frequency with which a fabric must be tested depends upon

[1] Numbers in parentheses identify reference documents listed in the Bibliography at the end of this notice. Requests for inspection of any of these documents should be made at the Commission's public reading room, 1111 18th Street, N.W., 8th Floor, Washington, D.C., or by calling the Office of the Secretary at (301) 492–6800.

the type and weight of the fabric, as well as its performance during an initial test.[2]

The staff also recommended revision of section 1610.38 of the regulations to reduce the period required for maintenance of records of testing to support guaranties from three years to one year. (1, 6)

Commission Decision

After consideration of the staff memorandum and an informational briefing, the Commission concluded that the schedule for testing to support guaranties currently set forth in § 1610.37 may in some cases imposes burdens on the textiles industry which are not necessary in order to adequately protect consumers from risks of death and injury from clothing made of fabrics which are dangerously flammable because of rapid and intense burning. The Commission decided that revision of the requirements of § 1610.37 may be possible to afford greater flexibility to the textiles industry, and to eliminate any unnecessary burden which may be imposed by existing provisions of that section, without diminishing the level of safety currently afforded to the public by the Standard. For this reason the Commission voted unaimously to propose an amendment of § 1610.37.

The Commission also concluded that the three year period for retention of records of testing to support guaranties may be longer than is needed for efficient enforcement and administration of the Standard and implementing regulations. For these reasons, the Commission voted 4–1 to propose amendment of § 1610.38. Commissioner Edith Barksdale Sloan voted against proposal of an amendment of § 1610.38.

Highlights of Proposal

Section 1610.37(c)(1) of the amendments proposed below would replace the schedule of testing currently established by § 1610.37 with a requirement that each person or firm issuing an initial guaranty of a product, fabric, or related material which is subject to the Standard shall support that guaranty with a "program of reasonable and representative tests."

Proposed § 1610.37(c)(2) states that the number and frequency of tests which comprise a "program of reasonable and representative tests" shall be left to the discretion of the person or firm issuing the initial guaranty. That section of the proposal provides that a program of reasonable and represenative tests may include tests performed by a person or firm other than the one issuing the guaranty, and may include tests performed before the effective date of any amendment of § 1610.37 which may ultimately be issued on a final basis at the conclusion of this proceeding.

However, proposed § 1610.37(c)(2) provides that a "program of reasonable and representative tests" requires at least one test with results demonstrating conformance with the Standard for the item which is the subject of an initial guaranty.

Proposed § 1610.37(c)(3) states that a program of reasonable and representative tests of a fabric or related material may include tests of a fabric or related material of the same class of fabrics or related materials as the one which is the subject of an initial guaranty. The term "class" of fabrics or related materials is defined in that section of the proposal to mean "a category of fabrics or related materials having general constructional or finished characteristics, sometimes in association with a particular fiber, and covered by a class or type description generally recognized by the trade."

Provisions of existing § 1610.37 allow use of tests of one fabric in a class of fabrics to support guaranties of other fabrics of the same class. The same language is used to define the term "class" in existing § 1610.37(a) and in proposed § 1610.37(c)(3). Consequently, the revision of § 1610.37, proposed below, will not prohibit the use of class tests to support guaranties, or impose any greater restriction or limitation on their use to support guaranties than now exists under the provisions of existing § 1610.37.

In addition to allowing persons and firms issuing initial guaranties greater discretion to devise and implement testing programs to support those guaranties, § 1610.37(d) of the proposal published below contains provisions to exempt certain types of fabrics from any requirement for further testing to support guaranties of those fabrics.

In the memorandum describing its review of the Standard and implementing regulations, the staff observed that information supplied by the National Retail Merchants Association and results of testing performed by the Commission's laboratory indicate that plain-surface fabrics weighing 2.6 ounces or more er square yard consistently yield acceptable results when tested in accordance with the Standard. (1, 4) The staff memorandum stated that existing test data also indicate that fabrics made entirely from acrylic, modacrylic, nylon, olefin, or polyester fibers consistently yield acceptable test results. (1, 4)

After considering this information and test data, the Commission voted to include in the proposed revisions of § 1610.37 provisions to exempt certain fabrics from any requirement for further testing to support guaranties. The Commission has reason to believe that the collective experience of the industry and the Commission of testing the fabrics for several years amounts to "reasonable and representative tests." The fabrics which would be exempted from requirements for further testing to support guaranties by proposed § 1610.37(d) are:

(1) All plain surface fabrics weighing 2.6 ounces or more per square yard, regardless of fiber content; and

(2) All fabrics made entirely from acrylic, modacrylic, nylon, olefin, or polyester fibers, or entirely from combinations of those fibers, both plain surface and raised-fiber surface, regardless of weight.

Proposed § 1610.37(d) also provides that persons and firms issuing initial guaranties of products of wearing apparel made entirely from one or more of the fabrics listed in proposed § 1610.37(d) are likewise exempted from any requirements for further testing to support those guaranties.

The Commission realizes that the list of fabrics in proposed § 1610.37(d) may be incomplete, and that other fabrics may exist which consistently yield acceptable results when tested in accordance with the Standard. For that reason, the Commission specifically solicits comments concerning other types of fabrics which may be eligible for the exemption from testing in proposed § 1610.37(d). See item 2 under the heading "Comments Solicited," published below.

The Commission proposes to amend the recordkeeping requirements in § 1610.38(a) to make them consistent with those provisions of proposed § 1610.37(c) which allow a reasonable testing program to include tests performed by persons or firms other than the one issuing an initial guaranty.

The Commission also proposes to amend § 1610.38(d) of the regulations to reduce the period required for retention of records of testing to support guaranties from three years to one year. The Commission anticipates that such an amendment would reduce the burden which may be imposed on the regulated industry to some extent without hindering activities to enforce the Standard and implementing regulations.

[2] In the **Federal Register** of October 17, 1978 (43 FR 47952), the Commission proposed a series of amendments to the regulations in Part 1610, including § 1610.37. However, the Commission has never issued any part of that proposal on a final basis.

Finally, the Commission proposes to revoke existing § 1610.31(k), which defines the term "initial test." The term "initial test" appears in several places throughout existing § 1610.37, but is not used in the proposed amendment of § 1610.37. If the Commission amends § 1610.37, as proposed below, the definition of the term "initial test" will be unnecessary.

Comments Solicited

The Commission has reason to believe that § 1610.37(d) of the proposal, exempting certain fabrics from any further requirements for testing, may have the potential to provide the greatest reduction to the regulated industry in the number of hours required for compliance with the regulations implementing the Standard. (1, 7) The Commission also believes that the provisions of § 1610.37(c) allowing persons and firms issuing initial guaranties to devise and implement their own reasonable testing programs to support those guaranties would afford a significant reduction of the burden imposed by the Standard and implementing regulations, although not as great as that provided by proposed § 1610.37(d). (1, 7) The Commission also has reason to believe that reduction of the period required for retention of records of tests to support guaranties to one year would provide the smallest potential for reduction in burden on the regulated industry. (1, 7).

The Commission has published the proposed amendments for public comment in order to obtain any additional information and views about the proposals which may be available from interested parties, including consumers.

The Commission specifically solicits comments from persons and firms issuing guaranties under the Standard on the following topics:

1. Estimates of savings which might result from issuance of some or all of the proposed amendments on a final basis. The Commission desires information about the number of hours of testing and recordkeeping which might be eliminated by issuance of proposed § 1610.37(c) and (d), as well as the dollar savings which might be achieved each year if those portions of the proposal were issued on a final basis. The Commission also solicits information about savings in terms of hours and dollars which might result from reduction of the period for retention of records required by § 1610.38(d) from three years to one year.

2. Information about fabrics other than those listed in proposed § 1610.37(d) which might be eligible for exemption from requirements for further testing on the basis of results of all tests conducted to date. Comments concerning additonal fabrics which may be eligible for the exemption in proposed § 1610.37(d) should identify each such fabric by generic rather than brand name whenever possible, and should describe each fabric by its fiber composition; type of finish, i.e. plain surface or raised-fiber surface; weight per square yard; and any other significant identifying characteristic. Such comments should be accompanied by test results and any other information, such as journal articles or other published reports, demonstrating that the fabric in question will consistently yield acceptable results when tested in accordance with the Standard.

Certification of No Significant Economic Impact on Small Entities

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*) requires that whenever an agency of the Federal government publishes a proposal under the Administrative Procedure Act (5 U.S.C. 553), it should endeavor to give particular consideration to small businesses, small non-profit organizations, and small local governments (collectively called "small entities") that may be subject to the agency's requirements.

Specifically, the RFA requires that before publication of a proposal, the agency must either:

(1) Prepare an initial regulatory flexibility analysis of the probable effect of the proposal on small businesses and other small entities in accordance with section 603 of the RFA (5 U.S.C. 603); or

(2) Determine that the proposal, if issued on a final basis, will not have a "significant economic impact on a substantial number of small entities," and prepare a certification to that effect to be signed by the head of the agency in accordance with section 605(b) of the RFA (5 U.S.C. 605). If a certification of no significant impact is made, it must be published in the **Federal Register** at the time notice is given of the proposed rule, together with a succinct explanation of the reasons for the certification. In accordance with provisions of section 605(b) of the RFA, the Commission has certified that the amendments proposed below will not have a significant economic impact on a substantial number of small entities.

Manufacturers, importers, and other persons or firms initially introducing items which are subject to the Standard (such as converters) are required to test items subject to the Standard only when they issue initial guaranties for those items. The amendments proposed below do not require any person not already issuing guaranties to begin doing so, or prohit any person or firm presently issuing guaranties from discontinuing issuance of such guaranties.

The amendments proposed below would not impose any new requirements on any person or firm issuing guaranties of items subject to the standard. Instead, the proposed amendments are intended to allow greater discretion to persons and firms currently subject to existing requirements for testing to support guaranties to devise and implement testing programs to support those guaranties. Additionally, the proposal published below would exempt certain types of fabrics from requirements for futher testing to support guaranties, and would reduce the period required for retention of records of testing to one year.

While the purpose of the proposal published below is to reduce any burden on the textiles industry which may be imposed by provisions of regulations implementing the Standard, the reduction of burden, if any, which may result if the amendments are issued on a final basis, is not expected to be significant for small businesses.

Environmental Considerations

The amendments proposed below fall within the categories of Commission actions described in 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. For this reason, neither an environmental assessment nor an environmental impact statement is required.

In accordance with provisions of 1 CFR 18.20(b), the Commission publishes the following list of **Federal Register** index terms applicable to the amendments proposed below:

List of Subjects in 16 CFR Part 1610

Clothing, Consumer protection, Flammable materials, Textiles, Warranties, Records.

Conclusion and Proposal

Therefore, in accordance with provisions of section 5 of the Flammable Fabrics Acts (15 U.S.C. 1194) and section 30(b) of the Consumer Products Safety Act, (15 U.S.C. 2079(b)), the Commission proposes to amend the Code of Federal Regulations, Title 16, Chapter II, Subchapter B as follows:

PART 1610—STANDARD FOR THE FLAMMABILITY OF CLOTHING TEXTILES

§ 1610.31 [Amended]

1. Part 1610, Subpart B is proposed to be amended by revoking, removing, and reserving § 1610.31(k).

2. Part 1610, Subpart B is proposed to be amended by revising § 1610.37 to read as follows:

§ 1610.37 Reasonable and representative tests to support guaranties.

(a) *Purpose.* The purpose of this § 1610.37 is to establish requirements for reasonable and representative tests to support initial guaranties of products, fabrics, and related materials which are subject to the Standard for the Flammability of Clothing Textiles (the Standard, 16 CFR Part 1610).

(b) *Statutory provisions.* (1) Section 8(a) of the Flammable Fabrics Act (FFA, 15 U.S.C. 1197(a)) provides that no person shall be subject to criminal prosecution under section 7 of the FFA (15 U.S.C. 1196) for a violation of section 3 of the FFA (15 U.S.C. 1192) if such person establishes a guaranty received in good faith to the effect that the product, fabric, or related material complies with the applicable flammability standard. A guaranty does not provide the holder any defense to an administrative action for an order to cease and desist from violation of the applicable standard, the FFA, and the Federal Trade Commission Act (15 U.S.C. 45), nor to any civil action for injunction or seizure brought under section 6 of the FFA (15 U.S.C. 1195).

(2) Section 8 of the FFA provides for two types of guaranties:

(i) An initial guaranty based on "reasonable and representative tests" made in accordance with the applicable standard issued under the FFA; and

(ii) A guaranty based on a previous guaranty, received in good faith, to the effect that reasonable and representative tests show conformance with the applicable standard.

(c) *Requirements.* (1) Each person or firm issuing an initial guaranty of a product, fabric, or related material subject to the Standard shall devise and implement a program of reasonable and representative tests to support such a guaranty.

(2) The term "program of reasonable and representative tests" as used in this § 1610.37 means at least one test with results demonstrating conformance with the Standard for the product, fabric or related material which is the subject of an initial guaranty. The program of reasonable and representative tests required by this § 1610.37 may include tests performed before the effective date of this section, and may include tests performed by persons or firms other than the one issuing the initial guaranty. The number of tests and the frequency of testing shall be left to the discretion of the person or firm issuing the initial guaranty.

(3) In the case of an initial guaranty of a fabric or related material, a program of reasonable and representative tests may consist of one or more tests of the particular fabric or related material which is the subject of the guaranty, or of a fabric or related material of the same "class" of fabrics or related materials as the one which is the subject of the guaranty. For purposes of this § 1610.37, the term "class" means a category of fabrics or related materials having general constructional or finished characteristics, sometimes in association with a particular fiber, and covered by a class or type description generally recognized by the trade.

(d) *Exemptions.* Experience gained from years of testing in accordance with the Standard demonstrates that certain fabrics consistently yield acceptable results when tested in accordance with the Standard. Therefore, persons and firms issuing an initial guaranty of any of the following types of fabrics, or of products made entirely from one or more of these fabrics, are exempt from any requirement for further testing to support guaranties of those fabrics:

(1) Plain surface fabrics, regardless of fiber content, weighing 2.6 ounces per square yard or more; and

(2) All fabrics, both plain surface and raised-fiber surface, regardless of weight, made entirely from any of the following fibers or entirely from combination of the following fibers: acrylic, modacrylic, nylon, olefin, polyester.

(3) Section 1610.38 is proposed to be amended by revising paragraphs (a) and (d) to read as follows:

§ 1610.38 Maintenance of records by those furnishing guaranties.

(a) Any person or firm issuing an initial guaranty of a product, fabric, or related material which is subject to the Standard for the Flammability of Clothing Textiles (the Standard, 16 CFR Part 1610) shall keep and maintain a record of the test or tests relied upon to support that guaranty. The records to be maintained shall show:

(1) The style or range number, fiber composition, construction and finish type of each textile fabric or related material covered by an initial guaranty; or the identification, fiber composition, construction and finish type of each textile fabric (including those with a nitrocellulose fiber, finish or coating), and of each related material, used or contained in a product of wearing apparel covered by an initial guaranty.

(2) The results of the actual test or tests made of the textile fabric or related material covered by an initial guaranty; or of any fabric or related material used in the product of wearing apparel covered by an initial guaranty.

(3) When the person or firm issuing an initial guaranty has conducted the test or tests relied upon to support that guaranty, that person or firm shall also include with the information required by paragraphs (a) (1) and (2) of this section, a sample of each fabric or related material which has been tested.

* * * * *

(d) The records referred to in this section shall be preserved for a period of one year from the date the tests were performed, or in the case of paragraph (c) of this section, for a period of one year from the date the guaranties were furnished.

Request for Comments

Interested persons are invited to submit written comments by October 12, 1982. Comments may be accompanied by written data, views and arguments, and should be addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Received comments may be seen in the Office of the Secretary, Eighth Floor, 1111 18th Street, NW., Washington, D.C. between 8:30 a.m. and 5:00 p.m., Monday through Friday.

(Sec. 5, Pub. L. 90–189, 81 Stat. 569, 15 U.S.C. 1194; Sec. 30(b) Pub. L. 92–573, 86 Stat. 1231, 15 U.S.C. 2079(b))

Dated: August 6, 1982.

Sheldon Butts,

Acting Secretary, Consumer Product Safety Commission.

Bibliography

1. Memorandum from Allen F. Brauninger, OGC, to the Commission describing staff review of the Standard for Clothing Textiles and implementing regulations and recommending amendment of regulations; 15 pages; March 24, 1982. The TABS to this memorandum are listed separately.

2. TAB A, Letter from James C. Miller, III, Administrator for Information and Regulatory Affairs, to Chairman Nancy Harvey Steorts, CPSC; 1 page; September 14, 1981.

3. TAB B, letter from Richard A. Gross, Executive Director, CPSC, to Mahesh Poldar, Office of Management and Budget; 1 page; September 28, 1981.

4. TAB C, Memorandum from Elaine A. Tyrrell, ESMT, to Margaret Neilly, ESMT, concerning rule review of the Standard for Clothing Textiles, with attachments; 30 pages; December 10, 1981.

5. TAB D, Memorandum from Bea Harwood, HIEA, to James Sharman, OPM, concerning review of the Standard for Clothing Textiles, with attachments; 4 pages; November 30, 1981.

6. TAB E, Memorandum from Liz Gomilla, CARM, to James Sharman, OPM, concerning review of the Standard for Clothing Textiles, with attachments; 17 pages; November 24, 1981.

7. TAB F, Memorandum from Liz Gomilla, CARM, to James Sharman, OPM, supplementing memorandum of November 24, 1981, with attachments; 7 pages; January 26, 1982.

8. TAB G, Memoranda of telephone conversations between Liz Gomilla and Stephen Wood, Milliken Research Corporation, on November 5, 1981; and between Liz Gomilla and O. P. Beckwith of the William Carter Company, on November 20, 1981; 2 pages; undated.

9. TAB H, Memorandum from Elaine A. Tyrrell, ESMT, to Margaret Neily, ESMT, supplementing memorandum of December 10, 1981; 2 pages; February 26, 1982.

[FR Doc. 82-21819 Filed 8-11-82; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 905

Surface Mining and Reclamation Operations Under a Federal Program for the State of California

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

ACTION: Notice of cancellation of public hearing and extension of public comment period on proposed rule.

SUMMARY: The Office of Surface Mining (OSM) is announcing the cancellation of the public hearing, originally scheduled to be held on September 27, 1982, and the extension of the public comment period for the proposed rules that would establish a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in California.

DATES: The comment period on the proposed rules will extend until further notice.

The public hearing date will be announced later.

ADDRESSES: Written comments must be mailed or hand-delivered to: Administrative Record Room (R&I-24), Office of Surface Mining, New Mexico Area Office, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

The location of the public hearing will be announced when notice of the close of the comment period is announced.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202-343-5866.

SUPPLEMENTARY INFORMATION: On July 28, 1982 (47 FR 32686), OSM published proposed rules for public comment that would implement a Federal program for the regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian land in California. Since publication of the proposed rule OSM has decided to extend the comment period and to postpone the public hearing in order to allow additional time for commenters to review and comment on the proposed rule. This additional time will also enable OSM to fully evaluate California State laws and regulations that would affect implementation of a Federal program in the State.

Dated: August 6, 1982.

J. Steven Griles,

Deputy Director, Office of Surface Mining.

[FR Doc. 82-21915 Filed 8-11-82; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110 and 165

[CGD 82-046]

Regulated Navigation Area; San Pedro Bay, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to establish a Regulated Navigation Area in San Pedro Bay, California, in order to establish permanent, passive vessel-traffic-management procedures that provide for the safety of navigation. The condition of the port and waterways in the proposed area warrants a higher safety standard than is provided by the Rules of the Road. Vessels will be required to comply with specific operating criteria to gain access into or transit through the proposed Regulated Navigation Area.

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

ADDRESSES: Comments should be mailed to Commander (m), Eleventh Coast Guard District, Union Bank Building, 400 Oceangate, Long Beach, CA 90822. The comments received, Environmental Assessment, and other materials referenced in this notice will be available for examination and copying at the Marine Safety Division, Office of the Commander, Eleventh Coast Guard District, Room 917, 400 Oceangate, Long Beach, CA 90822. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Commander Lindon A. Onstad, Marine Safety Division, Eleventh Coast Guard District, 400 Oceangate, Long Beach, CA 90822. Phone Number 213-590-2301.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the writer's name and address, identify this notice (CGD82-046), the specific section of the proposal to which their comments apply, and give reasons for the comment. Persons desiring acknowledgement that their comment had been received should enclose a stamped, self-addressed post card or envelope.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafing this proposal are: Lieutenant Commander James B. Morris, Project Officer, Marine Safety Division, Eleventh Coast Guard District; Commander Lindon A. Onstad, Project Officer, Marine Safety Division, Eleventh Coast Guard District; and Commander Rene N. Roussel, Project Attorney, District Legal Office, Eleventh Coast Guard District.

Discussion of the Proposed Rule

The Congress, in passing the Ports and Waterways Safety Act of 1972 and the Port and Tanker Safety Act of 1978, has made it clear it expects efficient management and utilization of our ports and waterways with an appropriate level of safety. A Regulated Navigation Area in the vicinity of the Los Angeles and Long Beach Pilot Areas, and adjacent Commercial Anchorage G, will provide a higher level of safety standard than presently provided by the Rules of the Road. Since 1978, the Coast Guard has been examining vessel traffic management procedures in Los Angeles and Long Beach Harbors and their

approaches. This examination involved the following: (1) A review of existing standards, criteria and guidelines used by the Port of Los Angeles Port of Long Beach, and the U.S. Navy; (2) A review of historic vessel casualty data; (3) Numerous discussions of potential problem areas with harbor pilots and others knowledgeable with the movements of vessels; and (4) Discussions of possible solutions with Port and Navy officials as well as representatives of the maritime community. A number of potential problem areas were identified early in the examination and each was carefully evaluated as to the scope of trends, port and waterway configurations, environmental factors, economic impact and effects, and local practices and customs. Most of the potential problem areas were found solvable by other means or of insufficient magnitude to warrant federal regulatory activity. The problem of collisions and near collisions occurring in the vicinity of the Los Angeles Pilot Boarding Area was determined to be significant. The situation was such that vessels departing Long Beach heading for the northbound traffic separation lane were turning right, shortly after passing through the Long Beach breakwater entrance. This action resulted in passage through commercial Anchorage G outside the Middle Breakwater and acros the approach to Angels Gate and the Los Angeles Pilot Area. Because of this situation, several minor collisions and near collisions of potential major significance occurred in the fall of 1978.

In order to reduce the potential for more collisions, the Captain of the Port (COTP) Los Angeles-Long Beach issued, in October 1978, COTP LA–LB Order 1–78 on an emergency basis without public comment or review. The order was designed to keep arriving and departing vessels separated, to eliminate cross traffic through the Pilot Area and to keep the Pilot Area clear for vessels embarking and disembarking pilots.

In May 1980 modification to the Los Angeles and Long Beach Anchorage Regulations prohibited all vessels from entering Commercial Anchorage G except to anchor. This prohibition, when coupled with COTP LA–LB Order 1–78 further reduced the possibility of cross traffic in the Pilot Areas.

In December 1980 another major collision occurred that was partialy attributable to vessels crossing through or very near the Los Angeles Pilot Area. After a review of the circumstances leading to the collision, COTP LA–LB Order 1–78 was cancelled and COTP LA–LB Order 1–81 was issued. The new Order contained several modifications designed to further reduce the possibility of collision. It also changed anchorage requirements which were determined to be overly restrictive. Under the new order, vessels with confirmed pilot boarding and small vessels were no longer excluded from Commercial Anchorage G. Vessels departing Long Beach are now required to pass through the southern boundary of the Long Beach Pilot Area. This action was taken to move crossing situations outside Angles Gate as far seaward as possible where vessels are not maneuvering or waiting to embark a pilot. Both orders have been widely accepted and supported by the martime community.

It is now proposed to promulgate COTP LA–LB Order 1–81 as a Regulated Navigation Area and incorporate therein the existing exclusion requirement in Commercial Anchorage G. In addtion, language is added to permit controlled vessels to enter the anchorage if they are towing to or from Commercial Anchorage G.

Regulated Navigation Areas were formerly in Part 128. These regulations have been recodified and published as a new Part 165 entitled Regulated Navigation Areas and Limited Access Areas. (CGD 79–034, *July 8, 1982,* 47 FR *29659.*)

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations. (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. The detour of vessel traffic is already in effect and no quantifiable economic change will result. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

Harbors, Marine safety, Waterways.

In consideration of the foregoing it is proposed to amend Chapter I of Title 33 Code of Federal Regulations as follows:

PART 110—ANCHORAGE REGULATIONS

§ 110.214 [Amended]

By removing paragraph (a)(7)(iii) of § 110.214.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. By revising § 165.1108 to read as follows:

§ 165.1108 San Pedro Bay, California.

(a) The following is a Regulated Navigation Area—The waters of San Pedro Bay enclosed by a line beginning at Los Anglese Light, latitude 33°42'30.6"N, longitude 118°15'02.5"W.; thence easterly along the Los Angeles-Long Beach Middle Breakwater to Long Beach Entrance Light 2, latitude 33°43'23.5"N., longitude 118°10'46.9"W., thence southerly to latitude 33°42'09.0"N., longitude 118°10'23.0"W; thence westerly to latitude 33°42'09.0"N., longitude 118°11'33.3"W.; thence southwesterly to latitude 33°41'40.5"N., longitude 118°13'02.2"W.; thence westerly to latitude 33°41'36.1"N., longitude 118°13'43.0"W.; thence southwesterly to latitude 33°41'13.8"N., longitude 118°14'52.2"W.; thence northerly to the beginning point at Los Angeles Light.

(b) There are two pilot areas within the regulated navigation area described in paragraph (a). They are defined as follows:

(1) The Los Angeles Pilot Area is enclosed by a line beginning at Los Angeles Light, latitude 33°42'30.6"N., longitude 118°15'02.5"W.; thence easterly to Los Angeles Main Channel Light 2, latitude 33°42'38.8"N., longitude 118°14'37.5"W.; thence southeasterly to latitude 33°41'36.1"N., longitude 118°13'43.0"W.; thence southwesterly to latitude 33°41'13,8"N., longitude 118°14'52.2"W.; thence northerly to the beginning point.

(2) The Long Beach Pilot Area is enclosed by a line beginning at Long Beach Light, latitude 33°43'23.5"., longitude 118°11'09.3"W.; thence easterly to Long Beach Entrance Light 2, latitude 33°32'23.5"N., longitude 118°10'46.9"W.; thence southerly to latitude 33°42'09.0"N., longitude 118°10'23.0"W.; thence westerly to latitude 33°42'09.0"N., longitude 118°11'33.3"W.; thence northeasterly to the beginning point.

(c) For the purposes of this section—(1) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(2) "Self-propelled Vessel" means any vessel propelled by machinery or capable of being propelled by machinery.

(3) "Towing Vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(4) "Controlled Vessel" means any self-propelled vessel of 300 Gross Tons and upward, any vessel certificated to carry fifty or more passengers, and any towing vessel of 26 feet or more in length.

(d) Regulations: (1) Commercial Anchorage G. Except in an emergency, no Controlled Vessel may enter Commercial Anchorage G (Outside of the middle breakwater) (33 CFR 110.214(a)(7)), or the waters between Commercial Anchorage G and the Middle Breakwater, unless it anchors in Commerical Anchorage G or has confirmed pilot boarding arrangments with either the Los Angeles or Long Beach Pilot Services, or is engaged in towing vessels to or from Commercial Anchorage G.

(2) Los Angeles Pilot Area. No Controlled Vessel may enter the Los Angeles Pilot Area unless it is entering or departing the Los Angeles Main Channel via the Los Angeles Harbor Entrance (Angels' Gate). Every vessel, whether Controlled or not, entering the Los Angeles Pilot Area shall pass directly through without stopping or loitering unless stopping is necessary to embrak or disembark a pilot. Every Controlled Vessel shall pass to the eastward of Los Angeles Approach Lighted Bell Buoy LA when entering Los Angeles Main Channel and to the westward when departing.

(3) Long Beach Pilot Area. No Controlled Vessel may enter the Long Beach Pilot Area unless it is entering or departing Long Beach Channel via the Long Beach Harbor Entrance (Queen's Gate). Every vessel, whether Controlled or not, entering the Long Beach Pilot Area shall pass directly through without stopping or loitering unless stopping is necessary to embrak or disembark a pilot. Every Controlled Vessel shall pass eastward of Long Beach Approach Lighted Whistle Buoy LB when entering Long Beach Channel and to the westward when departing. All Controlled Vessels shall pass across the southern boundary of the Long Beach Pilot Area when departing.

(Section 2, 92 Stat. 1472, 1477, (33 U.S.C. 1223, 1231); 49 CFR 1.46(n)(4))

Dated: July 14, 1982.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environmental and Systems.

[FR Doc. 82-21572 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 17

Medical Benefits; Recovery of the Cost of Certain Health Care

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration is proposing to amend its regulations to provide for reimbursement of medical costs in certain cases. The Veteran's Health Care, Training, and Small Business Act of 1981 provides statutory authority for seeking reimbursement for care and services furnished veterans for a nonservice-connected disability where entitlement to such care exists under workers' compensation plans or programs, uninsured motorists' insurance or a Uniform Crime Victims Reparation statute. The Act also requires that the Administrator prescribe regulations for determining the reasonable cost of such care and services.

DATE: Comments must be received on or before September 13, 1982. It is proposed to make these regulations effective the day of final approval.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will be available for public inspection only at the Veterans Administration Central Office, Veterans Services Unit in room 132 of the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph F. Fleckenstein (202) 389-2851.

SUPPLEMENTARY INFORMATION: This proposed regulation implements Section 629 of Title 38, United States Code, as added by Pub. L. 97-72. The United States has the right to recover the reasonable cost of care and services provided a veteran for a nonservice-connected disability from a State, or political subdivision of a State, employer, employer's insurance carrier, or automobile accident reparations insurance carrier to the extent that the veteran, or the provider of care and services to the veteran, would be eligible to receive reimbursement or indemnification for such care and services if the care and services had not been furnished by a department or agency of the United States. The amount that may be recovered by the United States may not exceed the lesser of (1) an amount equal to the reasonable cost of the care and services furnished the veteran or (2) the maximum amount specified by the law of the State or political subdivision concerned or by any relevant contractual provision to which the veteran was a party or was subject. Effective with the enactment of Pub. L. 97-72 on November 3, 1981, the Veterans Administration has statutory authority to recover reasonable costs of care and services from workers' compensation plans or programs, uninsured motorists' insurance, or a Uniform Crime Victims Reparation Act.

The Agency Head has determined that these proposed revisions to VA regulations are nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. The Administrator hereby certifies, as required by the Regulatory Fexibility Act (Pub. L. 96-354), that these revisions will not have a significant economic impact on a substantial number of small entities because recovery of medical care costs in these situations has been, and still is being pursued under existing VA regulations. This proposed regulation simply implements new Federal statutory authority to recover such costs, and provides the method by which these charges are set. That method for computing charges is unchanged from the present VA practice.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Phillippines, Veterans.

(Catalog of Federal Domestic Assistance Program Numbers: 64.009, 64.010, 64.011, 64.012, and 64.013)

Approved: July 28, 1982.

Robert P. Nimmo,

Administrator.

PART 17—MEDICAL

A new paragraph (h) is added to § 17.62 to read as follows:

§ 17.62 Charges for care or services.

* * * * *

(h) Furnished for nonservice-connected disabilities.

(1) Charges at rates prescribed by the Administrator shall be made for inpatient or outpatient care and services rendered a veteran for nonservice-connected disabilities

(i) Incident to the veteran's employment and the disability is covered under a workers' compensation law or plan that provides reimbursement or indemnification for the cost of such care and services,

(ii) As the result of a motor vehicle accident in a State which requires automobile accident reparations insurance, or

(iii) As the result of a crime of personal violence that occurred in a State, or a political subdivision of a State, in which a person so injured is entitled to receive health care and services for that injury at the expense of the State or subdivision.

(2) The method for computing charges for Veterans Administration medical care and services is based on the Veterans Administration Cost Distribution Report, which sets forth the actual basic costs and per diem rates by type of inpatient care and outpatient visit. Factors for depreciation of buildings and equipment and Central Office overhead are added, based on Veterans Administration accounting manual instructions. Additional factors are added for interest on capital investment and for standard fringe benefit costs covering Government employee retirement and disability costs. The current year billing rates are projected on prior year actual rates by applying the budgeted percentage increase with an additional allowance for the civilian pay raise. The amount that may be recovered may not exceed the lesser of

(i) An amount equal to the reasonable cost of the care and services furnished the veteran, or

(ii) The maximum amount specified by the law of the State or political subdivision concerned or by any relevant contractual provision to which the veteran was party or was subject.
(38 U.S.C. 629, Pub. L. 97-72)

(38 U.S.C. 210(c))

[FR Doc. 82-21872 Filed 8-11-82; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 78-307; FCC 82-334]

Television Receiver Equipment Grading

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of advanced proposed rule (notice of inquiry) and termination of docket.

SUMMARY: The Federal Communications Commission terminates a proceeding considering a program of grading or labeling television receiving equipment. The Commission determines that such a program would be unduly cumbersome and potentially misleading, and that the relevant information can be obtained at lower overall cost through other means.

FOR FURTHER INFORMATION CONTACT: Philip Gieseler 653-5940.

SUPPLEMENTARY INFORMATION:

Adopted: July 22, 1982.

Released: August 6, 1982.

In the matter of television receiver equipment grading, Gen Docket No. 78-307; Report and Order (Proceeding Terminated).

1. This proceeding is an outgrowth of our investigation into UHF television receiver noise figure.[1] In our Report and Order in that proceeding (Docket 21010), we concluded that consumers might benefit from a labeling program that would provide convenient information about a set's noise figure, and initiated this Inquiry to explore whether a program of grading or labeling television receivers and other receiving equipment, such as antennas and transmission lines, would be in the public interest. The Notice of Inquiry (October 24, 1978; 43 FR 49550) sought information concerning the best means of providing additional information to consumers, what television receiving equipment and characteristics of equipment should be covered, and whether as a first step towards providing additional information the noise figure of television receivers should be indicated on each receiver.

2. Scores of letters commenting on this proposal have been received from consumers. We have also heard from industry groups and have reviewed the work of our UHF Comparability Task Force in reaching today's decision.[2] On the basis of all this information we have determined that a program of labeling or grading television receiving equipment should not be pursued.

Industry and Consumer Responses

3. A range of comments was received from broadcasters, industry groups, and consumers.[3] Many respondents felt that it would be useful if consumers had additional information on which to base their purchasing decisions. Some respondents concluded that since additional information would be useful, it was appropriate for the government to insure that it was provided; others questioned the need for FCC action in this area. The consumer comments were divided between those desiring additional information and those opposing increased government involvement.

4. In support of an FCC grading program, the Council for UHF Broadcasting (CUB) indicates that:

(I)f consumers are provided with more information about the relevant performance characteristics of television receiver and antenna systems, (a) they will select television sets that best meet their particular needs; (b) through the resulting competition in the marketing process, they will apply pressure on manufacturers to improve their products; and (c) they will benefit from improved installation and operation of their equipment. CUB comments at page 1.

Field Communications Corporation (Field) states:

Field believes a program of television receiver grading * * * would allow consumers to choose receivers which are most likely to provide improved UHF reception. Likewise, a program of guidance on antenna selection would enable consumers to choose an antenna most likely to provide the performance desired. Both of

[1] "Noise figure" is a technical measure for one of the factors that influences how well a television receiver displays a weak signal. *See Report and Order* in Docket 21010, *UHF Television Receiver Noise Figures*, 69 F.C.C. 2d 1866 (1978); *Memorandum Opinion and Order*, 70 F.C.C. 2d 1176 (1978).

[2] We have relied in part on the task force report *Comparability for UHF Television: Final Report*, FCC, September 1980, hereinafter Task Force Report.

[3] In addition to responses from individual consumers, comments have been received from the American Broadcasting Companies, Inc.; American Radio Council; American Radio Relay League, Inc.; American Subscription Television Companies; Area Education Agency; Consumer Electronics Group of the Electronic Industries Association; Corporation for Public Broadcasting; Council for UHF Broadcasting; Electric League of Arizona; Field Communications Corporation; Greater Cincinnati Television Educational Foundation; Kentucky Educational Television; joint comments by McGraw-Hill Broadcasting Company and Taft Broadcasting Company; National Association of Broadcasters; National Cable Television Association, Inc.; National Telecommunications and Information Administration; Oregon Association of Broadcasters; State of New Jersey Public Broadcasting Authority; and Wisconsin Educational Communications Board.

these efforts, therefore, would further the Commission's expressed regulatory goal of achieving UHF comparability and better enable UHF broadcasting to fulfill its potential as a source of program diversity. Field comments at page 3.

The Corporation for Public Broadcasting (CPB) believes:

The development of a television receiver grading system would not only enable consumers to select television sets that best meet their respective needs, but also serve as an incentive for receiver manufacturers to improve the performance characteristics of their products. CPB comments at page 4.

5. The Wisconsin Educational Communications Board points out that high fidelity and stereo audio systems commonly provide technical specifications and urges a similar program for television receivers, on a voluntary basis. The Greater Cincinnati Television Educational Foundation and the State of New Jersey Public Broadcasting Authority indicate that the quality of receiving antenna components are critical to the reception quality of UHF signals, and support a grading or labeling program. The Area Education Agency states that a television receiver grading program would allow a better evaluation of audio visual equipment for schools. On the other hand, Ruthven Consolidated School believes that enough information is already available for such uses and that the benefits of a program would not justify the costs.

6. Commenters questioning whether it was the responsibility of government to provide information on the quality of television receiving equipment included the National Association of Broadcasters (NAB), which stated that they:

(are) not convinced that the federal government should supervise the provision of noise figure and antenna information for the consumer * * * We are concerned that the Commission has initiated an inquiry which has presumed a role for the government (and for the FCC in particular) which, in the Association's view, has not yet proven to be appropriate. NAB comments at page 4.

The National Cable Television Association (NCTA) states that:

[F]orms of direct involvement such as the instant receiver grading proposal should come only after all other nonregulatory or indirect government approaches have been tried and found to be unsuccessful and the overall adverse consequences to the public so great as to finally warrant government intrusion. NCTA comments at page 2.

American Broadcasting Companies, Inc. (ABC) indicates that we should first develop.

A sufficient record to permit informed agency judgments concerning the need for such a program; alternatives to government regulation; and, the costs and benefitls of such a program to the consumer, the industry and the taxpayer. ABC comments at page 1.

The National Telecommunications and Information Administration supports a voluntary rather than a mandatory program initially. The Consumer Electronics Group of the Electronic Industries Association (EIA/CEG) indicates that they:

(welcome) the opporunity to work with the Commission in improving the effectiveness of consumer literature. EIA/CEG believes, however, that compulsory grading programs for television receivers would prove to be extremely undesirable and counterproductive. EIA/CEG comments at page 2.

EIA/CEG also indicates that considerable efforts are already expended by manufacturers in providing the information that consumers need and desire.

Staff Research

7. The technical feasibility of implementing a grading or labeling program has been evaluated by our UHF Comparability Task Force. For televisions receivers, the task force determined that it would be prohibitively complex to develop a method that took into account both visual perception and consumer preferences. There appear to be many factors that define television picture quality including brightness, color purity, resolution, contrast, etc. The task force determined that a grade or label for noise figure by itself would not be meaningful, since noise figure measures only one of many aspects of television picture quality. The task force found that:

It would be difficult to define which of many parameters are the most important, and, even then, eliminating one or more parameters could put an undue emphasis on the remainder. The UHF Comparability Task Force concluded that development of a program for assessing and labeling all of these diverse elements either would be prohibitively costly, would be difficult to understand or would provide misleading information. Task Force Report at 92.

Our principal objective in initiating this proceeding has been to foster improved UHF reception by the public. Attempting to define and measure all the technical components that make up picture quality appears overly complex and beyond our original purpose. Labeling or grading of noise figure alone, however, unwisely presumes that a television receiver's noise figure is the most critical determinant of picture quality for most consumers.[4] The task force recommended that a program for grading or labeling television receivers not be pursued.

8. In the case of receiving equipment such as antennas and transmission line, the task force concluded that, unlike television receivers, one performance characteristic, system gain or loss, stood out as much more important than all others. Task Force Report at pages 215–216. In additon to antenna gain, criteria such as front-to-back ratio, beamwidth, and impedance can sometimes be useful; but antenna gain appears to be the most useful in most cases. Likewise, the degree of attenuation of receiving equipment, such as TV "splitters" and transmission line appears to be much more important than other factors. The task force recommended that a government measurement program be considered for receiving antenna equipment. This would provide information that manufacturers could use voluntarily in their advertising, packaging or sales campaigns.

Decision

9. These responses and evaluations suggest that it would be unwise to proceed with a grading or labeling program unless it was very clear that the information that consumer lack could be provided in no other way besides extensive government intervention and that the benefits of such intervention would outweigh the costs. We do not reach that conclusion in this case.

10. Concerning the application of a grading or labeling program to television receivers, a receiver labeled with a better noise figure would not necessarily represent a better unit, for several reasons. As indicated by the task force, noise figure is one of several factors that can be useful to some viewers, but it is not a full determinant of television picture quality. Further, present television receivers exhibit good noise figure performance. The UHF Comparability Task Force has previously determined that the noise figure of receivers meeting our present standards averages 9 dB. Task Force Report at 89. Our analysis indicates that

[4] Based on the evaluation of the task force, we cannot conclude that receiver noise figure is significantly more important to consumers than other aspects of picture quality such as brightness, contrast, resolution and picture distortion. Visual "snow" or noise is an important factor for many consumers in receiving adequate television reception, but consumers who value a noise-free picture can achieve that result with a good quality receiving antenna system much more readily than with a particular model of television receiver. We have determined that the difference in, for example, a receiver with a 10 dB noise figure and one with a 9 dB noise figure is generally not perceptible. *See* paragraph 10 *infra*.

most individual receiver models have an average noise figure that is within 1 dB of this value, which is generally not a perceptible difference. In addition, the average noise figure of a television receiver model line is only a gauge of the actual noise figure of a particular channel on a particular receiver. For two receiver models with the same average noise figure, it is possible for actual noise figure on a given UHF channel to differ markedly among individual units. It therefore appears that a grading or labeling program would be difficult to implement without supplying information that might be misleading. Therefore, we find that the institution of a governmemt labeling or grading program for television receivers would not be in the public interest.

11. We also decline to initiate a program for labeling or grading receiving antenna equipment. Good quality receiving antennas and related components are perhaps the most critical elements for adequate television reception, but we cannot conclude that a government grading program is the best means for providing consumers with the antenna information they need. Such significant intervention is not the only way that information can be provided, and does not appear to be cost-effective in view of the present availability of information and the substantial benefit available through other less costly programs. This decision is consistent with the Report and Order we are today adopting in our Docket 78–391, *Improvements to UHF Television Reception.*[5] That action includes consideration of the measurement program for receiving antenna equipment recommended by the task force, wherein we conclude that general recommendations in favor of types of antenna (such as four-bay bowtie with screen) and types of transmission line (such as shielded coaxial cable) are more important and more useful to consumers than specific information about manufacturers and models of equipment. The conclusion regarding a measurement program that we make in our companion proceeding is also applicable to the program of grading or labeling now before us for consideration.

12. We believe that the incentives of the broadcast industry, the receiver industry, and consumer publications are sufficient to provide most of the information needed and desired by the public. Television manufacturers have an incentive to see that their customers obtain adequate television reception, since good reception results in a satisfied customer. This, we believe, is the reason that information about receiving antenna equipment is often included in the instructions accompanying new television receivers. To the extent that this information is not judged to be sufficient, broadcasters who wish to reach increased audiences can provide additional information about improved television reception. Consumer publications provide a further source of information for those desiring it. What we have just described is a private market and structure for the dissemination of information. We see no evidence that this structure is not working and cannot be relied upon. We believe, however, that this market process can be fostered by distributing six key informational points that include the most important aspects for adequate UHF television reception.[6] They are:

1. An outdoor antenna is much more likely to provide better picture quality than an indoor antenna.
2. Separate UHF and VHF outdoor antennas can provide better performance on UHF than can a combination UHF/VHF antenna, at little or no extra cost.
3. Four-bay and eight-bay "bowtie" UHF antennas provide good performance at low cost. (The most expensive antennas are not necessarily the best.) A two-bay bowtie UHF antenna is a good choice for an indoor antenna.
4. Antennas should be installed by "probing" for the best receiving location: signal strength can vary significantly over a very short distance; thus, the antenna should be installed at the location that provides best picture quality.
5. Shielded cable (either coaxial or shielded twin lead) is generally recommended over conventional "twin lead" cable to connect an outdoor antenna to a TV set. RG–6 is a good quality cable. Coaxial cable should be used with baluns when connected to the antenna and set.
6. Preamplifiers that boost the TV signal may provide improved UHF picture quality, but a television serviceman should be consulted about their use, since in the wrong circumstances "preamps" can cause interference.

This information can be used by consumers directly or by those who wish to aid the public in improving television reception.[7] The dissemination and use of these six succinct recommendations should prove at least as useful, but will be considerably less costly, than an extensive grading or labeling program.

Conclusion

13. Both the industry responses and the consumer pleadings that questioned the need for government to become involved in grading or labeling television equipment convince us that it would be an unwise expansion of our authority to initiate such a program. We wish to stress that we encourage the provision of additional and more useful information to the public by the receiver manufacturing industry, the broadcasting industry, and through consumer publications. Perhaps the active dissemination by these groups of the six fundamental points, *supara*, or other possible efforts, will further improve the flow of relevant information to the public. The existing environment does not, however, call for a labeling or grading program for television receiving equipment sponsored or mandated by government.

14. In light of the foregoing and pursuant to authority contained in sections 1, 4(i) and 303 of the Communications Act of 1934, as amended, it is ordered, that proceeding is terminated.

15. For futher information concerning this proceeding, the contact person is Philip Gieseler, Office of Plans and Policy, (202) 653–5940.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–21847 Filed 8–11–82; 8:45 am]

BILLING CODE 6712–01–M

[5] Our *Report and Order* in Docket 78–391 also includes a discussion of the information programs that have been and can be sponsored by industry and the Commission to achieve the goal of increased consumer information. This includes information programs sponsored by the National Association of Broadcasters and the Public Broadcasting Service, and by individual broadcasters. *See* —— FCC 2d —— (1982).

[6] These six points are derived from the Task Force Report, page 227, and also appear in our *Report and Order* in Docket 78–391, *Improvements to UHF Television*, —— FCC 2d —— (1982).

[7] Research sponsored by the task force indicates that consumers will install the equipment necessary to obtain adequate UHF reception when they value the programming offered by UHF stations, for example when UHF stations offer network programming. Task Force Report at page 31. Providing information concerning good quality antenna installations will help those consumers who desire improved reception to obtain it.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries off the Coasts of California, Oregon, and Washington

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

ACTION: Notice of public scoping meeting.

SUMMARY: The Pacific Fishery Managemaent Council (Council) announces a scoping meeting in conjunction with its August 10–12 meeting in Portland, Oregon, to receive public comments for identifying the significant issues related to the development of a framework plan for the ocean salmon fisheries. The purposes of the scoping process are discussed in 40 CFR 1501.7 of the Council on Environmental Quality's regulations implementing the National Environmental Policy Act (43 FR 55978).

DATE: August 11, 1981 (10:00 a.m. to 12:00 noon).

ADDRESS: Cosmopolitan Hotel, 1030 N.E. Union Avenue, Portland, Oregon 97201, telephone (503) 235–8433.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street Portland, Oregon 97201 telephone: (503) 226–7600.

SUPPLEMENTARY INFORMATION: In addition to the agenda items that were shown in the notice for the Council's public meeting on August 10–12 (47 FR 32761), the Council will hold a public scoping meeting to receive comments concerning the scope of issues to be addressed during the development of a framework plan for managing the ocean salmon fisheries off the coasts of Washington, Oregon, and California. Such a multi-year plan would eliminate the need for amending the present plan each year and would facilitate the process of setting preseason and inseason regulations for the ocean salmon fisheries. A document discussing the nature of a framework plan, its application to ocean salmon management, and a schedule for developing and processing such a plan will be mailed to interested persons and organizations before the scoping session. Copies of the document can be obtained from the Council office (address shown above) and also will be available at the scoping meeting.

Dated: August 5, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-21918 Filed 8-11-82; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 47, No. 156
Thursday, August 12, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Young Volunteers in ACTION Program; Availability of Funds

AGENCY: ACTION.

ACTION: Notice of availability of funds; Young Volunteers In ACTION Program.

The Division of VISTA/Service-Learning Programs, ACTION, announces the availability of funds for fiscal year 1982 for grants under the Young Volunteers In ACTION (YVA) program authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113, Title I, Part B, 42 U.S.C. 4992).

Subject to the availability of fiscal year 1982 funding, approximately $900,000 will be available for new and continuation YVA grants averaging $20,000 in size. Both new and continuation grants will be awarded according to the criteria, guidelines, and procedures set forth in the Final Notice of Young Volunteers In ACTION (YVA) Guidelines which follow.

Publication of this announcement does not obligate ACTION to award any specific number of grants, or to obligate the entire amount of funds available, or any part thereof, for grants under the Young Volunteers In ACTION program.

Application kits are available from ACTION State Offices. A completed application form, with original signature, must be received in both the appropriate ACTION State *and* ACTION Regional Office no later than 5:00 PM local standard time on August 30, 1982. Each office must receive an identical application submission. Any applications received after that date will not be considered for fiscal year 1982 funds.

Following is an address list of ACTION Regional Offices, along with the addresses of ACTION State Offices under their jurisdiction:

Region I

ACTION Regional Office, 441 Stuart Street, 9th Floor, Boston, MA 02116; (617) 223–4501.	ACTION State Office, 441 Stuart Street, Boston, MA 02116; (617) 223–0590.
	ACTION State Office, Abraham Ribicoff Federal Bldg., Room 524, 450 Main Street, Hartford, CT 06103; (203) 244–2303.
	ACTION State Office, Federal Building, 66 Pearl Street, Room 210, Portland, ME 04101; (207) 780–3414.
(For New Hampshire and Vermont).	ACTION State Office, Federal Building, 55 Pleasant Street, Room 316, Concord, NH 03301; (603) 225–6348.
	ACTION State Office, U.S. Customs Building, Room 200, 24 Weybossett Street, Providence, RI 02903, (401) 528–4326.

Region II

ACTION Regional Office, Jacob K. Javits, Federal Building, Federal Plaza, 6th Floor, Suite 1611, New York, NY 10278; (212) 264–4719.	(Upstate New York.)
	ACTION State Office, U.S. Courthouse and Federal Building, Room 103, 445 Broadway, Albany, NY 12207; (518) 472–3664.
(Metro New York)	ACTION State Office, Jacob K. Javits Federal Building, Room 1611, 26 Federal Plaza, New York, NY 10278; (212) 264–5720.
	ACTION State Office, 143 East State Street, Room 506, Broad Street Bank Bldg., Trenton, NJ 08608; (609) 989–2243.
	ACTION State Office, Frederico Gatau Federal Office Building, Suite 662, Carlos Chardon Avenue, Hato Rey, PR 00936; (809) 753–4189.

Region III

ACTION Regional Office, U.S. Customs House, 2d and Chestnut Street, Room 108, Philadelphia, PA 19106; (215) 597–9972.	ACTION State Office, U.S. Customs House, 2d and Chestnut Streets, Room 108, Philadelphia, PA 19106; (215) 597–3543.
(For Maryland and Delaware)	ACTION State Office, Federal Building, 31 Hopkins Plaza, Room 1015, Baltimore, MD 21201; (301) 962–4443.
	ACTION State Office, Union Building, 723 Kanawha Blvd., East, Room 103–105, Charleston, WV 25301; (304) 343–6181.
	ACTION State Office, Federal Building, Room 120, 85 Marconi Blvd., Columbus, OH 43215; (614) 469–7441.
(For Virginia and the District of Columbia).	ACTION State Office, 400 North 8th Street, P.O. Box 10066, Richmond, VA 23240; (804) 771–2197.
	ACTION State Office, Federal Building, 600 Federal Plaza, Room 372–D Louisville, KY 40202; (502) 582–6384.

Region IV

Action Regional Office, 101 Marietta Street, NW., Atlanta, GA 30303; (404) 221–2859.	ACTION State Office, 2121 8th Avenue North, Room 1022, Birmingham, AL 35203; (205) 254–1908.
	ACTION State Office, 75 Piedmont Avenue, Suite 960, Atlanta, GA 30303; (404) 221–4646.
	ACTION State Office, Federal Building, Room 1005–A, 100 West Capital Street, Jackson, MS 39201; (601) 960–4462.
	ACTION State Office, Federal Building, 1835 Assembly Street, Room 872 Columbia, SC 29201; (803) 765–5771.
	ACTION State Office, 930 Woodcock Road, Suite 111, Orlando, FL 32803; (305) 420–6117.
	ACTION State Office, BSR Building, 316 East Morehead St., Room 402, Charlotte, NC 28202; (704) 371–6121.
	ACTION State Office, Federal Building, U.S. Courthouse, 801 Broadway, Room 246, Nashville, TN 37203; (615) 251–5561.

Region V

ACTION Regional Office, 10 West Jackson Blvd., Chicago, IL 60604; (312) 353–5107.	ACTION State Office, 10 West Jackson Blvd., Chicago, IL 60604; (312) 353–8238.
	ACTION State Office, 46 East Ohio Street, Room 457, Indianapolis, IN 46204; (317) 269–6724.
	ACTION State Office, Federal Building, Room 616, 231 West Lafayette Blvd., Detroit, MI 48226; (313) 226–7849.
	ACTION State Office, Old Federal Building, Room 158, 212 3rd Avenue South, Minneapolis, MN 55401; (612) 349–3630.
	ACTION State Office, 517 East Wisconsin Ave., Room 617, Milwaukee, WI 53202; (414) 291–1118.
	ACTION State Office, 950 Office Park Road, Suite 220, W. Des Moines, IA 50265; (515) 284–4817.

Region VI

ACTION State Office, Old Main Post Office, P.O. Box 370, Bryan and Ervay Streets, Dallas TX 75221; (214) 767–9494.	ACTION State Office, Federal Bldg., Rm 2506, 700 West Capitol Street, Little Rock, AR 72201; (501) 378–5234.
	ACTION State Office, Federal Building, Cathedral Place, Room 126, Santa Fe, NM 87501; (505) 988–6577.
	ACTION State Office, 100 N. IH 35, Suite 2500, Austin, TX 78701; (512) 397–5671.
	ACTION State Office, Federal Office Building, 911 Walnut, Room 1701, Kansas City, MO 64106; (816) 374–5256.
	ACTION State Office, 1 American Place, Suite 1911, Baton Rouge, LA 70825; (504) 389–0471.

	ACTION State Office, Magnolia Petroleum Bldg., 722 North Broadway, Oklahoma City, OK 73102; (405) 231–5201. ACTION State Office, Federal Building, Rm 350, 444 S. E. Quincy, Topeka, KS 66603; (913) 295–2540.
Region VIII (No Region VII)	
ACTION Regional Office, Columbine Building, Room 201, 1845 Sherman Street, Denver, CO 80203; (303) 837–2673.	ACTION State Office, Columbine Building, Room 301, 1845 Sherman Street, Denver, CO 80203; (303) 837–4004. ACTION State Office, Federal Building, Rm 8036, 2120 Capitol Avenue, Cheyenne, WY 82001; (307) 772–2385. ACTION State Office, Federal Building, Rm 213, 225 S. Pierre Street, Pierre, SD 57501; (605) 224–5996. ACTION State Office, Federal Building, 301 South Park, Rm 192, Helena, MT 59601; (406) 449–5404. ACTION State Office, U.S. Post Office and Courthouse, Suite 107, 350 South Main Street, Salt Lake City, UT 84101; (801) 524–5411. ACTION State Office, 100 Centennial Mall North, Room 293, Lincoln, NE 68508; (402) 471–5493.
Region IX	
ACTION Regional Office, 211 Main Street, Room 533, San Francisco, CA 94105; (415) 974–0673.	ACTION State Office, 522 North Central St., Room 205–A, Phoenix, AZ 85004; (602) 261–4825. ACTION State Office, Federal Building, P.O. Box 50024, Honolulu, HI 96850; (808) 546–8925. ACTION State Office, Century Park Center, 9911 West Pico Blvd., Suite B–16, Los Angeles, CA 90035; (213) 824–7421. ACTION State Office, 1050 E. William, Suite 407, Carson City, NV 89701; (702) 784–5314.
Region X	
ACTION Regional Office, 1111 3rd Avenue, Suite 330, Seattle, WA 98101; (206) 442–4520. (Temporary Office—Alaska	ACTION State Office, Owyhee Plaza, Suite 260, 1109 Main Street, Boise, ID 83701; (208) 384–1707. ACTION State Office, 1111 3rd Avenue, Suite 330, Seattle, WA 98101; (206) 442–1559. ACTION State Office, 1224 S.W. Morrison, Suite 931, Terminal Sales Building, Portland, OR 97205; (503) 221–2261. ACTION State Office, 1111 3rd Ave, Suite 350, Seattle, WA 98101; (206) 442–4975.

(42 U.S.C. 4971; 4974; 5042 (14))

Dated in Washington, D.C. on July —, 1982.

Thomas W. Pauken,

Director, ACTION.

Final Notice of Young Volunteers in ACTION (YVA) Guidelines

SUMMARY: The following Notice sets out the guidelines under which the Young Volunteers in ACTION (YVA) program will operate. The Guidelines include program philosophy, responsibilities of the YVA sponsor, staff, advisory council, volunteers, volunteer stations, and the administration of a YVA project.

EFFECTIVE DATE: These Guidelines will be effective on August 12, 1982.

FOR FURTHER INFORMATION CONTACT: Barbara P. Wyatt, Director of YVA, ACTION, 806 Connecticut Avenue, NW., Washington, D.C., 800–424–8580; extension 288 or 289; or 202–254–8458.

SUPPLEMENTARY INFORMATION: Section 420 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5060) was amended in 1979 to define the term regulation and to detail the procedures to be followed in prescribing regulations. Through its broad definition of a regulation, the section requires that "any rule, regulation, guidelines, interpretation, order, or requirement of general applicability" issued by the Director of ACTION must be published with a 30 day comment period except in certain limited circumstances. These Guidelines, although not regulations under the Administrative Procedure Act (5 U.S.C. 551 et seq.), may, in whole or in part, be required by our Act to be published in proposed form for comments.

ACTION has determined that the YVA Guidelines are not major rules as defined in E.O. 12291. This determination is based on the proposed grants' size and purpose, neither of which will result in the economic impact of a major rule.

The Guidelines were published in proposed form in the **Federal Register** for comment on Thursday, May 20, 1982 (47 FR 21895–21902).

Discussion of Comments

During the formal 30-day comment period, the Agency received a total of eleven response. Of these eleven responses, one was Congressional, two were general public, and eight were from Agency staff. The responses to the proposed Guidelines fall within five general areas. Following is the Agency's response to the major comments.

I. Poverty Focus

Comment: Comments were received that questioned the Agency's compliance with the statutorily mandated focus of all Title I, Part B programs to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems (42 U.S.C. 4971) and suggested particular means by which that requirement could be incorporated into the Guidelines.

Action Taken: The Agency acknowledges and agrees that the YVA program must be aimed at strengthening and supplementing efforts to eliminate proverty and poverty-related human, social, and environmental problems. Indeed, each of the demonstration YVA grants awarded in FY '81 were required to exhibit such a focus. Since the Agency has inadvertently caused concern to certain individuals over its poverty commitment in YVA, several references to the poverty-focus of the program have been added, (II 2(d); III 1(c); IV 2 a(1)) in addition to those poverty references already present in the proposed Notice. (I 1; I 2; I 5(b))

The Agency believes that the above additions suggested by comments will serve to make even clearer the statutory focus of the program to work to eliminate poverty and poverty-related problems. However, the Agency did not accept those suggestions that appeared pre-conditioned on the premise that only those organizations experienced in working with the poor are qualified to help solve poverty related problems. This Agency is committed to involving a broad range of community-based organizations in its efforts. It is sufficient that an organization has a knowledge of and interest in solving these problems. Although actual experience in the poverty area is indicative of such an awareness, it certainly does not, in and of itself, qualify an organization as the best applicant. Too many times in the past, the needs of the poor have been met by "career" poverty organizations. This Administration believes that such a narrow limitation fails to involve the total community in the search for ways to eliminate poverty.

II. Compliance With Authorizing Statute

Comment: The Agency received a comment charging that the Guidelines do not comply with the requirement found in the authorizing statute in that service-learning must have an in-school component in order to enhance and evaluate the student's experience.

Action Taken: The Agency disagrees that the statute requires that every service-learning program contain an in-school component. The statute in section 114 by its authorization of "service-learning programs on an in-or-out-of-school basis * * *" (42 U.S.C. 4974) clearly contemplated two different options in structuring service-learning programs:

—On an in-school basis; or

—On an out-of-school basis.

While the recent practice of this Agency has been to focus primarily on in-school service-learning programs, the present Administration is trying to achieve a balance betweeen in and out-of-school programs. YVA sponsors may be either schools *or* community organizations. Thus, schools not only are not precluded from participation, their opportunity for participation is specified in the Guidelines. However, a policy decision has been made—fully consistent with the Act—not to *require* such participation. Such an expansion of the service-learning program into out-of-school, community-based organizations is consistent with this Administration's support for a policy of non-intervention by the Federal government in the curriculum decisions of local schools and encouragement of community-based service.

III. Assignment of Volunteers to Projects Serving Indians, Migrant Workers, the Mentally Ill, the Developmentally Disabled, and the Handicapped

Comment: One commentator noted that the Agency neglected to state in the Guidelines that the statute authorizes the assignment of YVA Volunteers in projects and programs serving Indians, migrant workers, the mentally ill, the developmentally disabled, and the handicapped. (42 U.S.C. 4953) From such neglect, the commentator drew the conclusion either that such assignments will not be made since neither that section nor the statute was explicitly quoted in the Guidelines, or that the failure to quote it constituted a violation of the Act.

Action Taken: The Agency agrees that section 114 of the Act which authorizes YVA does reference the special populations noted above and found in section 103 of our Act. There is no requirement that they be explicitly mentioned nor is it *required* that such assignments be made. All section 103 does is authorize the Director to assign volunteers to assist such populations in recognition of their special status. Indeed, section 103, which is a part of the VISTA section of Title I, was not even explicitly mentioned in the VISTA Guidelines, yet there was no contention made that the statute was violated. However, the Agency concurs with the sentiment expressed that these populations and others may be assigned volunteers in appropriate projects and programs and has so specified in the revised Guidelines. In addition, the Agency has listed other areas appropriate for funding, such as the functionally illiterate, the elderly and children in day care, or child development projects.

IV. 13,000 Volunteer Service Hours

Comment: Concern was expressed that 13,000 hours of volunteer service during a twelve month period, particularly during the first grant year and for rural communities, was too high.

Action Taken: The Agency agrees that 13,000 hours of volunteer service is too optimistic a figure especially for first year grantees. The average grant will be $20,000 for 10,000 hours of service using 200 volunteers. However, the Agency will review grants of lesser or greater amounts which reflect a proportional commitment of volunteer hours and volunteers.

V. YVA Advisory Council

Comment: Comments addressed the issue that an Advisory Council "advises" and therefore should not be required to establish "by-laws", as would be done by a board of directors.

Action Taken:

Action Taken: Upon review, the Agency agrees that the requirement of establishing by-laws was overly formal. Guidelines language has been adjusted to read that the Advisory Council is to advise and assist the project staff and sponsor with no reference to the establishment of by-laws or operating procedures.

VI. Other Comments

There were several comments received by the Agency that did not fall within the prior five categories, but were considered substantive.

A. *Memorandum of Understanding (M/U):* It was recommended that the "project director" be responsible for signing the M/U with the volunteer station rather than the YVA sponsor.

Action Taken: Guidelines language adjusted to read "an authorizing official of the YVA sponsor." The Agency disagrees that the project director rather than the YVA sponsor should be responsible for signing the M/U with the volunteer station. The Agency believes that the M/U should be signed by an official of the YVA sponsor who has the authority to bind the sponsor to the M/U agreement. The authorizing official may, however, be the YVA project director.

B. *Volunteer Station:* It was requested that the definition be expanded to include language which specifically addresses public, private non-profit, and private profit organizations.

Action Taken: The agency disagrees that the definition of volunteer station be expanded as suggested. The Agency believes that private profit organizations are not acceptable as volunteer stations. The definition has been edited to read that a volunteer station, "is a public or private nonfit agency, organization or institution, as well as a proprietary health care organization, in or through which volunteers serve in accordance with program policies. Each health care organization serving as a volunteer station must by licensed or otherwise certified by the appropriate state or local government."

C. *Resume of Proposed Candidates for Project Director:* It was suggested that the resume of the Executive Officer of the applicant agency be required if the resume of the proposed candidate is unavailable.

Action Taken: The Guidelines language has been adjusted to read, "or the resume of the Executive Officer of the applicant agency." The Agency believes that in some cases the proposed YVA project director may not be immediately available, and the Executive Officer of the applicant agency may temporarily serve as the acting YVA project director. In such cases, the Agency should be aware of the background of the acting project director.

D. *Factors for Selection:* A requirement under this category (I 5) states that there must be "evidence" of sponsoring organization endorsement and understanding of the YVA project purpose. The question was raised, "What is the Headquarters' interpretation of evidence?"

Action Taken: The changed Guidelines language reads, "Evidence of sponsoring agency board endorsement of the project." It has been determined that, as written, such guidance is adequately stated.

E. Under Section II 2, Sponsor Responsibility, several items were removed because of redundency or were more appropriate under other sections.

VII. Agency Changes

Several Guideline changes were made in ACTION Headquarters that were not in response to public comments. These changes are reflected below.

A. *Local Share:* The proposed Guidelines, Section VII 1, states that the sponsoring organization is responsible for generating "a minimum of 10% of the federal cost from local, non-federal sources in cash or in-hand contributions." The Agency has added the requirement that, "The second year renewal requires a 25% share from non-federal sources."

The Agency believes that a 25% match for second year renewals ensures the beginning of the YVA projects' progress towards self-sufficiency.

B. *Termination and Separation of Volunteer Service:* The proposed Guidelines outlined procedures for the termination and separation of volunteers from service, in addition to procedures for appealing termination and separation. The Agency believes that the guidance outlined in these two sections was too process oriented, and that the M/U provision which states that the "terms of removal from service must be stated," is adequate.

C. *Grant Sign-Off Procedures:* The proposed Guidelines stated that the YVA Director in Washington, D.C. shall make the final decision on applications submitted for funding. The Agency has adjusted this to read that final approval will be given by the Deputy Associate Director for Domestic and Anti-Poverty Operations (VISTA/Service-Learning). Under the final Guidelines, the YVA Director will make the final recommendation.

D. *Submission of Applications to be Considered for Funding:* The proposed Guidelines required that applications be submitted to the ACTION State Office for review and the State Office will submit eligible applications to the Regional Office. The Agency has revised the submission process to require that applications be submitted simultaneously to the State and Regional Office. The Agency believes that this change will expedite the Regional and State review of applications for submission to Washington, D.C.

E. At the time of publication, the YVA Guidelines contained the sections presently being promulgated in final form herein, with the elimination of Sections II 2 and V 4, 5, and 6 as stated in the proposed Guidelines.

I. Introduction

These Guidelines have been developed for the use of Young Volunteers in ACTION Program (YVA) project sponsors, project staff, Advisory Council members and ACTION staff. It contains material for the management and operation of YVA projects. (For definitive guidance on fiscal matters consult ACTION Handbook 2650.2, *Grant Management Handbook for Grantees.)*

1. *Purpose and Objective:* This program intends to mobilize the efforts of full or part-time student, ages 14–22, in a focused, effective way to respond as volunteers to work on a part-time, non-stipended basis. The purpose and objectives of this program are:

To provide for a program of part-time or short term service learning by secondary, secondary vocational, and post-secondary students and to strengthen and supplement efforts to eliminate poverty and poverty related human, social and environmental problems while creating a sense of self worth and civic pride.

2. *Legislative Authority:* The Young Volunteers in ACTION Program (YVA) operates under Title I, Part B of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113). Its purposes are to provide for a program of part-time or short-term service-learning for secondary, secondary vocational, and post-secondary students on an in-or out-of-school basis, and to strengthen and supplement efforts to reduce or eliminate proverty and poverty-related human, social, and environmental problems.

3. *Definition of Terms: Act* is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113).

Advisory Council is a group of persons formally organized by the project sponsor for the purpse of advising and supporting the sponsor in operating the project effectively.

Agency is the Federal ACTION agency.

Budget Period is the time interval for which the project grant is awarded, usually one year.

Guidelines is the Young Volunteers in ACTION Program Operations Guidelines.

In-Kind Contribution refers to budgeted amounts which represent the value of non-federal contributions that shall be provided to the project. They represent values of real property, equipment, goods, maintenance, and services that directly benefit the project. They are specifically identifiable and allowable.

Local Share refers to contributions to the budget from non-federal resources in cash or allowable in-kind contributions or a combination of both.

Memorandum of Understanding (M/U) is a statement prepared and signed by the administrator or volunteer coordinator of a volunteer station and an authorizing official of the YVA sponsor which identifies working relationships and mutual responsibilities.

Project is the locally planned and implemented YVA Program as agreed upon between ACTION and the sponsor.

Service Area is a geographically defined area in which YVA Volunteers are recruited, enrolled, and placed on assignments.

Sponsor is a public agency or private nonprofit organization including an educational institution which is responsible for the operation of the local YVA Program.

Volunteer Station is a public or private nonprofit agency, organization, or institution, as well as a proprietary health care organization, in or through which volunteers serve in accordance with program policies. Each health care organization serving as a volunteer station must be licensed or otherwise certified by the appropriate State or local government.

4. *Grant Application Procedures:* Grants will be awarded for a one year period with a renewal possibility for the second year based on factors for selection (I 5 below); compliance with YVA Guidelines and grantee performance during the first year, particularly in the number of volunteers and volunteer hours generated; and any other factors which may be relevant or appropriate to the Director's exercise of discretion in the allocation of YVA resources among competing uses. YVA funding will not exceed two years.

All YVA grant applications must consist of:

a. ACTION Project Narrative (Form A–1036) which include a Project Work Plan, specifying projected number of

volunteer hours by quarter and volunteer work stations.

b. Application for Federal Assistance (Form A–1017) with narrative budget justification.

c. CPA certification of accounting capability.

d. Articles of Incorporation.

e. Proof of non-profit status or an application for non-profit status, which should be made through IRS documentation.

f. Resume of proposed project director candidate(s), if available, or the resume of the Executive Officer of the applicant agency.

g. List of sponsor's governing board members and their relationship to the community.

5. *Factors For Selection:* Grant applications will be reviewed for selection according to the following factors:

a. For their replicability in other situations without the need for federal funding;

b. Compliance with ACTION and YVA Guidelines, regulations and legislation;

c. Program design which strengthens and supplements efforts to eliminate poverty and poverty related human, social, and environmental problems;

d. Provision for a program of part-time or short term service learning by secondary, secondary vocational, and/or post secondary students;

e. An average size that provides for volunteer opportunities for youth which should generate a minimum of 10,000 hours of service, using 200 volunteers, for a Federal share of $20,000. However, the Agency will review grants of lesser or greater amounts which reflect a proportional commitment of volunteer hours and volunteers.

f. Documentation of commitments from cooperating local agencies and organizations, including educational institutions, which can be expected to contribute to the value and success of the project.

g. Identification of adequate financial, in-kind, and public relations support from the community which will enhance the project and allow for continuation after federal funding ceases.

h. A realistic work plan that provides for project goal accomplishment, volunteer recruitment, opportunities for learning through service, and recognition for volunteer service.

i. Evidence of sponsoring agency board endorsement of the project.

j. A justifiable budget and indication of financial and/or in-kind support of a minimum level of 10% for the first year grant application and 25% in a second year application of the Federal project budget.

6. *Review Process:* Acceptable applications will be reviewed based upon the following process. Grant budget size will be based upon the availability of funds and ACTION's objective to achieve equitable geographic program resource distribution.

a. Applications will be submitted to the appropriate ACTION State and Regional Offices, with both reviewing and assessing for legal and technical compliance with YVA Guidelines and regulations. All applications deemed eligible and in compliance by the State and Regional Offices will be forwarded to the Director of YVA, along with recommendations from State and Regional Directors. Those applications determined to be ineligible or not in technical compliance will not be forwarded to Washington, D.C. and will be notified accordingly.

b. The YVA Director in Washington, D.C. shall make final recommendations to the Deputy Associate Director for Domestic and Anti-Poverty Operations (VISTA/Service-Learning), who is responsible for final project approval.

c. Regional Grants and Contracts Officers will issue Notice of Grant Awards upon notification from the Deputy Associate Director.

7. *Refunding of Grants:* Applications for renewal of grant awards will be evaluated using the factors identified in selecting initial grants as well as the grantee's compliance with YVA guidelines and grantee performance during the first year, particularly in the number of volunteers and volunteer hours generated; and any other factors which may be relevant or appropriate to the YVA Director's exercise of discretion in the allocation of YVA resources among competing uses. YVA funding will not exceed two years. ACTION State and Regional Offices will make recommendations on renewals to the YVA National Director who, in turn, will make the final recommendation. The Deputy Associate Director will make the final decision. If the application is denied, the sponsor will be notified that ACTION intends to deny the application for renewal, and the sponsor in accordance with ACTION procedures will be given an opportunity to show cause why the application should not be denied. (45 CFR Part 1206)

II. The YVA Sponsor

1. *Sponsor Eligibility:* ACTION will award YVA grants to Federal, State, or local agencies, and to private, nonprofit organizations or foundations in the United States, the District of Columbia, Virgin Islands, Puerto Rico, American Samoa, and Guam which have the authority to accept and the capability to administer such grants. Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to Agency objectives—for example, achieving equitable geographic program resource distribution.

A grant applicant is not assured of selection or approval and may have to compete, based on established ACTION criteria for grant applications, with other solicited or unsolicited applicants.

2. *Sponsor Responsibility:* The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. This does not refer to agreements made with volunteer stations as discussed in Section VI. The sponsor shall also abide by any relevant laws, Executive Orders, or regulations. The sponsor has the responsibility to:

a. Employ the YVA project director within 30 days of the notice of grant award with the prior concurrence of the YVA National Director. Resumes of candidate(s) for project director should be included, where possible, in the application package.

b. Provide direction and support to the YVA project director, who is directly responsible to the sponsor for the management of the project, including training and supervision of project staff.

c. Establish, orient and support a YVA Project Advisory Council as discussed in Section III.

d. Assist in identifying the needs of the low income community which will be the focus of YVA volunteer activity.

e. Provide the YVA volunteers with appropriate accident and personal liability insurance. (Refer to Appendix for details on insurance.)

f. Ensure that appropriate automobile liability insurance is maintained on all vehicles owned or leased by the sponsor which are used in the project. (Refer to Appendix for details on insurance.)

g. In conjunction with the YVA Advisory Council, establish a method for YVA volunteers to discuss reasons for temporary or permanent separation from their work station or the program.

h. Ensure compliance with the Special Limitations as outlined in Section II 3 of this Handbook.

i. Provide for maintenance of project records in accordance with generally accepted accounting practices and prepare and submit reports on a timely basis as required by ACTION. Records shall be kept available for inspection at

the request of ACTION and shall be preserved for at least three (3) years following the completion of the grant.

j. Arrange for in-service orientation for the volunteers by volunteer stations and other sources of training as needed.

k. Develop and maintain community support through a planned program which would include community communication as well as recognition events.

l. Seek to identify resources to permit continuance of the YVA program upon the conclusion of federal funding.

3. *Special Limitations on YVA Sponsors:* a. Political Activities:

(1) Grant funds shall not be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office or any voter registration activity.

(2) No project shall use grant funds to provide services, employ or assign personnel or volunteers for, or take any action which would result in the identification or apparent identification of the YVA program with:

(a) Any partisan or non-partisan political activity associated with a candidate, or contending faction or group, in an election, or for public or party office.

(b) Any activity to provide voters with transportation to the polls or similar assistance in connection with any election.

(c) Any voter registration activity.

b. *Lobbying:* (1) No grant funds or volunteers may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except as follows:

(a) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a YVA Volunteer, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee, or member, or

(b) In connection with an authorization or appropriation measure directly affecting operation of the program.

Regulations found at 45 CFR Part 1226, "Prohibitions On Electoral and Lobbying Activities," apply fully hereto, and provide further details on the limitations of political and lobbying activities that apply to volunteers and sponsors. Each sponsor is obliged to know, and communicate to staff and volunteers, the prohibitions included therein.

c. *Special Restriction on State or Local Government Employees:* If the sponsor receiving a grant from ACTION is a state or local government agency, certain restrictions contained in Chapter A of Title 5 of the United States Code are applicable to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research insititutions. An employee subject to these restrictions may not:

(1) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

If a project staff member, whose salary is traceable in whole or in part to an ACTION grant, is also a State or local government employee, the staff member is covered by provisions of the Hatch Act, restricting in many instances public participation in partisan political activities. Questions about the coverage of the Hatch Act may be addressed to the Office of General Counsel, ACTION, Washington, D.C. 20525.

d. Non-Discrimination—No person with responsibility for the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

e. Religious Activities—Volunteers and project staff funded by ACTION shall not give religious instruction, conduct worship services, or engage in any form or proselytization as part of their duties.

f. Labor and Anti-Labor Activity—No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organizations or related activity.

g. A YVA Volunteer may not perform any sevice or duty which would supplant the hiring of workers who would otherwise be employed to perform similar services or duties.

h. Non-compensation for Services—No volunteer or other person, organization, or agency shall request or receive any compensation for services of YVA Volunteers. No work station nor any member or cooperating organization or a sponsor shall be requested or required to contribute or to solicit contribution to establish any part of a local share. This does not prevent the acceptance of cash contributions made voluntarily and without condition to the sponsor or the YVA project for legitimate charitable purposes.

i. Volunteer Status—YVA volunteers are not considered employees while YVA volunteers, but their experience in volunteer work may be taken into account in the consideration of future applications for employment and/or further education.

j. Nepotism—Persons selected for project staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors unless there is concurrence by the YVA Advisory Council and notification to ACTION.

III. YVA Project Advisory Council

1. *Roles and Functions of Advisory Council:* ACTION considers the Advisory Council to be an important and integral part of the YVA Volunteer Program. The Advisory Council is to advise and assist the project staff and sponsor in project planning, development, implementation, and monitoring as well as to provide assistance in developing local financial and in-kind resources.

The Advisory Council:

a. Is appointed by the sponsor within 30 days of the date of the grant award.

b. Meets on a regularly scheduled basis (at least quarterly) and provides the YVA sponsor with copies of the minutes from each meeting.

c. Assists the sponsor by promoting community support for the project, particularly by providing ideas and contacts with regard to volunteer recruitment and volunteer stations, with emphasis on the opportunity to address low income needs.

d. Conducts an annual appraisal of project operations, which includes the volunteer stations and assignments, general project management and the extent to which project goals and objectives are being met.

f. Supports and participates in recognition programs for YVA volunteers.

g. Assist sponsor to find alternative sources of funding for continuation of the project following the withdrawal of ACTION support.

2. *Composition of Advisory Council:* The Advisory Council:

a. Should be large enough to represent a cross-section of the community and shall enough to ensure its effectiveness as a working body.

b. Should include representatives of such groups as local government, business, labor, professional, education, low income community, youth, religious, and service groups. The Advisory Council should include at least one YVA volunteer as a voting member. The sponsor's chief executive or designee, one member of its governing board, and

the project director should be non-voting members, but not officers of the Advisory Council.

c. Must be a separate body from the sponsor's Board of Directors.

A youth advisory council may be established by the Project Director to assist with the YVA Program. Members from this group may be chosen to serve on the senior Advisory Council.

IV. YVA Project Staff

1. *Relationship to Sponsoring Organization:* a. Project staff are employees of the sponsor and are subject to its personnel policies and practices.

b. Hiring of project personnel must be in compliance with applicable federal, state and local government laws and ordinances.

2. *Roles and Responsibilities:* a. Project Director.

The sponsor delegates to a project director the day-to-day management of the project. The project director should be knowledgeable about young people, their motivations and concerns, and about poverty-related problems in the community and public and private resources and leadership.

By his or her enthusiasm and creativity, the director will be the catalyst for the program. Advice and support of the Advisory Council are sought by the project director on program planning, assessment of service-learning opportunities, major program issues, and resource mobilization.

If there is cause for dismissal of a project director, the sponsor shall immediately notify ACTION, stating the reason(s) for the action. Provisions for temporarily continuing operations without a project director shall also be submitted to ACTION in writing.

The project director's duties include, but are not limited to:

(1) Assessing community needs related to poverty, for volunteer assistnce.

(2) Selecting, training, and supervising project staff;

(3) Selecting appropriate work assignment and volunteer stations which will allow for service-learning opportunities.

(4) Recruiting and placing YVA Volunteers;

(5) Arranging for pre-service orientation, in-service instruction, and overall supervision of volunteers by volunteer stations;

(6) Overseeing fiscal reports and preparing required program reports; and preserving records for submission to the grantee and to ACTION;

(7) Maintaining close coordination with volunteer stations and monitoring their use of volunteers, including orienting volunteer station supervisors to the YVA program,

(8) Developing active involvement with community organizations, school systems, youth and community service programs, especially those serving the low-income community.

(9) Keeping YVA Advisory Council members informed and soliciting advice on matters affecting project operation, as well as providing staff assistance to the Advisory Council;

(10) Providing advice and information to YVA volunteers;

(11) Attending training conferences conducted by ACTION. (This item may be included as a line item in the grant budget.)

(12) Providing for the recruitment, assignment, supervision, and support of volunteers. All eligible youth from the community should be encouraged to participate.

(13) Providing for appropriate recognition and incentives for YVA volunteers and their activities.

(14) Providing the YVA volunteers with appropriate accident and personal liability insurance. (Refer to Appendix for details on insurance.)

(15) Developing volunteer stations for placement of YVA volunteers.

(16) Negotiating a written Memorandum of Understanding (M/U) with each volunteer station, prior to assignment of YVA Volunteers, and identifying sponsor responsibilities, station responsibilities, and joint responsibilities.

(17) Providing pre-service orientation to the volunteers on YVA goals and activities and the responsibilities of the volunteers to their stations and the community.

(18) Establishing lawful and nondiscriminatory performance standards and service policies for YVA Volunteers, consistent with the policies and purposes of the YVA program.

(19) Ensuring that volunteer stations meet safety standards.

3. *Relationship to ACTION Staff:* a. The ultimate responsibility for the national YVA program is housed in ACTION headquarters located in Washington, D.C. This office, in consultation with ACTION Regional and State offices, determines policies, goals, objectives and budgetary requirements for effective program operation and monitors progress toward achievement of national program goals and priorities. The national office allocates YVA resources among the Regions and ensures that ACTION field staff and sponsors adhere to YVA policies and procedures. Sponsors are responsible for implementation of the YVA project in their communities. ACTION field staff has responsibility for assisting prospective sponsors in developing new projects, for project monitoring, for providing assistance to existing YVA sponsors, and for serving as grant project managers.

b. The formal evaluation of the YVA program is ACTION's responsibility; however, an on-going assessment by sponsor, advisory council, and project director will be useful to the program.

c. ACTION's Office of Communications in Washington, D.C. assists in national YVA publicity and recruitment of volunteers through development of brochures, posters, and public service radio and TV spots. All recruitment and publicity materials developed by the YVA grantees require prior approval from the YVA Office of Communications. The State and Regional offices will also provide recruitment and communications assistance to YVA sponsors.

V. YVA Volunteers

Each volunteer should serve an average of eight (8) hours per month. Recruitment and placement of volunteers should begin within the first month of the grant award. Sponsors should generate 10,000 hours of volunteer service for a YVA grant of $20,000 during the grant period. Realization of these goals will be an important factor in applications for renewal. Relative adjustment for hours and numbers of volunteers for different levels of funding will be made.

1. *Eligibility:* In order to be eligible for the YVA Program, volunteers must be:

a. Between the ages of 14 and 22. Enrollment may not be denied on the basis of race, belief, creed, color, national origin, sex, handicap, or political affiliation.

b. Students, taking at least one course in secondary, secondary vocational or post-secondary school.

c. Willing to accept supervision as required and to maintain high standards of personal conduct.

d. Willing to work with low-income individuals of different ethnic and religious groups, age, income levels, or handicaps.

e. Willing to serve, whenever possible, on a regular basis (eight (8) hours per month) in accordance with an agreement drawn up between the sponsoring organization and volunteer station. Short term assignments are also acceptable.

2. *Recruitment and Selection of YVA Volunteers:* a. Recruitment of eligible

YVA volunteers is a project director responsibility. Recruitment assistance may come from the YVA sponsor, YVA Advisory Council, volunteer stations, other volunteers, or the general community.

b. Planning for YVA volunteer recruitment should include consideration of the following factors:

(1) Location and number of youth in the service area.

(2) Distance between the potential YVA volunteer and places of assignment.

(3) Modes and estimated costs of available public or private transportation.

(4) Number and types of schools in service area.

c. Potential YVA volunteers may be recruited through schools, youth organizations, church groups, and other community organizations and institutions. Notification about the project should also include adult groups to attract parental interest. The media—newspaper, radio, and television—should be alerted to the program. Every effort to provide broad exposure for YVA should be made.

d. Secondary, secondary-vocational and post-secondary educational institutions should be encouraged to participate in the YVA service-learning program. Local school authorities may determine whether to design formal in-school components and whether to award academic credit.

e. Assignments should provide opportunities for learning through community service and may be changed in response to the needs of the volunteers.

f. It is important that this program add to the number of young people in volunteer activity and not compete for support with existing volunteer organizations.

3. *Orientation and Training of YVA Volunteers:* The project director will provide pre-service orientation to all YVA volunteers as an introduction to their assignments. The training for the work assignment will be given by the volunteer station.

If the volunteer is prevented from serving because an assignment concludes or the station fails to provide a suitable assignment, efforts should be made to transfer the volunteer, rather than immediately terminate him or her. If a transfer is unavailable, termination from the YVA program should follow. Terms of removal of service must be stated in the Memorandum of Understanding.

4. *Parental Consent:* Written parental consent for participation in the program must be obtained from a parent or guardian of volunteers age 16 or under.

VI. Volunteer Stations

All YVA volunteers are recruited for and placed with or through volunteer stations. A volunteer station is a public or private nonprofit agency, organization, or institution, as well as a proprietary health care organization, in or through which volunteers serve in accordance with program policies. A list of all volunteer stations must be submitted for initial prior review to the ACTION State Director before volunteer placement.

1. *Roles and Responsibilities:* Responsibilities of YVA volunteer stations are to:

a. Develop written and mutually signed individualized volunteer assignment agreements with each YVA covering the terms of his/her service.

b. Provide volunteers with orientation, in-service training, and supervision as necessary.

c. In conjunction with the project director, provide or help to arrange for volunteer transportation as necessary.

d. Keep records and prepare reports as required by the sponsor.

e. Prior to placement of volunteers, sign a Memorandum of Understanding with the sponsor, establishing working relationships and mutual responsibilities, and provide for administrative support necessary for volunteers to perform assignments.

f. Assist in appropriate volunteer recognition events and service-learning discussions.

g. Assist in the recruitment of volunteers.

2. *Volunteer Assignments:* a. Assignments are to be developed prior to the recruitment of initial YVA volunteers. Consideration should be given to possible interests, abilities, preferences, and availability of volunteers so that opportunities for meaningful community service are provided.

b. Assignments and terms of service, including service hours, should reflect individual YVA volunteer preference. Creative use of skills and times available for youth to volunteer should be reflected in assignment descriptions.

c. Volunteers may address the needs of a wide variety of low-income service recipients, including the developmentally disabled, the functionally illiterate, the elderly and children in day care or child development projects, the handicapped, Indians, migrant workers, and the mentally ill.

3. *Orientation of Volunteer Station Supervisors:* Orientation of volunteer station supervisors is the responsibility of the project director. Characteristics of orientation include, but are not limited to:

a. Obligations of volunteer station to the sponsoring organization and project.

b. YVA program goals and objectives.

c. Guidance on working with young volunteers.

d. Advantages to volunteers, including service-learning activities.

e. Selection of appropriate volunteer assignments.

f. Supervision of volunteers.

g. Motivation, incentives, and recognition of volunteers.

h. Evaluating volunteers' service.

4. *Memorandum of Understanding:* A Memorandum of Understanding (M/U) is signed by the administrator or volunteer coordinator of a volunteer station and an authorizing official of the YVA sponsor, identifying working relationships and mutual responsibilities. It includes special conditions applicable to the volunteer station and the YVA project. Revisions may be made by mutual agreement of the parties at any time. See Appendix for M/U that can be used. Revisions of this M/U must receive the approval of the ACTION State Director.

VII. Project Management

Sponsors shall manage grants awarded to them in accordance with ACTION Handbook 2650.2 entitled *Grants Management Handbook for Grantees* and the provisions of this Handbook. A copy of 2650.2 will be furnished the sponsor at the time the initial grant is awarded.

Project support provided under an ACTION grant will be furnished at the lowest possible cost consistent with the effective operation of the project. Projects costs for which ACTION funds are budgeted must be justified as being essential to project operation.

1. *Local Support and Contributions:* In the first year of the project's operation, the YVA sponsor is responsible for generating a minimum of 10% of the federal cost from local, non-federal sources in cash or in-kind contributions. For example, if ACTION provides $20,000, the sponsor must provide $2,000, which equals a total project cost of $22,000. The second year renewal requires a 25% share from non-federal sources.

The YVA sponsor will supplement the ACTION grant with local support to the fullest extent possible. Ten percent of the total federal costs can be identified as cash or in-kind contributions such as office space, office equipment, vehicles, printing supplies, or services. The need

for additional funds will be dependent on the design of individual projects. Soliciting of additional means of support will broaden the program.

2. *Reporting Requirements:* Sponsors must comply with fiscal reporting requirements as outlined in Handbook 2650.2, and with the following quarterly program report items:

a. A comparison of actual accomplishments with the goals established for the period.

b. The number of volunteers participating in the program during the quarter by volunteer station and activity.

c. Number of volunteer hours generated during the quarter.

d. Reasons why established goals were not met.

e. A listing of volunteer training events during the quarter.

f. Participation and activities of the Advisory Council.

g. Problems, delays, or adverse conditions that will materially affect the ability to attain program objectives.

h. Listing of recognition events held during quarter.

The quarterly report shall be submitted to the ACTION State Director no later than 30 days after the end of each program quarter. The State Director will forward a copy to the YVA Director.

(In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting or recordkeeping provisions that are included in this regulation have been submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this regulation.)

3. *Insurance:* Upon assignment YVA Volunteers must be provided with ACTION specified minimum levels of accident and personal liability insurance. Excess automobile liability insurance is an *optional* coverage for volunteers. (Refer to Appendix for details.)

4. *Transportation:* a. Many YVA volunteers will not own or have access to cars or may prefer not to drive. The project director should structure assignments to minimize transportation expenses and requirements.

b. When transportation is not provided, volunteers may be reimbursed for actual costs within the limitation prescribed by the local project, ACTION transportation policies, and the availability of funds. Transportation reimbursement should be provided on the basis of need, at the discretion of the project director.

c. YVA's may be reimbursed for reasonable travel expenses at the discretion of the project director within the limitation established by the travel line item in notice of grant award.

VIII. Community Relations

1. *Public Awareness:* A strong community relations program ensures public awareness of start-up activities and continuing project development. It is essential for the successful recruiting of volunteers and for the recognition of volunteers' service. Both the project sponsor and the project director should inform the community, city and county officials, and the media about development, growth and the success of the YVA project.

2. *Volunteer Recognition:* With the participation of the sponsor, the staff, the volunteer stations and the advisory council, recognition should be given to YVA volunteers for service to the community. Projects can also provide recognition to local individuals and agencies or organizations for significant activities in support of project goals.

IX. Appendix

Insurance: YVA volunteers must be provided with the ACTION specified minimum levels of accident and personal liability insurance. Excess automobile liability insurance is an *optional* coverage for volunteers.

1. *Accident Insurance:* Protection shall be provided against claims in excess of that provided by other insurance. This covers the volunteer for personal injury arising from volunteer activities. The insurance applies where the volunteer is participating in an activity sponsored by YVA. The sponsor shall provide YVA volunteers with the following insurance coverage:

a. Minimum coverage of $20,000 for accidental medical expenses;

b. For eyeglasses, a benefit of $25.00 for repair or replacement of damaged frames and $25.00 for replacement of broken eyeglasses lenses or contact lenses.

c. A benefit of $500.00 for injury to teeth and repair of dentures;

d. $1,000 for accidental death or dismemberment.

2. *Personal Liability Insurance:* Protection shall be provided against claims in excess of protection provided by other insurance. The sponsor shall provide third party protection for volunteers against injury or property damage claims arising out of their volunteer service activities. Note: Personal liability insurance does not include, nor is it a substitute for, malpractice insurance which some volunteer stations need for their professional staff and for some volunteers who assist professionals. The amount of protection shall be $1,000,000 for each occurrence of personal injury or property damage and shall be in excess of any other valid and collectible insurance.

3. *Excess Automobile Liability Insurance:* This is optional insurance coverage. To avoid a gap in coverage between that provided by the YVA volunteer's personal vehicle insurance and claims in excess of that coverage, the sponsor has the option of providing Excess Automobile Liability Insurance coverage to a minimum number of volunteers of not less than $500,000 per accident for bodily injury and/or property damage for volunteers carrying out project assignments.

Other

1. *Automobile Liability Insurance:* The sponsor shall have adequate automobile insurance coverage for vehicles used by the project whether sponsor owned, privately owned, or leased. This shall include liability insurance with minimum limits of $100,000 each person and $300,000 each occurrence for bodily injury, and $50,000 each occurrence for property damage or, if a single limit policy is issued, $300,000 each accident. Cost of liability insurance to the project must be prorated where applicable to reflect percentage of time each vehicle is actually used by the project. The insurance may be obtained from any reputable source.

2. *Liability Insurance on Personal Vehicles of Volunteers:* This insurance is a personal expense of the volunteer. YVA volunteers who use their personal vehicles to drive from home to their place of assignment or in connection with project-related activities must keep their automobile liability insurance in effect for their own protection.

Memorandum of Understanding Between

Sponsoring Organization (Name) _____

Address _____

Telephone ( ) _____

Project Director/Coordinator: _____

Telephone ( ) _____

Volunteer Station (Name) _____

Address _____

Telephone ( ) _____

Volunteer Station Coordinator name _____

Telephone ( ) _____

Number of volunteers requested _____

This Memorandum identifies the responsibilities of the Young Volunteers in ACTION (YVA) sponsoring organization and the Volunteer Station to which YVA volunteers will be

assigned. Volunteer stations are required to conform to YVA program Guidelines and Federal laws.

I. The Volunteer Station will:

a. Assist the sponsoring organization in the development and monitoring of volunteer assignments.

b. Provide the project director with available volunteer opportunities.

c. Interview each YVA volunteer before placement.

d. Keep a record of YVA volunteer hours and report them to the sponsoring organization as required.

e. Provide on-the-job training and supervision to all volunteers assigned.

f. Confer regularly with the sponsoring organization to assess the program.

g. Designate a coordinator to serve as liaison with the sponsoring organization.

h. Have the right to request the sponsor to remove a volunteer from the work station assignment.

II. The Project Director will:

a. Recruit, interview, select and enroll volunteers in the project.

b. Assist in the development of volunteer assignments orientation, training, and other project related activities with assistance from the volunteer station.

c. Refer volunteers to the volunteer station for placement upon review and acceptance of volunteer assignment.

d. Furnish adequate accident and liability insurance coverages as required by the YVA Guidelines.

e. Retain full responsibility for the management and fiscal control of the project.

f. Regularly monitor project activities at the volunteer station to assess and/or discuss the needs of volunteers and the project.

g. Provide YVA orientation to volunteer station supervisors.

h. Review any changes in volunteer assignments.

III. Other:

a. Volunteer Transportation: State the terms of any transportation requirements.

b. Separation from Volunteer Service: The volunteer station may request the removal of a volunteer at any time. The sponsoring organization may recall a volunteer at any time. A volunteer may resign from service to a volunteer station or from the program at any time. (Terms of removal from service must be stated).

c. Restricted Activities: The sponsoring organization and the volunteer station will not request, assign, or permit volunteers to conduct or engage in religious, sectarian or political activity or instruction, or other restricted activities as stated in the YVA Guidelines.

d. Displacement of Employees: The sponsoring organization and volunteer station will not assign volunteers to any assignment which would displace employed workers or impair existing contracts for services.

e. Prohibition of Discrimination: The sponsoring organization and volunteer station will activity comply with provisions of Title VI of the Civil Rights Act of 1964.

f. Amendments: This Memorandum of Understanding may be amended at any time in writing by concurrence of both parties.

Sponsoring Organization
By (Signature) _____
Title _____
Address _____
Date _____
Volunteer Station
(Signature) _____
Title _____
Address _____
Date _____

(U2 U.S.C. 4974; 5042(14))

Dated in Washington, D.C. on August 6, 1982.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 82-21851 Filed 8-11-82; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Section 22 Import Fees; Adjustment of Import Fees on Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to decrease by one cent the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended, whenever the average daily (domestic) spot price quotation for raw sugar for 10 consecutive market days within any calendar quarter is in excess of the market stabilization price by more than one cent. This notice announces such adjustment.

EFFECTIVE DATE: 12:01 a.m. (local time at point of entry) August 10, 1982. (See Supplementary information.)

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250; (202) 447-6723.

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4940, dated May, 5, 1982, headnote 4 of Part 3 of the Appenix to the TSUS was amended to provide for quarterly adjusted fees on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (domestic) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar and Cocoa Exchange) expressed in United States cents per pounds, in bulk, is less than the market stabilization price. However, whenever the average of the daily spot (domestic) price quotations for 10 consecutive market days within any calendar quarter (1) exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent, or (2) is less than the market stabilization price by more than one cent, the fee then in effect shall be increased by one cent. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus one cent per pound.

The average of the daily spot (domestic) price quotations for raw sugar (item 956.15) for the 10 consecutive market day period July 22–August 4, inclusive, within the third calendar quarter of 1982, is 22.785 cents per pound. This is more than one cent in excess of the market stabilization price of 19.88 cents. Accordingly, the fee of 2.4193 cents per pound for item 956.15 is required to be decreased by one cent, resulting in a fee for item 956.15 of 1.4193 cents per pound and a fee for items 956.05 and 957.15 of 2.4193 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce any adjustment in the fees made within a calendar quarter, certify such adjusted fees to the Secretary of the Treasury, and file notice thereof with the Federal Register within 3 market days of such determination. This notice is therefore being issued in order to comply with the requirements of headnote 4(c).

Effective Date

In accordance with headnote 4(c)(vi) of Part 3 of the Appendix to the Tariff Schedules of the United States, the adjustment in fees made herein shall not apply to the entry or withdrawal from warehouse for consumption of sugar exported (as defined in section 152.1 of

the Customs Regulations) on a through bill of lading to the United States from the country of origin before the effective date of the adjustment.

Notice is hereby given that, in accordance with the requirements of headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the remainder of the third calendar quarter of 1982, unless further adjusted in accordance with headnote 4(c), shall be as follows:

Item	Fee (cents per lb.)
956.05	2.4193
956.15	1.4193
957.15	2.4193

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iv) of headnote 4.

Signed at Washington, D.C. on August 9, 1982.

John R. Block,

Secretary of Agriculture.

[FR Doc. 82-21898 Filed 8-9-82; 3:07 pm]

BILLING CODE 3410-10-M

COMMISSION ON CIVIL RIGHTS

California Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene on August 27, 1982, at 7:00 p.m. and will adjourn 1:00 p.m. on August 29, 1982, at the Hilton Inn, 600 Esplanade Drive (Financial Plaza) in the Garden Room, Oxnard, California 93030. The purpose of this meeting is to discuss the impact of the Supreme Court Decision on the Los Angeles City School System and discuss projects on housing for the handicapped and block grants. The Committee will also review its current project on reapportionment.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Maurice B. Mitchell, 260 Eucalyptus Hill, Santa Barbara, California 93103, (303) 444-3541 or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, California 90010, (213) 688-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 6, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-21900 Filed 8-11-82; 8:45 am]

BILLING CODE 6335-01-M

Kentucky Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 3:00 p.m., on September 1, 1982, at the Executive Inn East, 978 Phillips Lane, in the Windsor Room, Louisville, Kentucky 40213. The purpose of the meeting will be to discuss plans for the State Advisory Committee Chairpersons' Conference and discuss plans to release the Committee's Community Development Block Grant report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, James M. Rosenblum, 33 Ten Broeck Way, Louisville, Kentucky 40222, (502) 636-1411 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, North East, Room 362, Atlanta, Georgia 30303, (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 6, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-21901 Filed 8-11-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 14-82]

Proposed Foreign-Trade Zone and Subzones, Harris County, Texas (Houston Port of Entry); Amendment of Application and Extension of Comments Period

Notice is hereby given that the application submitted to the Foreign-Trade Zones Board (the Board) by the Port of Houston Authority for a general-purpose foreign-trade zone covering 1,600 acres on 32 sites in Harris County, Texas (47 FR 25390, 6-11-82), is amended to include an additional public-use warehouse site. This site covers 126 acres at the facilities of Shippers Stevedoring Company, 16203 Peninsula Boulevard in Channelview, Harris County, Texas. The proposal to include the site in the zone project was discussed at the public hearing held in Houston on July 8.

Because of this amendment and requests for an extension of the period for comments announced in the **Federal Register** on June 11, 1982, the period for comments on the application, as amended, is extended for 60 days to October 8, 1982. During the first 30 days, interested parties may submit comments concerning any of the 33 proposed sites, including additional information and arguments on issues raised at the public hearing. Submissions postmarked after September 8 are limited to rebuttal comments on the material in the record as of that date. Submissions shall include 10 copies.

The hearing transcript, the amendment material and comments submitted for the record will be available at the places where the application has been available to the public.

Office of the Director, U.S. Department of Commerce District Office, 2625 Federal Building, 515 Rusk Street, Houston, Texas 77002

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3721, 14th and Pennsylvania Ave., NW., Washington, D.C. 20230

Dated: August 6, 1982.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 82-21891 Filed 8-11-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Animal Glue and Inedible Gelatin From the Netherlands; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On January 15, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on animal glue and inedible gelatin from the Netherlands. The review covers the two known producers and the two known third-country resellers of this merchandise to the United States and separate consecutive time periods for each through November 30, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received comments from an importer. After our analysis of the comments and additional information requested by us, we have changed the margins for the two producers. The margins in the preliminary results remain unchanged for the other two firms.

EFFECTIVE DATE: August 12, 1982.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or William Matthews, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4106).

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1977, a dumping finding with respect to animal glue and inedible gelatin from the Netherlands was published in the **Federal Register** as Treasury Decision 78–2 (42 FR 64115). On January 15, 1982, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (47 FR 2388–9). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the reviews are animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. They are organic colloids of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasive, paper containers, book and magazines bindings, and leather goods. They are also used as sizing agents, as an essential part of many composition, and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two Dutch producers and two third-country resellers of this merchandise to the United States, Wed. P. Smits & Zoon B.V. ("Smits"), b.v. Lijmfabriek C. Trommelen ("Trommelen"), F. Leiner & Co. Ltd. (U.K.), and Sheppy Fertilisers & Chemicals (U.K.) ("Sheppy"). This review covers separate consecutive time periods for each firm through November 30, 1980.

Analysis of Comments Received

Interested parties were invited to comment on our preliminary results. We received comments from one importer.

(1) *Comment:* For Smit's U.S. Sales we used sales to a third country (U.K.) for foreign market value, since home market sales were insufficient to constitute a viable market for comparison purposes. The importer criticized our use of a sale to the U.K. which occurred after the U.S. sale, rather than a sale which occurred prior to the U.S. sale.

Position: In this instance we consider the sale which occurred only 6 days after the U.S. sale as more contemporaneous, and therefore more appropriate for comparison purposes, than a suggested sale which occurred more than 2 months prior to the U.S. sale.

(2) *Comment:* The importer argued that the Department's use of home market sales of a very dissimilar quality to determine the foreign market value for U.S. sales of these qualities is erroneous as a matter of law. It is a fundamental statutory requirement that foreign market value be based first on sales of merchandise which is "identical in physical characteristics" to merchandise sold to the United States. Only when there are no sales of identical merchandise is the Department justified in basing its foreign market value calculations on home market sales of products which are dissimilar.

Position: For six of Trommelen's U.S. sales, home market sales of identical merchandise were too remote in time from the U.S. purchase dated to be considered contemporaneous. For comparison purposes, therefore, we used home market sales of similar merchandise that were contemporaneous with the U.S. purchase dates. As a result, we found a margin for only one of the six U.S. sales involved, and this margin had a *de minimis* effect on Trommelen's overall weighted-average margin for this period.

Final Results of the Review

As a result of additional information requested by the Department, certain clerical errors, and the revision discussed above, the margins for Trommelen and Smits have changed from those in our preliminary result of review. The results are unchange for the two third-country resellers. As a result of our review we determine that the following margins exist:

Producer	Time period	Margin (percent)
Wed. P. Smits & Zoon	Apr. 1, 1977 to Dec. 1, 1978.	0
	Dec. 2, 1978 to Dec. 31, 1979.	1.52
	Jan. 1, 1980 to Nov. 30, 1980.	0.57
Lijmfabriek C. Trommelen	July 1, 1977 to Dec. 31, 1977.	2.71
	Jan. 1, 1978 to Dec. 31, 1978.	3.89
	Jan. 1, 1979 to Dec. 31, 1979.	6.92
	Jan. 1, 1980 to Nov. 30, 1980.	13.23
Third-country reseller Sheppy/F. Leiner (United Kingdom).	Jan. 1, 1979 to Nov. 30, 1980.	43.00

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the most recent of the margins stated above shall be required on all shipments by these firms of animal glue and inedible gelatin from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the current period. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of December 1982. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Judith Hippler Bello,

Acting Deputy Assistant Secretary, Import Administration.

July 30, 1982.

[FR Doc. 82–21904 Filed 8–11–82; 8:45 am]

BILLING CODE 3510–25–M

[A-588-048]

Expanded Metal of Base Metal From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on expanded metal of vase metal from Japan. The review covers the 25 known exporters of this merechandise to the United States and the period January 1, 1981 through December 31, 1981. The review indicates the existence of dumping margins during the period for certain exporters.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 12, 1982.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or William Matthews, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3601).

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 15150–1) the final results of its second administrative review of the antidumping finding on expanded metal of base metal from Japan (39 FR 1979), January 16, 1974) and announced its intent to conduct the next administrative review by the end of January 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of expanded metal of base metal manufactured in three types (standard, flattened, and grating) and various thicknesses. Expanded metal of base metal is currently classifiable under item 652.8000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 25 firms engaged in the export of Japanese expanded metal to the United States. This review covers those firms for the period January 1, 1981 through Decenber 31, 1981. Nineteen firms had no exports for the period in question. The estimated duty deposit rates for these firms will be the most recent information for each firm.

One firm covered in the previous administrative review is not included in this review because we have subsequently learned that it never exported expanded metal to the United States.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the packed price to an unrelated purchaser in the United States or to an unrelated Japanese trading company for export to the United States, as appropriate. Where applicable, deductions were made for ocean freight, insurance, U.S. and freign inland freight, brokerage charges, trimming charges, storage, commissions to unrelated parties, and terminal, wharfage, and handling charges, in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used homemarket price, as defined in section 773 of the Tariff Act. The foreign market values were adjusted, where applicable, for inland freight and differences in packing. Adjustments were also made for differences in credit costs in accordance with § 353.15 of the Commerce Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period of review:

Manufacturer/exporter	Margin (percent)
Daitoku Trading Co., Ltd	[1]4
Eiko Co., Ltd	[1]3.8
Hanwa Co., Ltd	[1]0
Kanematsu-Gosho, Ltd	[1]3.8
Kansai Tekko/Fuji Shoko Co., Ltd	.01
Kansai Tekko/Kawamoto & Co., Ltd./Mitsubishi Corp	.01
Kansai Tekko/Nichimen Co., Ltd	0
Kawamoto & Co., Ltd	0
Kawashige Kozai Co	[1]4.9
Kawatetsu Steel/Alton Trading Co. (Nomura)	0
Kawatetsu Steel/Kawasho Corp	.85
Kawatetsu Steel/Shibamoto	[1]0
Kawatetsu Steel/Toyo Menka Kaisha	[1]0
Kobayashi Metals Ltd	[1]3.8
Marubeni Corp	[1]0
Midorigaoka Co., Ltd	[1]4.9
Mitsui & Co., Ltd	[1]4.9
Nakaumi Kogyo, Ltd	[1]4.9
Nippon Steel Products Co., Ltd	[1].33
Nittetsu Shoji Co., Ltd	[1]0
Ogawa & Co., Ltd	[1].3
Okaya & Co., Ltd	[1].33
Sumitomo Corp. (Sumitomo Shoji Kaisha)	[1]3.8
Taisei International	[1]4.9
Tomiyasu & Co., Ltd	[1]4.9

[1] No shipments during period.

Interested parties may submit written comments on these preliminary results on or before September 13, 1982 and may request disclosure and/or a hearing on or before August 23, 1982. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than August 17, 1982. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time period involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue assessment instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the margins calculated above shall be required on all shipments of Japanese expanded metal of base metal from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Since the margins for Kansai Tekko, Ltd. (selling through Fuji Shoko Co., Ltd. and through Kawamoto & Co., Ltd./Mitsubishi Corp.), Nippon Steel Products Co., Ltd., Ogawa & Co., Ltd., and Okaya & Co., Ltd., are less than 0.5 percent and therefore *de minimis*, the Department is waiving the deposit requirement for these firms. These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1))

and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 3, 1982.

[FR Doc. 82-21905 Filed 8-11-82; 8:45 am]

BILLING CODE 3510-25-M

[A-122-036]

Instant Potato Granules From Canada; Correction to Notice of Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of correction to notice of final results of administrative review of antidumping finding.

On May 11, 1982, the Department of Commerce published the final results of the administrative review of the antidumping finding concerning instant potato granules from Canada (47 FR 20170-71). Due to a clerical error, that notice incorrectly gave the weighted average margin for McCain Foods, Ltd., for the period January 11, 1976 through December 31, 1977, as 25.17 percent. The correct weighted average margin for that period is 11.12 percent. This correction has no effect on either the assessment of entries during that period or the current rate for cash deposit of estimated antidumping duties for McCain Foods, Ltd.

EFFECTIVE DATE: August 12, 1982.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2923).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 29, 1982.

[FR Doc. 82-21903 Filed 8-11-82; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Huntington Industries, Inc., 205 West Wacker Drive, Chicago, Illinois 60606, producer of women's dresses, pants and blouses (accepted July 13, 1982); (2) Systi-Matic Company, Inc., 1001 South Jackson, Seattle, Washington 98104, producer of saws and saw-sharpening machinery (accepted July 13, 1982); (3) Brookmay Manufacturing Company, 65 Plattekill Turnpike, Newburgh, New York 12550, producer of women's coats, jackets and vests (accepted July 13, 1982); (4) N. Erlanger, Blumgart and Company, Inc., 1450 Broadway, New York, New York 10018, producer of fabrics (accepted July 13, 1982); (5) Lincoln Skate Corporation, 101 North Third Street, Grand Forks, North Dakota 58201, producer of roller skates and parts (accepted July 14, 1982); (6) Clifford Industries, Inc., P.O. Box 436, Camarillo, California 93010, producer of transformers and other power supply equipment (accepted July 14, 1982); (7) Riteway Meat Processing, Inc., 7968 Ridge Road, Gasport, New York 14067, producer of meat (accepted July 16, 1982); (8) Saburo, Inc., P.O. Box 450, Kahului, Hawaii 96732, producer of floral jewelry, accessories and decorations, and ceramic articles (accepted July 20, 1982); (9) Woodbury Manufacturing Company, 201 James Street, Kingston, Pennsylvania 18704, producer of women's blazers (accepted July 20, 1982); (10) San Valle Tile Kilns, Inc., 1717 North Highland Avenue, Los Angeles, California 90028, producer of roofing tiles (accepted July 22, 1982); (11) Honey Bunch Handbags, Inc., 115 Dobbin Street, Brooklyn, New York 11222, producer of handbags (accepted July 22, 1982); (12) Holo Holo Slippers, Inc., 2290-4A Alahao Place, Honolulu, Hawaii 96819, producer of men's, women's and children's slippers (accepted July 23, 1982); (13) Howard Fashion Industries Corporation, 48 West 37th Street, New York, New York 10018, producer of women's uniform dresses and smocks (accepted July 23, 1982); (14) Vogel Sportswear, Inc., 1883 N. Merced Avenue, South El Monte, California 91733, producer of women's jackets, blouses, shirts, skirts and pants, and children's dresses, tops and pants (accepted July 26, 1982); (15) Canadian Chains, Inc., P.O. Box 428, Skowhegan, Maine 04976, producer of tire chains (accepted July 27, 1982); (16) Brent-Wood Products, Inc., 19129 South Hamilton Avenue, Gardena, California 90248, producer of wood furniture and cable reels (accepted July 27, 1982); (17) Sloan Glass, Inc., P.O. Box 182, Culloden, West Virginia 25510, producer of glass shades and globes for lamps and lighting fixtures (accepted July 28, 1982); (18) E. Norris Brown Company, Inc., 585 Washington Street, East Bridgewater, Massachusetts 02333, producer of wood tables, luggage racks, bottle caps, fan blades, trays and other wood articles (accepted July 29, 1982); (19) Pioneer Heddle and Reed Company, Inc., P.O. Box 10586, Atlanta, Georgia 30310, producer of textile machinery components (accepted July 29, 1982); (20) Aloha Liqueurs, Inc., 944 Ahua Street, Honolulu, Hawaii 96817, producer of coffee liqueur (accepted July 28, 1982); (21) Vista Optical Corporation, 114 Main Street, Pine Hill, New York, 12465, producer of eyeglass frames (accepted July 30, 1982); (22) M.C. Canfield Sons, 1000 Brighton Street, Union, New Jersey 07083, producer of solder and other metal alloys (accepted August 3, 1982); (23) Liberty Trouser Company, 2301 First Avenue North, Birmingham, Alabama 35203, producer of men's and children's pants and overalls (accepted August 3, 1982); and (24) Sol Sportswear, Inc., 4593 East 10th Avenue, Hialeah, Florida 33012, producer of men's and children's shirts and pants (accepted August 3, 1982).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than close of business August 23, 1982.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 82-21902 Filed 8-11-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF EDUCATION

National Advisory Committee on Accreditation and Institutional Eligibility; Meeting

AGENCY: Education Department.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a public meeting of the National Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of its opportunity to attend and to participate.

DATE: September 8, 1982, 8:00 a.m. to 5:30 p.m., local time. Requests for oral presentations before the Committee must be received on or before August 24, 1982. Written material may be submitted at any time prior to the meeting and will be considered by the Advisory Committee.

ADDRESS: Sheraton National Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Richard J. Rowe, Director, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, S.W. (Room 3030, ROB-3), U.S. Department of Education, Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION: The National Advisory Committee on Accreditation and Institutional Eligibility is authorized by Section 1205 of the Higher Education Act as amended by Pub. L. 96-374 (20 U.S.C. 1145). The Committee advises the Secretary of Education regarding his responsibility to publish a list of national recognized accrediting agencies and associations; State agencies recognized for the approval of public postsecondary vocational education and State agencies recognized for the approval of nurse education. The Committee also advises the Secretary of Education regarding policy affecting recognition of accrediting and approval bodies, and institutional eligibility for participation in Federal funding programs.,

The meeting on September 8 will be open to the public. This meeting will be held at the Sheraton National Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia. The Committee will review petitions and reports by the following accrediting and State approval agencies relative to initial or continued recognition by the Secretary of Education. The Committee will also hear presentations by representatives of these petitioning agencies and interested third parties. The agencies having petitions and reports pending before the Committee are:

American College of Nurse Mid-wives (initial recognition);

American Society of Landscape Architects, Landscape Architectural Accrediting Board (renewal of recognition);

The Council on Chiropractic Education, Commission on Accreditation (renewal of recognition);

National Accrediting Commission of Cosmetology Arts and Sciences (renewal of recognition, and expansion of its scope of recognition);

National Association of Schools of Theatre (initial recognition);

Oklahoma State Board of Vocational and Technical Education (clarification of its scope of recognition).

A portion of this meeting will be used by the Advisory Committee to make final recommendations to the Secretary on agencies reviewed under a special procedure. The list of agencies and a description of the procedure were published in the **Federal Register** on July 23, 1982 (Vol. 47, No. 142, page 31917).

Requests for oral presentations before the Committee should be submitted in writing to Richard J. Rowe (address as above). Requests should include the names of all persons seeking an appearance, the organizations they represent, and the purpose for which the presentation is requested. Requests must be received on or before August 24, 1982. Time constraints may limit oral presentations. However, all written material will be considered by the Advisory Committee.

Signed at Washington, D.C. on August 6, 1982.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education, Department of Education.

[FR Doc. 82-21889 Filed 8-11-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Contract Awards

AGENCY: Energy Department.

ACTION: Notice of proposed contract award.

SUMMARY: In accordance with the Department of Energy (DOE) Procurement Regulations, DOE gives Public Notice that it intends to approve a contract award with the Foster-Wheeler Synfuels Corporation, Livingston, New Jersey, for Engineering Technical Support Services for the Department of Energy/Gas Research Institute Combined Gasification Program. This decision was made after taking into account the existence of potential organizational conflicts of interest. This proposed contract award is based on Solicitation Number DE-RP01-81FE-05081.

FOR FURTHER INFORMATION CONTACT: Dr. C. Lowell Miller, Division of Coal Gasification, Fossil Energy, Department of Energy, Room F-309, Germantown, Maryland 20545 (301) 353-3961. Mr. Eugene Callaghan, Office of Procurement Operations, Department of Energy, Forrestal Building, Washington, D.C. 20585 (202) 252-1062.

Findings, Mitigation and Determinations: Based upon the following findings and determination, the proposed approval of the contract described below is being given after taking into account the existence of potential organizational conflicts of interest, because this action is determined to be in the best interest of the United States, pursuant to the authority of Department of Energy Procurement Regulations (41 CFR 9-1.5409(a)(3)).

Findings: (1) The Department of Energy, Office of Coal Processing (OCP), Gasification Division, is engaged in gasification research and development. In furtherance of its objectives, OCP needs to augment the in-house capabilities of its staff with the services of a contractor to perform technical support services such as review and evaluation of Process Development Units (PDU) and pilot plant operations; mechanical design studies; process studies (unit operations); preparation of conceptual commercial designs which will include comprehensive economic process optimization studies; hazards analysis studies of different processes; designs reviews, data analysis and engineering evaluations of program proposals, cost estimates and contractor progress reports; and provide recommendations to DOE, based on technical and economic considerations, as to the programs which show advantages over existing technology.

(2) OCP has recently obtained competitive proposals prior to awarding a contract for such services. Pursuant to 41 CFR 9-1.5405, the selected offeror, Foster-Wheeler Synfuels Corp. has provided a statement disclosing relevant information concerning its interests related to the work to be performed for DOE and bearing on whether it has possible organizational conflicts of interest (a) with respect to being able to render impartial technically sound and

objective assistance or advice, or (b) which may give it an unfair competitive advantage. Numerous questions were asked of Foster-Wheeler regarding the relationship of its clients and business activities to the scope of the work to be performed under the contract.

(3) Based on an evaluation of the facts contained in the disclosure statement, it has been determined that Foster-Wheeler has potential organizational conflicts of interest with regard to the work required by DOE.

(4) Based on DOE's evaluation of the competitive proposals received, Foster-Wheeler's proposal resulted in being selected as the one most advantageous to the Government, capability, estimated cost, and other factors considered.

Mitigation: (1) The contract will include an Organizational Conflict of Interest clause which will preclude the contractor from participating in any Government contractual efforts which stem from work done under the proposed contract, except where the contract specifically authorizes, and will minimize any potential bias.

(2) Mitigation to the extent feasible will be obtained by an independent staff review by DOE officials.

3. Furthermore, all firms who were in the competitive range were also determined to have potential organizational conflicts of interest.

Determination: In light of the above Findings and Mitigation, and in accordance with 41 CFR 9-1.5409(a)(3), the proposed contract award is in the best interest of the United States.

Dated: August 9, 1982.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

[FR Doc. 82-21911 Filed 8-11-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-82-021]

Powerplant and Industrial Fuel Use Act of 1978: Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of receipt of proposed electric utility conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to Section 808 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq., as amended (FUA or the Act).

Pursuant to 10 CFR 508.4(b), DOE hereby gives Notice of Receipt of Proposed Conservation Plans from the electric utility owners or operators listed in the **SUPPLEMENTARY INFORMATION** section below. The publication of this notice commences a thirty (30) day public comment period during which interested persons are invited to submit written comments concerning the content of any such proposed conservation plan.

The public file for each of the listed electric utility owners or operators containing the proposed conservation plan and any other pertinent documents is available at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20585, telephone (202) 252-6020. ERA will approve or non-approve the proposed plan of each electric utility within 120 days of the receipt of each plan. Approval or non-approval of a conservation plan will be based on the entire record of the proceeding, including any comments received during the public comment period provided herein. Notice of Approval or Non-approval of each conservation plan will be published in the **Federal Register.**

DATE: Written comments on any proposed conservation plan identified in the **SUPPLEMENTARY INFORMATION** section of this notice are due on or before September 13, 1982.

ADDRESS: Five copies of written comments shall be submitted to:
Case Control Unit, Fuels Conversion Division, Forrestal Building, Room GA-093, 1000 Independence Avenue, SW., Washington, D. C. 20585.

The name of the subject utility and the identifying case number should be printed on the outside of the envelope and on the documents contained therein.

FOR FURTHER INFORMATION CONTACT:
Clifford Tomaszewski, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073 F, 1000 Independence Avenue, SW., Washington, D. C. 20585, (202) 252-1251
Henry Garson, Esq., Acting Assistant General Counsel for Coal Regulations, Office of the General Counsel, Forrestal Building, Room 6D-033, 1000 Independence Avenue, SW., Washington, D. C. 20585, (202) 252-6947

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA) amended the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act) by adding a new section 808, entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributatable to natural gas during the four calendar quarters ending on June 30, 1981. The plan must be fully implemented during the five year period following DOE approval.

Proposed conservation plans must be submitted to DOE on or before August 13, 1982. DOE will, within 120 days of the receipt of a proposed plan, approve each plan meeting the requirements of 10 CFR 508.8. If a proposed plan, as originally submitted, fails to meet the requirements for approval, DOE will notify the utility submitting the plan by letter, setting forth the reasons for nonapproval and provide a resonable time for the submission of a modified conservation plan. If an acceptable modified plan is not submitted within the specified time period, a Notice of Non-approval will be published in the **Federal Register** together with the basis for the determination that the proposed plan fails to meet the requirements of 10 CFR 508.8. The following list of utilities have submitted proposed conservation plans to DOE for approval. Publication of this notice does not constitute approval of such plans:

Utility	FC case No.	Date filed
City of Burbank, Burbank California.	50367-9999-99-49..	July 20, 1982.
The Washington Water Power Company, Spokane Washington.	53195-9999-99-49..	July 27, 1982.
The Kansas Power & Light Company, Topeka, Kansas.	51477-9999-99-49..	Do.
City of Colorado Springs Colorado Springs, Colorado.	50622-9999-99-49..	Do.
Kentucky Utilities Company Lexington, Kentucky.	51498-9999-99-49..	July 29, 1982.
The City of Columbia Water & Light Department, Columbia, Missouri.	50631-9999-99-49..	Aug. 2, 1982.

Utility	FC case No.	Date filed
Provo City Power, Provo, Utah.	52406-9999-99-49..	Do.

Issued in Washington, D.C. on August 5, 1982.

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-21907 Filed 8-11-82; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case Nos. 52411-2367-04-82, 52411-2367-05-82, and 52411-2367-0682]

Public Service Co. of New Hampshire, Manchester, New Hampshire, Powerplant and Industrial Fuel Use Act of 1978; Intention To Proceed With Prohibition Order Proceedings

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of its intention to proceed with the pending Prohibition Order proceedings relating to three (3) powerplants owned by Public Service Company of New Hampshire, Manchester, New Hampshire (PSNH), located at Portsmouth, New Hampshire, and identified as Schiller Nos. 4, 5 & 6.

Pursuant to former section 301(b) and section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), proposed prohibition orders for Schiller Nos. 4, 5 & 6 were issued by ERA on November 13, 1979, and published in the **Federal Register** on November 19, 1979 (44 FR 66235).

The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA), which became law on August 13, 1981, amended Title III of FUA in several important respects, including the limitation of DOE's unilateral authority to issue orders prohibiting the use of petroleum and natural gas or certain mixtures including these fuels as a primary energy source in an existing electric powerplant. Under former section 301, DOE could order the involuntary conversion of such powerplants. On October 1, 1981, ERA issued final rules pursuant to OBRA (46 FR 48118), providing procedures whereby an existing powerplant issued a proposed prohibition order under former section 301 (b) or (c) of FUA as of August 13, 1981, the date of enactment of OBRA, could elect to continue the current prohibition order proceeding under the provisions of former section 301. In accordance with the procedures provided, PSHN, on November 27, 1981, notified ERA of its election to have Schiller Nos. 4, 5 & 6 remain subject to former section 301(b) of FUA and thus become "electing powerplants" as defined in 10 CFR 500.2.

The prohibition order procedures for facilities electing continued coverage under former section 301 are found at 10 CFR 501.31, 501.33, 501.51, and 504.7.

Description of Prohibition Order Proceedings for Electing Powerplants

In accordance with 10 CFR 501.51, publication of the notice of issuance of the proposed prohibition orders commenced an initial public comment period, during which period PSNH was given an opportunity to challenge ERA's initial finding that Schiller Nos. 4, 5 & 6 have or previously had the technical capability to burn an alternate fuel (coal) as a primary energy source. PSNH chose not to do so. The utility must also have identified, during this period, any exemptions for which the powerplants may qualify, but need not have submitted evidence attempting to demonstrate entitlement to exemptions.

The publication of this Notice of Intention to Proceed commences a second three-month period during which PSNH may present evidence to demonstrate that the powerplants would qualify for exemptions, which would constitute a defense to the issuance of final prohibition orders.

Subsequent to the end of the second three-month period ERA will, if it intends to issue final prohibition orders, prepare and publish a notice of availability of a Tentative Staff Analysis concerning the findings ERA must make prior to issuance of final prohibition orders. Those findings, which are required by former section 301(b) of FUA, are: (1) That the powerplants have the technical capability to use coal or another alternate fuel as a primary energy source, or they could have such capability without (A) substantial physical modification or (B) substantial reduction in their rated capacity; and (2) that it is financially feasible for the powerplants to use coal or another alternate fuel as their primary energy source.

The provisions of section 701(d) of FUA and 10 CFR § 501.33(b) afford any interested person an opportunity to request a public hearing on the proposed prohibition orders. Interested persons wishing a hearing must make their request, in writing, no later than 45 days after publication of the Notice of Availability of the Tentative Staff Analysis. If a hearing is requested, the hearing will be held in accordance with Subpart C of 10 CFR Part 501. Under 10 CFR 501.31(b) interested persons may also submit written comments during this 45 day period.

After the hearing and comment period closes, ERA shall determine whether final prohibition orders will be issued based upon ERA's review of the entire administrative record. Any final prohibition orders, together with a summary of the basis therefor, will be published in the **Federal Register**. Such orders shall not take effect earlier than sixty days after publication.

Comments on Proposed Prohibition Orders

During the initial comment period, neither PSNH nor any other interested persons submitted any information contrary to ERA's initial finding that Schiller Nos. 4, 5 & 6 have or previously had the technical capability to burn an alternate fuel (coal) as a primary energy source, and PSNH identified no potential exemptions for which the units might qualify.

For further information contact:

Loren Farrar, Fuels Conversion Division, Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA-093, Washington, D.C. 20585, (202) 252-4811.

Marya Rowan, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, Washington, D. C. 20585, (202) 252-2967.

Issued in Washington, D. C., August 5, 1982.

Robert L. Davies,

Director, Division of Fuels Conversion, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-21906 Filed 8-11-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Week of July 26 Through July 30, 1982

During the week of July 26 through July 30, 1982, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the

proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

August 5, 1982.

Burton-Hawks, Inc., Casper, Wyo.; HRO-0082, crude oil

On July 30, 1982, Burton-Hawks, Inc., P.O. Box 359, Casper, Wyoming 82601, filed a Notice of Objection to a Proposed Remedial Order which the Crude and NGL Audit & Litigation Support Group of the Economic Regulatory Administration issued to the firm on July 7, 1982. In the PRO the ERA found that during the period February 1976 through December 1980, Burton-Hawks, Inc. charged prices in the sale of domestic crude oil in excess of the ceiling prices established by the Mandatory Petroleum Price Regulations. According to the PRO the crude oil pricing violation resulted in $366,034.35 of overcharges.

Utex Oil Co., Murray, Utah; HRO-0081, crude oil

On July 27, 1982 Utex Oil Company, Suite 41-B, 4700 South 900 East. Murray, Utah 84107, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the Crude and NGL Audit & Litigation Support Group of the Economic Regulatory Administration (ERA) issued to the firm on June 16, 1982. In the PRO, the ERA found that during the period October 1, 1975 through April 30, 1980, Utex sold crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D of the Mandatory Petroleum Price Regulations. According to the PRO, these pricing violations resulted in overcharges to Utex's customers totalling $502,833.21

[FR Doc. 82-21912 Filed 8-11-82; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Intent To Prepare an Environmental Assessment and To Conduct a Public Information Meeting

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice is hereby given that in accordance with the National Environmental Policy Act of 1969 (NEPA), the Western Area Power Administration (Western) has commenced preparation of an Environmental Assessment (EA) and intends to hold a public information meeting to assess the environmental effects of a proposed western action to build an electrical transmission line between Holyoke and Wauneta, Colorado. The proposed action would be located in Colorado in the counties of Phillips and Yuma.

SUMMARY: Western announces its intent to prepare an EA, in accordance with section 102(2)(c) of the NEPA, to provide environmental input into the selection of an appropriate strategy for the location of an electrical transmission line between Holyoke and Wauneta, Colorado.

Western invites interested agencies, organizations, and members of the general public to submit comments or suggestions for consideration in connection with the preparation of the draft EA. Comments may be submitted by mail or presented at the information meeting to be held in Holyoke, Colorado, on September 9, 1982.

BACKGROUND INFORMATION: Western operates and maintains an existing electric transmission system in eastern Colorado. This system is an integral part of the overall Nebraska-Wyoming-Colorado electric transmission system. Various operating studies and operating experience have identified a need for an alternate tie into Holyoke Substation. The Holyoke area is served by a 69-kV line from Sterling Substation. This line has also experienced reliability problems due to its radial operation caused by the permanent opening of the east/west ties in 1974.

In order to help alleviate the maintenance, voltage, and reliability problems as well as to provide for future load growth, the Sterling-Holyoke 69-kV line has been upgraded to 115-kV with 477 MCM ACSR conductor and the installation of overhead ground wires in 1981. Operation will be at 69-kV and uprated in 1985 to the 115-kV level.

In addition to the above, we propose to construct an 18-mile 115-kV transmission line from Holyoke to Wauneta to provide an alternate path to loads served from the Sterling to Holyoke line. This would not only increase the reliability and provide voltage support to the loads on the Sterling-Holyoke line, but create additional support to loads in eastern Colorado and an alternate path to Sterling for outages of the 115-kV lines to Sterling.

Environmental evaluations will be made of the proposed action and the alternatives to determine what effects will result should structures be located within floodplains or wetlands, impacts on Federal- or State-listed or proposed threatened or endangered species and their critical habitats, aesthetic impacts, land use impacts, and cultural resource impacts.

The final EA is tentatively scheduled for release during October 1982.

Preliminary Definition of Alternatives: Western will consider all reasonable alternatives to the proposed action and their environmental impacts developed during the environmental evaluation for preparation of the EA. The preliminary alternatives that have been identified and will be assessed in the EA include the no-action alternative, building the line at the various voltages, and utilizing various structural designs and alignment alternatives.

Comments and Public Information Meeting: All interested agencies, organizations, and persons are invited to attend the public information meeting and submit questions, comments and suggestions on the proposed scope of the EA, including issues and alternatives. Written questions, comments, and suggestions should be submitted on or before August 27, 1982, to: Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, U.S. Department of Energy, P.O. Box 2650, Fort Collins, CO 80522.

It is planned that a public information meeting will be held to gather information and obtain assistance in defining the range of issues and concerns for the preparation of the EA. The public information meeting will be held at 7 p.m., September 9, 1982, in the Phillips County Court house, 221 S. Interocean, Holyoke, Colorado.

Issued at Golden, Colorado, August 4, 1982.

William H. Clagett,

Deputy Administrator.

[FR Doc. 82-21910 Filed 8-11-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82-543, File No. BPED-2642; BC Docket No. 82-554, File No. BPED-791231AV]

Fresh Air, Inc., and Center for Communication and Development; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: July 19, 1982.

Released: August 6, 1982.

In re applications of Fresh Air, Inc. (KFAI), Minneapolis, Minnesota, Has: 90.3 MHz, Channel 212, .01 kW (H&V), Req: 90.3 MHz, Channel 212, .125 kW (H&V), 442 feet (H&V); and Center for Communication and Development (KMOJ), Minneapolis, Minnesota, Has: 89.7 MHz, Channel 209, .01 kW (HUV),

Req: 89.7 MHz, Channel 210, 1.0 kW (H&V), 80 feet (H&V); for construction permit for modification of facilities of noncommercial educational FM stations.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Fresh Air, Inc. (Fresh Air) and Center for Communication and Development (Center), and a petition to deny Center's application, filed by Fresh Air.

2. *Fresh Air.* Since no determination has been reached that the antenna tower proposed by Fresh Air would not contitute a menace to air navigation, an issue regarding this matter is required.

3. Inasmuch as this proceeding involves competing applicants for noncommercial educational facilities, the standard comparative issue will be modified in accordance with the Commission's prior action in *New York University*, FCC 67–673, released June 8, 1967, 10 RR 2d 215 (1967).

4. Neither applicant has indicated an attempt has been made to negotiate a share-time arrangement. Therefore, an issue will be specified to determine whether a share-time arrangement between the applicants would be the most effective use of the frequency, and thus better serve the public interest. *Granfalloon Denver Educational Broadcasting, Inc.*, 43 FR 49560, published October 24, 1978. In the event that this issue is resolved in the affirmative, an issue will also be specified to determine the nature of such an arrangement. It should be noted that our action specifying a time-sharing issue is not intended to preclude the applicants, either before the commencement of the hearing or at any time during the course of the hearing, from participating in negotiations with a view toward establishing a share-time agreement between themselves.

5. *Other Matters.* On February 15, 1980, Fresh Air filed a petition to deny Center's application. Ordinarily, a petition to deny, being in most cases the equivalent to a petition to specify issues, is not considered in the hearing designation order. Rather, the petitioner is advised that it may raise those matters with the presiding Administrative Law Judge as a motion to enlarge issues. However, in this case, Fresh Air is alleging that Center's application was substantially incomplete when filed and should not have been accepted by the Commission at all, thereby making Fresh Air's filing more in the nature of a motion to dismiss than a petition to deny or specify issues.Therefore, it will be discussed here. Fresh Air alleges that Center had failed to file its community ascertainment, financial information regarding the cost of construction and operation of the station (Section III of FCC Form 340), engineering information (Section V–B of FCC Form 340), and antenna information (Section V–G of FCC Form 340). Center did file a community ascertainment with its application to increase power. The ascertainment provided as conducted for the renewal of KMOJ which was filed on December 1, 1979. However, it was deficient in that it was in the nature of a programming survey and not an ascertainment of community problems. An amended community ascertainment was filed by Center on November 12, 1980. Thus, Center's application was not incomplete with respect to community ascertainment at the time of filing, although it was deficient. Similarly, Center's application did contain a Section III of FCC Form 340. This section was deficient in that some of the required information was not provided. However, on January 16, 1980, prior to acceptance of Center's application, the Commission deleted the requirement for financial showings by applicants for modification of existing broadcast facilities. Since the Commission has deleted the requirement for a financial showing by applicants for changes in facilities, there is no need for Center to amend the financial information submitted. Center did file a Section V–B with its application and has clearly indicated its engineering information that it proposes no changes to either its existing tower or antenna. There is, therefore, no reason for it to file a Section V–G since this information is currently on file with Commission. Finally, Fresh Air alleges that Center has shown a different antenna height above average terrain in Section I FCC Form 340 (881 feet) than it has in its engineering exhibit (80 feet). However, examination of the application reveals that Center has placed the height of the average elevation of the antenna above sea level (881 feet) in the box in Section I instead of its average height above terrain, which is the information requested and which is 80 feet. This obvious typographical error is of no decisional consequence. In light of the foregoing, Fresh Air's petition to deny will, therefore, be denied.

6. There appears to be a significant difference in the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive service of 1mV/m or greater intensity from the proposals, together with the availability of other reserved channel noncommercial educational FM services in such areas, will be considered under the comparative issue, for the purpose of determining whether a comparative perference should accrue to either of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Fresh Air would constitute a hazard to air navigation.

2. To determine whether a share-time arrangement between the applicants would result in the most effective use of one of the specified channels and thus better serve the public interest, and, if so, the terms and conditions thereof.

3. To determine the extent to which each of the proposed operations will be integrated into the overall educational operation and objectives of the respective applicants; or whether other factors in the record demonstrate that one applicant will provide a superior FM educational broadcast service.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That the petition to deny filed by Fresh Air against Center is denied.

10. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

11. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issue specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules,

jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-21845 Filed 8-10-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 82-521, File No. BPH-810505AG; et al.]

John Brown Schools of California, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issue

In re applications of John Brown Schools of California, Inc., Req: 98.1 MHz, Channel No. 251B, 4.37 kW (H&V), 1520 feet, BC Docket No. 82-521, File No. BPH-810505AG; Cabrillo Communications Inc., Req: 98.1 MHz, Channel No. 251B, 3.6 kW (H&V), 1624 feet, BC Docket No. 82-522, File No. BPH-810805AA; SLO Sound Communications, Inc., Req: 98.1 MHz, Channel No. 251B, 4.46 kW (H&V), 1517 feet, BC Docket No. 82-523, File No. BPH-810922AA; Hayes-Barrett Broadcasting, Inc., Req: 98.1 MHz, Channel No 251B, 4.47 kW (H&V), 1511 feet, BC Docket No. 82-524, File No. BPH-810924AB; James L. Swift, Craig Hines, Sally Swift, and Leonard G. Filomeo, Jr. d.b.a. Madrone Communications, Ltd., Req: 98.1 MHz, Channel No. 251B, 4.4 kW (H&V), 1508 feet, BC Docket No 82-525, File No. BPH-810924AE; David T. Newman & Linda P. Newman d.b.a. Scotch Twosome, Req: 98.1 MHz, Channel No. 251B, 4.4 kW (H&V), 1508 feet, BC Docket No. 82-526, File No. BPH-810925AS; Rebecca A. Perez, Douglas J. Peck, Dennis J. Martin and Felix and Kathleen M. Camacho, Jr. d.b.a. Chorro Communications Company, Req: 98.1 MHz, Channel No. 251B, 4.79 (H&V), 1506 feet, BC Docket No. 82-527, File No. BPH-810925BA; for construction permit for a new FM station in San Luis Obispo, California.

Hearing Designation Order

Adopted: July 23, 1982.

Released: August 6, 1982.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by John Brown Schools of California, Inc. (Brown); Cabrillo Communications, Inc. (CCI); SLO Sound Communications, Inc. (SLO); Hayes-Barrett Broadcasting, Inc. (HBB); James L. Swift, Craig Hines, Sally Swift and Leonard G. Filomeo, Jr. d/b/a Madrone Communications, Ltd. (MCL); David T. Newman & Linda D. Newman d/b/a Scotch Twosome (Scotch); and Rebecca A. Perez, Douglas J. Peck, Dennis J. Martin & Felix and Kathleen M. Camacho, Jr. d/b/a Chorro Communications Company (CCC).

2. *CCC.* The material submitted in the application does not demonstrate CCC's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of mailing of this order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specifiy an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No 82-378.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would recieve FM service of 1 mV/m or greater intensity, together with the availability of other primary aural service in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

4. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding.

5. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

6. It is further ordered, That CCC shall submit a finanical certification in the form required by Section III, F.C.C. Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

7. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-21846 Filed 8-11-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 82-471, File No. BRH-810129VE and BC Docket No. 82-472, File No. BPH-810430AC]

Pillar of Fire and Radio New Jersey; Designating Applications for Consolidated Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: July 22, 1982.

Released: August 6, 1982.

In re applications of Pillar of Fire, Has: 99.1MHz, Channel No. 256, 37 kW (H&V), 570 feet HAAT, for renewal of license of station WAWZ(FM), Zarephath, New Jersey; and Radio New Jersey, Somerville, New Jersey, Req: 99.1MHz, Channel No. 256, 36.5 kW (H&V), 571 feet HAAT: for construction permit.

1. The Commission, has before it for consideration the above-captioned mutually exclusive applications of Pillar of Fire (Pillar) for renewal of its license for Station WAWZ(FM), Zarephath, New Jersey, and Radio New Jersey (Radio) for a construction permit for a new FM station utilizing the same frequency in neighboring Somerville, New Jersey.[1]

[1] Though the renewal application of Pillar (Zarephath) and the construction permit application

2. Examination of Pillar's renewal application and Radio's construction permit application indicates they are both legally, financially and technically qualified to operate as proposed. However, since the applications are mutually exclusive, they must be set for hearing in a comparative proceeding.

3. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a later order, upon the following issues:

A. To determine which of the proposals would, on a comparative basis, better serve the public interest.

B. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

4. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

5. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

6. It is further ordered, That the Secretary shall send, by Certified Mail-Return Receipt Requested, a copy of this Memorandum Opinion and Order to each of the parties to this proceeding.

of Radio (Somerville) are for different communities. Radio has proposed a transmitter site only 770 feet from the present WAWZ(FM) site which is located between the two towns. Examination of Pillar's and Radio's applications reveals that the effective radiated power ERP of both stations is nearly identical: 37 kW for WAWZ(FM) as opposed to 36.5 kW for Radio. In addition, there is only a one foot difference in the height above average terrain for the two antennas. The transmitter sites, ERP and HAAT indicate that the coverage of the two stations will be essentially the same. In view of these facts, the existing record does not justify a § 307(b) issue. *RKO General, Inc. (KHJ-TV)*, 5 FCC 2d 517 (1966), review denied, FCC 68-1172, released December 29, 1968. See also *Fidelity Television, Inc. v. F.C.C.*, 515 F.2d 684, *rehearing denied*, 515 F.2d 703 (D.C. Cir. 1975), *cert. denied*, 423 U.S. 926 (1975).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-21840 Filed 8-11-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 23, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitiors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comment should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No.: T-4057.

Filing Party: Thomas E. Fotopulos, Esq., Fowler, White, Gillen, Boggs, Villareal and Banker, P.A., 501 East Kennedy Boulevard, Tampa, Florida 33601.

Summary: Agreement No. T-4057, between the Tampa Port Authority (Port) and International Minerals & Chemical Corporation (International), provides for (1) the construction by Port of facilities for the handling and storage of phosphate chemicals and related products at Port Sutton, Hillsborough County, Florida; (2) the issuance of revenue bonds in the amount of $2,500,000 to finance the cost of the project; and (3) the subsequent lease of the facilities by Port to International, with option to purchase.

By Order of the Federal Maritime Commission.

Dated: August 6, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-21841 Filed 8-11-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated for the application. Any comment on the application that requests a hearing, must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First & Merchants Corporation*, Richmond, Virginia; to acquire 100 percent of the voting shares of the successor by merger to The Wise County National Bank, Wise, Virginia. Comments on this application must be received not later than September 3, 1982.

Board of Governors of the Federal Reserve System, August 5, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc 82-21860 Filed 8-11-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to

engage *de novo*, (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application 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.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A Federal Reserve Bank of Boston (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Chittenden Corporation*, Burlington, Vermont (management consulting; Vermont): To engage through its subsidiary, Chittenden Consulting Corporation, in providing management consulting advice to nonaffiliated bank and nonbank depository institutions, including commercial banks, savings and loan associations, mutual savings banks, credit unions, industrial banks, Morris Plan banks, cooperative banks and industrial loan companies, on an explicit fee basis. Such an activity would be limited to advising clients and would not include performing tasks or conducting operations on a daily or continuing basis. This activity would be conducted from an office in Burlington, Vermont, serving the State of Vermont. Comments on this application must be received not later than September 3, 1982.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Dakota Bankshares, Inc.*, Fargo, North Dakota (financing activities; North Dakota): To engage, through its subsidiary, Dakota Financial Services, Inc., in the making of all types of loans, most typically, direct consumer loans to individuals, purchasing of installment sales contracts, accounts receivable financing, and loans secured by second mortgages. These activities would be conducted from an office in Bismarck, North Dakota, serving the cities of Bismarck and Mandan, North Dakota. Comments on this application must be received not later than September 3, 1982.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; New Hampshire, Maine, Massachusetts and Vermont): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation of New Hampshire Inc., a New Hampshire corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and the offering of credit-related life insurance in all four states. Credit-related accident and health insurance will be offered in all states except Massachusetts. Credit-related property insurance will not be offered in any of the four states. Such activities will include, but not be limited to, making loans and other extensions of credit to consumers and small businesses, purchasing installment sales finance contracts, making loans secured by real property, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation of New Hampshire Inc. These activities will be conducted from two existing offices located in Nashua, New Hampshire, serving the entire states of New Hampshire, Massachusetts and Vermont; and Laconia, New Hampshire, serving the entire states of New Hampshire, Maine and Vermont. Comments on this application must be received not later than September 3, 1982.

Board of Governors of the Federal Reserve System, August 5, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-21859 Filed 8-11-82; 8:45 am]

BILLING CODE 6210-01-M

First National Bancshares, Inc.; Proposed Acquisition of Le Ann Corporation

First National Bancshares, Inc., East Lansing, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire substantially all of the assets of Le Ann Corporation, East Lansing, Michigan.

Applicant states that the proposed subsidiary would engage in the activities of making and acquiring for its own account real estate loans and other extensions of credit such as would be made by a mortgage company or other commercial lending institution. These activities would be performed from offices of Applicant's subsidiary in East Lansing, Michigan, and the geographic area to be served is the State of Michigan. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than Spetember 3, 1982.

Board of Governors of the Federal Reserve System, August 5, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-21861 Filed 8-11-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *G.S.B. Investments, Inc.*, Gainesville, Florida; to become a bank holding company by acquiring 80 percent of the voting shares of Gainesville State Bank, Gainesville, Florida. Comments on this application must be received not later than September 3, 1982.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Essex Iowa Bancorporation, Inc.*, Essex, Iowa; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank of Essex, Essex, Iowa. Comments on this application must be received not later than September 1, 1982.

2. *Lincolnland Bancshares, Inc.*, Casey, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Casey, Casey, Illinois. Comments on this application must be received not later than September 3, 1982.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northeast Bancorporation, Inc.*, Minneapolis, Minnesota; to become a bank holding company by acquiring 97.2 percent of the voting shares of First American State Bank of Sargeant, Sargeant, Minnesota. Comments on this application must be received not later than September 3, 1982.

D. Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551:

1. *Madelia Holding Corp.*, Madelia, Minnesota; to become a bank holding company by acquiring at least 86.8 percent of the voting shares of The Citizens National Bank of Madelia, Madelia, Minnesota. This application may be inspected at the Federal Reserve Bank of Minneapolis. Comments on this application must be received not later than September 3, 1982.

Board of Governors of the Federal Reserve System, August 5, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-21862 Filed 8-11-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 20539]

Montana; Termination of Proposed Withdrawal and Reservation

Correction

In FR Doc. 82-13694, published on page 21928, on Thursday, May 20, 1982, in the third column, the second line from the top should read

"Sec. 6, W½NW¼SW¼NE¼,"

BILLING CODE 1505-01-M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, September 18, 1982, at 1:00 p.m. at Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Ms. Carolyn W. Johnson, Chairman, Arlington, Virginia
Mr. Carl L. Shipley, Washington, D.C.
Ms. Polly Bloedorn, Bethesda, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mr. William H. Ansel, Jr., Romney, West Virginia
Mr. Silas Starry, Shepherdstown, West Virginia
Ms. Bonnie Troxell, Cumberland, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. Rockwood H. Foster, Washington, D.C.
Mr. Barry Passett, Washington, D.C.
Ms. Barbara Yeaman, Brookmont, Maryland
Ms. Marjorie Stanley, Silver Spring, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. R. Lee Downey, Williamsport, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland

Matters to be discussed at this meeting include:

1. Swearing in of Members
2. Election of Vice-Chairman
3. Appointment of Committees
4. Current State of the C&O Canal National Historical Park

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301/739-4200.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: August 5, 1982.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 82-21923 Filed 8-11-82; 8:45 am]

BILLING CODE 4310-70-M

Great Smoky Mountains National Park; Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with LeConte Lodge, Inc., authorizing it to continue to provide lodging, food and beverage facilities and services for the public to Great Smoky

Mountains National Park for a period of fifteen (15) years from January 1, 1983, through December 31, 1997.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner had performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1982, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. The concessioner is currently providing concessioner services under an interim letter of authorization. This provision, in effect, grants LeCounte, Lodge, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by LeConte Lodge, Inc. If LeConte Lodge, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with LeConte Lodge, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before October 12, 1982 to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: July 29, 1982.

Frank A. Catroppa,

Acting Regional Director, Southeast Region.

[FR Doc. 82-21858 Filed 8-11-82; 8:45 am]

BILLING CODE 4310-70-M

Temporary Ellis Island Preservation Council; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that meetings of the Temporary Ellis Island Preservation Council will be held on August 23, 1982, at the Department of the Interior, 18th and C Streets NW., Washington, D.C. These meetings are for the purpose of reviewing and discussing the feasibility, reasonableness and practicality of proposals submitted for the leasing of structures on Ellis Island, including information given in confidence by the proposal applicants. In accordance with the determination of the Director, National Park Service, the meetings will be closed to the public pursuant to Title 5 U.S.C. 552b(c)(4). Further information with reference to these meetings can be obtained from Garnet Chapin, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240 (202-343-7343).

Dated: August 6, 1982.

Ira Hutchison,

Acting Director, National Park Service.

I hereby certify that the referenced committee meetings may be closed pursuant to 5 U.S.C. 552b(c)(4).

Dated: August 6, 1982.

Marian Blank Horn,

Acting Solicitor.

[FR Doc. 82-21857 Filed 8-11-82; 8:45 am]

BILLING CODE 4310-70-M

Gates of the Arctic National Park and Preserve, Alaska; Addition of Kurupa Lake and Adjoining Lands to the Park

Notice is hereby given that the following described lands containing Kurupa Lake have been acquired by the United States from the Arctic Slope Regional Corporation pursuant to the provisions of Section 1431(e) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Pub. L. 96-487, 94 Stat. 2371, p. 2537; and are now part of the Gates of the Arctic National Park:

Kateel River Meridian

Township 34 north, range 18 east, sections 9 (NE¼), 10, 11, 12 (S½, and W½ of NW¼), 13, 14, 15 (E½, and NW¼), 23 (E½), and 24;

Umiat Meridian

Township 12 south, range 12 west, sections 22 (S½), 23 (SW¼), 26, and 27.

Official maps showing the modified park boundary are on file in the following offices of the National Park Service: Washington Office, Interior Building, Washington, D.C., Alaska Regional Office, Anchorage, Alaska, Gates of the Arctic National Park and Preserve, Fairbanks, Alaska.

John E. Cook,

Regional Director, Alaska Region.

[FR Doc. 82-21921 Filed 8-11-82; 8:45 am]

BILLING CODE 4310-70-M

National Wild and Scenic River Study, Loxahatchee River, Palm Beach and Martin Counties, Fla.; Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a Draft Environmental Impact Statement for the Loxahatchee Wild and Scenic River Study proposal for legislation. The proposal recommends that a 7.5-mile segment of the Loxahatchee River be included as a State-administered component of the National Wild and Scenic Rivers System.

The three alternatives considered are: (A) Inclusion of a 7.5-mile segment of the river as a State-administered component of the National Wild and Scenic Rivers System, (B) inclusion of a 7.5-mile segment of the river as a State-administered component of the National System but providing additional protection in the corridor as well as restoration of the Loxahatchee Slough, and (C) no action.

A limited number of copies are available upon request to: Regional Director, Southeast Region, National Park Service, 75 Spring Street SW., Atlanta, Georgia 30303, (404) 221-5838, (FTS) 242-5838.

Public reading copies will be available at the following locations as well as the above location:

National Park Service, Office of Public Affairs, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, (202) 343-6843

County Commission Office, Northeast County Office Building, 3188 P.G.A. Boulevard, Palm Beach Gardens, Florida 33410, (305) 626-6900

County Commission Office, Southeast County Office Building, 345 South Congress Avenue, Del Ray Beach, Florida 33444, (305) 276-1200

Martin County Public Library, 701 East Ocean Boulevard, Stuart, Florida 33494, (305) 287-2257

Dated: August 9, 1982.

Mary Lou Grier,

Acting Director.

[FR Doc. 82-21920 Filed 8-11-82; 8:45 am]

BILLING CODE 4310-70-M

New River Gorge National River; Availability of Plan and Assessment and Notice of Public Meetings

AGENCY: National Park Service; New River Gorge National River.

ACTION: Notice of availability of *Draft General Management Plan* and *Environmental Assessment* and Notice of Public Review Period (August 11-September 24, 1982) and Public Meetings.

SUMMARY: The Draft General Management Plan and Environmental Assessment for the New River Gorge

National River are now available for public review. The Draft Plan outlines a program for visitor use, resource protection, and general development for the next 10 to 15 years. Issues addressed include natural and cultural resource protection, land protection, river recreation management, and recreation facility development. The Environmental Assessment includes a description of the study area, three alternative management plans, and an analysis of the environmental, cultural, social, and economic impacts of the draft plan and each alternative.

Copies of the Draft Plan and Environmental Assessment may be obtained at park headquarters, 137½ Main Street, Oak Hill, West Virginia 25901; at public libraries in Fayetteville, Raleigh, and Summers Counties; and at Mid-Atlantic Regional Office, 143 S. Third Street, Philadelphia, Pennsylvania 19106. Six public meetings will be held to discuss plan recommendations and to receive public comment.

DATES AND LOCATIONS: Beckley—MESA Center, 7 p.m., Tuesday, August 24; Quinnimont—Old Quinnimont School, 1 p.m., Wednesday, August 25; Hinton—National Guard Armory, 7 p.m., Wednesday, August 25; Fayetteville—Fayetteville High School, 7 p.m., Thursday, August 26; Richmond District—Better Citizen's Club, 7 p.m., Friday, August 27; Sandstone—Green Sulphur District Fire Department, 7 p.m., Monday, August 30.

Written comments are encouraged and should be forwarded to Superintendent James W. Carrico by September 24, 1982.

FOR FURTHER INFORMATION CONTACT: James W. Carrico, Superintendent, New River Gorge National River, Post Office Drawer V, Oak Hill, West Virginia 25901.

Dated: August 6, 1982.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 82-21992 Filed 8-11-82; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Petition To Designate Certain Lands in Bastrop County, Texas, Unsuitable for Surface Coal Mining Operations; Availability of Final Evaluation Document, Decision, and Statement of Reasons

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

ACTION: Notice of availability of the final petition evaluation document, the decision, and the statement of reasons for the decision.

SUMMARY: The Office of Surface Mining (OSM) with the assistance of several Federal, State, and county agencies have prepared a final evaluation of the petition to designate certain lands in Bastrop County unsuitable for all or certain types of surface coal mining and reclamation operations.

Copies of the final evaluation document, the decision, and the statement of reasons for the decision are being made available today. OSM has arranged delivery of these three items to known interested parties.

Additional information on this petition may be found in **Federal Register** notices of October 8, 1981, (Receipt of a Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining: Texas), 46 FR 49963; December 9, 1981, (Receipt of an Amendment to Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations: Texas, 46 FR 60279); and May 10, 1982 (Petition to Designate Certain Federal Lands on Camp Swift Military Reservation, Bastrop County, Texas, Unsuitable for Surface Coal Mining Operations; Public Hearing; Availability of Draft Evaluation Document for the Camp Swift Petition, 47 FR 20040–20041).

DATE: The final evaluation document, the decision, and the statement of reasons for the decision are being made available on August 12, 1982.

ADDRESSES: Copies of the final document, the decision, and the statement of reasons are available at the following locations: OSM Headquarters, Room 133, Interior South, 1951 Constitution Avenue NW., U.S. Department of the Interior, Washington, D.C. 20240; and OSM Western Technical Center, 2nd Floor, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Mel Shilling (telephone: 303–837–5656) at the Western Technical Center, office listed under **"ADDRESSES"** or Mary Josie Smith (telephone: 202–343–5954) at the Washington, D.C., office listed under **"ADDRESSES."**

SUPPLEMENTARY INFORMATION: The final document summarizes available information on the petition area (including related NEPA reviews), as well as material from new studies. The document also contain discussions of the potential coal resources in the area, the demand for coal resources, and the impacts of any designation any on the environment, the economy, and the supply of coal, as well as the impacts of alternatives available to the decisionmakers.

A public hearing was held on June 7, 1982, at Bastrop, Texas. Responses to the hearing testimony and to written comments on the draft document have been prepared and are published in the final document.

Dated: August 6, 1982.

James R. Harris,

Director.

[FR Doc. 82-21916 Filed 8-11-82; 8:45 am]

BILLING CODE 4310-05-M

Office of the Secretary

Denali Scenic Highway Study

The Alaska Land Use Council is initiating the Denali Scenic Highway Study required by Section 1311 of the Alaska National Interest Lands Conservation Act (ANILCA). The purpose of the Study is to determine the feasibility and desirability of establishing a Scenic Highway consisting of all or part of the public lands along the Parks Highway from Talkeetna Junction to the entrance of Denali National Park and Peserve, the Denali Highway between Cantwell and Paxson, and the Richardson Highway and the Edgerton Highway between Paxon and Chitina, and the existing road between Chitina and McCarthy.

The Alaska Lands Act, passed by Congress in December 1980, requires that the study be conducted and that a recommendation be sent by the President to the Congress relative to the Scenic Highway designation no later than December 1983. In requiring the study, the Congress established as primary objectives to determine the desirability of providing a symbolic and physical connection between the national parks in south-central Alaska, to identify scenic and recreational values along the routes which merit protection, and to ascertain how to enhance the experience of persons travelling between those parks by motor vehicle. The Act makes it clear that all recommendations resulting from the study report must be subject to existing claims to lands and existing uses along the highways.

The study will be conducted by an interagency team working under the auspices of the Alaska Land Use Council. This team is comprised of Federal and State agencies, representatives of Native Corporations owning lands along the highways as well as representatives of the Mantanuska-Susitna Borough. The

members of the study group are: Richard Vernimen, Bureau of Land Management; Chuck Budge, National Park Service; Chuck Chappell, U.S. Department of Transportation, Federal Highway Administration; Reed Stoops, Alaska Department of Natural Resources; Bob Venusti, Alaska Department of Transportation and Public Facilities; Sterling Eide, Alaska Department of Fish and Game; Herb Smelcer, AHTNA; Charlie Hubbard, Cantwell Shareholder Committee; Mark Finesane, Chitina Native Corporation; and Mac Stevens, Matanuska-Susitna Borough.

Public information meetings have already been held and additional meetings and work sessions of the study group will be held during coming months in communities along the route (Cantwell, Paxon, Gulkana, Glennallen, Copper Center, Chitina, McCarthy, Kenny Lake.) When the draft study report is distributed, there will be a public comment period as well as several public hearings.

The final report will include the views and recommendations of all members of the study team as well as those individuals and groups providing input to the study.

Persons with information or concerns which the study should address or who wish to be on the study mailing list should contact Mr. Cary Brown, Bureau of Land Management, Anchorage District, 4700 E. 72nd Ave., Anchorage, Alaska 99507 or telephone 907–267–1200.

William P. Horn,

Deputy Under Secretary.

August 9, 1982.

[FR Doc. 21919 Filed 8–11–82; 8:45 pm]

BILLING CODE 4310-01-M

Falls of the Ohio National Wildlife Conservation Area Established and Boundary Delineated

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the Assistant Secretary for Fish and Wildlife and Parks, acting for the Secretary, U.S. Department of the Interior, in consultation with the Secretary of the Army, acting through the Chief of Engineers, has established the Falls of the Ohio National Wildlife Conservation Area hereinafter referred to as WCA. This is in accordance with provisions of Pub. L. 97–137 approved December 29, 1981. The boundary for the WCA was established during the above consultation process.

SUPPLEMENTARY INFORMATION:

General Location

The WCA is located in the "heart" of metropolitan Louisville and includes waters of the Ohio River and adjacent lands in Jefferson County, Kentucky and Clark and Floyd Counties, Indiana.

Purposes

The primary purposes for establishing the WCA are to:

(1) Protect the unique and world-renowned 300 million year old fossilized coral reef which is the only place where the Ohio River flows over exposed bedrock;

(2) Protect important wildlife populations and habitats in their natural diversity including, but not limited to, bald eagle, peregrine falcon, Canada geese, mallard, gadwall, blue-winged teal, black duck, American widgeon, and wood duck;

(3) Maintain high water quality and conserve fish populations in their natural diversity including, but not limited to, largemouth bass, striped bass, channel catfish, crappie, shad, and shiner; and

(4) Provide opportunities for scientific research, environmental education, and fish and wildlife oriented recreation.

Boundary

The boundary of the WCA is depicted on the map shown at the end of the text entitled "Falls of the Ohio National Wildlife Conservation Area." The land and water areas within the boundary that will be available to public use consists of approximately 1,000 acres. A general description of the boundary delineation follows:

Beginning at a point on the southwesterly end of the Pennsylvania (Penn Central) RR bridge (Kentucky side) between the left bank of the Ohio River and the northwesterly right-of-way boundary of the Kentucky and Indiana (K & I) Terminal RR; thence northwesterly between said river bank and the K & I RR right-of-way to the 26th Street crossing; thence continuing between the riverbank and Marine Street to the end of the McAlpine Lock; thence along the landward side of the lock and guidewall to the K & I RR bridge; thence across the Ohio River along the K & I RR bridge to the intersection of the 413' contour line (Indiana side); thence easterly and southeasterly generally following the 413' contour line on the right side of the Ohio River to the vicinity of the Penn Central RR bridge; thence across the Ohio River along the McAlpine Dam upper gates and the Penn Central RR bridge to place of beginning.

Acquisition

Minor revisions in the designated boundary will be made as needed during the acquisition phase which will be carried out by the U.S. Army Corps of Engineers (COE) personnel assigned to the Louisville District. Lands and waters may be acquired by donation, exchange, fee simple or easement purchase with donated or appropriated funds, or any combination of acquisition methods. The COE may also utilize additional statutory authorities available to the Secretary of the Army in acquiring the needed lands and/or waters.

Administration

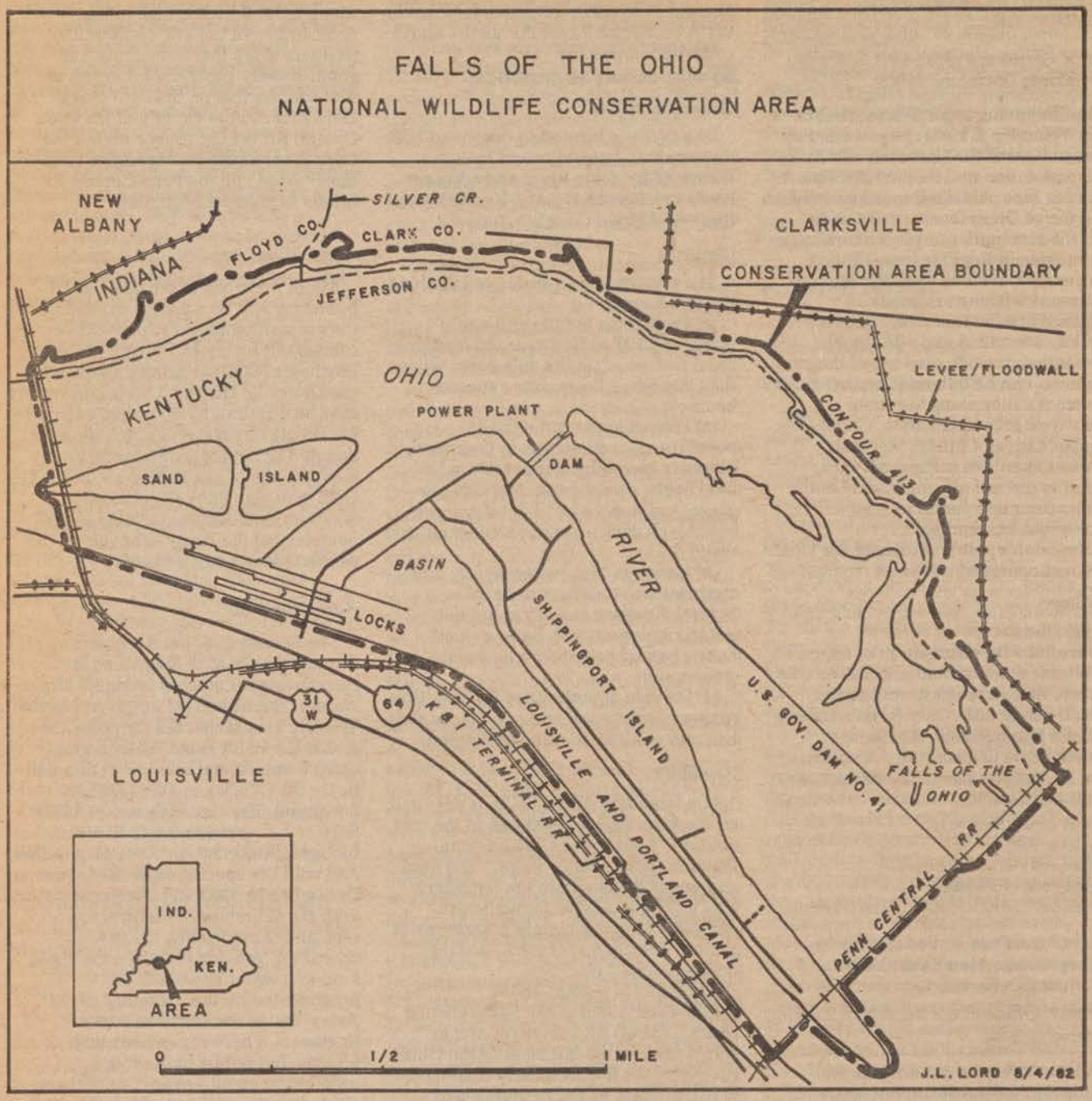
The Secretary of the Army, acting through the Chief of Engineers, is responsible for administering all lands, waters, and interests therein within the WCA to assure that the purposes for which the WCA is established are carried out. Actual administration will be by the COE's Louisville District personnel. The U.S. Fish and Wildlife Service will provide the COE with biological information pertaining to fish and wild life species as needed. Prior to December 29, 1982 and after consulation with the Secretary of Interior, specific regulations controlling the use, operation, and administration of these land and water areas will be promulgated by the Secretary of the Army, acting through the Chief of Engineers. These regulations will include, but not be limited to, a prohibition on all hunting, vandalism (including the removal of fossils), and dumping of refuse within the boundaries of the WCA.

Date: August 9, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior.

BILLING CODE 4310-55-M



[FR Doc. 82-21892 Filed 8-11-82; 8:45 am]

BILLING CODE 4310-55-C

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

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".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP3-124

Decided: August 4, 1982.

MC 50655 (Sub-32), filed July 30, 1982. Applicant: GULF TRANSPORT COMPANY, 505 South Conception St., Mobile, AL 36603. Representative: Robert J. Brooks, 1828 L St., NW., Suite 1111, Washington, D.C. 20036, (202) 466-3892. (A) Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in the U.S.; and (B) As a *broker,* at points in the U.S., in arranging for the transportation of *passengers and their baggage,* in special and charter operations, between points in the U.S.

MC 109064 (Sub-46), filed July 27, 1982. Applicant: TEX-O-KAN TRANSPORTATION COMPANY, INC., 3301 East Loop 820 South, P.O. Box 8367, Ft. Worth, TX 76112. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255-6279. Tranporting *building and construction materials,* between points in the U.S. (except AK and HI).

MC 115814 (Sub-17), filed July 29, 1982. Applicant: MARK TRUCKING, INC. Trella Street, P.O. Box 811, Belleville, PA 17004. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036, (202) 659-5157. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Fairmont Dairy Foods, Inc., Belleville, PA, Abbotts Dairies of Pennsylvania, Inc., and The Pennbrook Corporation, both of Philadelphia, PA.

MC 127625 (Sub-43), filed July 26, 1982. Applicant: SANTEE CEMENT CARRIERS, INC, P.O. Box 638, Holly Hill, SC 29059. Representative: Frank B. Hand, Jr., 523 S. Cameron St., Winchester, VA 22601, (703) 662-9027. Transporting *general commodities* (except classes A and B explosives, and household goods), between those points in the U.S. in and east of MN, IA, MO, AR, and LA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary.

MC 140464 (Sub-15), filed July 9, 1982. Applicant: D-X TRUCKING, INC., 5660 Southwyck Blvd., Ste. G, Toledo, OH 43614. Representative: Michael M. Briley, 1200 Edison Plaza, P.O. Box 2088, Toledo, OH 43603, (419) 255-8220. Transporting *paper and paper products, containers and packaging materials, packaging machinery and systems, printed matter, plastic products, building materials and supplies and chemicals,* between points in AL, CO, CT, FL, GA, IL, KY, LA, MA, ME, MI, MO, MS, NC, NJ, OH, PA, RI, SC, TN, TX, VA and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary.

MC 146985 (Sub-21), filed July 30, 1982. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main St., P.O. Box 1614, Elkart, IN 46515. Representative: Phillip A. Renz, Suite 200, Metro Bldg. Fort Wayne, IN 46802, (219) 423-3595. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 148285 (Sub-2), filed July 29, 1982. Applicant: A. L. COUEY, d.b.a. COUEY TRUCKING COMPANY, Industrial Blvd. at Southern Railway, P.O. Box 32441, Dalton, GA 30721. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402, (615) 756-3620. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Bradley and McMinn Counties, TN, on the one hand, and, on the other, points in Whitfield County, GA and those in Bradley and Hamilton Counties, TN.

MC 151014 (Sub-2), filed July 30, 1982. Applicant: WITTE ASSOCIATES, INC., d.b.a. WITTE TRAVEL, 7195 Thornapple River Dr., Ada, MI 49301. Representative: Curtis D. Jonker, 880 Union Bank Bldg., Grand Rapids, MI 49503, (616) 458–8833. As a *broker* at Ada, MI, in arranging for the transportation of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in MI, and extending to points in the U.S.

MC 153885 (Sub-5), filed July 29, 1982. Applicant: THE GREAT AMERICAN TRUCKING COMPANY, INC., 21 Northlake Dr., Peachtree City, GA 30269. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, (404) 949–7756. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 163194, filed July 29, 1982. Applicant: TRANSPORT MANAGEMENT SERVICES, INC., 7110 McClellan St., Hollywood, FL 33024. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328, (305) 434–7621. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Dade, Broward and Palm Beach Counties, FL.

Volume No. OP3–125

Decided: August 5, 1982.

MC 15735 (Sub-52), filed July 30, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681–8378. Transporting *data processing equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with the Storage Technology Corporation, of Louisville, CO.

MC 26825 (Sub-71), filed July 30, 1982. Applicant: ANDREWS VAN LINES, INC., Seventh Street and Park Avenue, P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives, hazardous materials, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146384 (Sub-3), filed July 29, 1982. Applicant: WILMAR TRUCKING, INC., P.O. Box 369, Oaks, PA 19456. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (202) 783–7900. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in NJ, PA, DE, MD, VA, WV, OH, NC, SC, MA, CT, NY, ME, VT, NH, RI, and DC.

MC 158444, filed July 27, 1982. Applicant: RICHARDSON TRUCKING, INC., 515 North Elk, Casper, WY 82601. Representative: Eric A. Distad, Suite 305, 120 West 1st, P.O. Box 2314, Casper, WY 82602, (307) 266–4245. Transporting *Mercer Commodities*, between points in WY, MT, SD, ND, NE, CO, OK, TX, UT, NV, ID, OR, WA, and CA.

MC 159794 (Sub-1), filed July 30, 1982. Applicant: WILSON'S TRUCKAWAY, INCORPORATED, 120 West Madison St., Suite 14N, Chicago, IL 60602. Representative: Dorsey Wilson, (same address as applicant), (312) 853–1198. Transporting *motor vehicles*, in drive-away service, between points in the U.S. (except AK and HI).

MC 161705, filed July 30, 1982. Applicant: JIM MARCUM, INC., Route 1, Box 67, Fordland, MO 65652. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *food and related products*, between points in LA, MS, TX, and MO, on the one hand, and, on the other, points in AR, CO, NM, KS, MO, NE, IA, TX, OK, MN, and LA.

MC 162864, filed July 30, 1982. Applicant: SOUTHWAY TRUCKING CO., INC., Route 2, Box 243, Vale, NC 28168. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372–6730. Transporting (1) *bananas*, between points in Charleston County, SC, and Hillsborough County, FL, on the one hand, and, on the other, points in Catawba County, NC, and (2) *furniture and fixtures*, between points in Burke, Cleveland, Davie, Guilford, McDowell, and Catawba Counties, NC, on the one hand, and, on the other, points in FL.

Volume No. OP4–293

Decided: August 2, 1982.

MC 3717 (Sub-2), filed July 27, 1982. Applicant: SERVICE WAREHOUSE COMPANY, INC., P.O. Box 2218, Hunter Street Freight Yard, Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *food and related products*, between points in ME, NH, VT, MA, CT, RI, PA, NY, NJ, DE, MD, VA, and DC.

MC 104967 (Sub-16), July 26, 1982. Applicant: TIGHE TRUCKING, INC. 45, Holton St., Winchester, MA 01089. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with T. Tighe Sons, Inc., of Winchester, MA.

MC 139577 (Sub-49), filed July 27, 1982. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, (608) 742–3579). Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in IL, IN, IA, MI, MN, MO, OH, and WI, and (2) between points in IL, IN, IA, MI, MN, MO, OH, and WI, on the one hand, and, on the other, those points in and east of ND, SD, NE, CO, and NM.

MC 151087 (Sub-10), filed July 28, 1982. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Hwy, Harvey, IL 60426. Representative: Leonard R. Kofkin Suite 1515, 140 S. Dearborn St., Chicago, IL 60603, (312) 596–5101. Transporting *metal products*, between points in IL, IN, IA, KY, MD, MI, MN, MO, NJ, NY, OH, PA, TN, WV, and WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, LA, MT, NV, NM, OK, OR, TX, UT, WA, and WY.

MC 159027 (Sub-4), filed July 26, 1982. Applicant: EXPRESSWAY, INC., P.O. Box 697, Greer, SC 29651. Representative: Mitchell King, Jr., P.O Box 5711, Greenville, SC 29606; (803) 288–6000. Transporting *duct, hose and tubing*, between points in the U.S. (except AK and HI), under continuing contract(s) with Flexible Tubing division of Automation Industries, of Abbeville, SC.

MC 163137, filed July 26, 1982. Applicant: CABLE TRUCKING SERVICE, Highway 69 Bypass South, P.O. Box 2204, McAlester, OK 74501. Representative: Lew Gravitt, P.O. Box 53567, Oklahoma City, OK 73152; (405) 525–2268. Transporting *Mercer commodities*, between points in Pittsburg County, OK, and TX.

MC 163147, filed July 26, 1982. Applicant: ADAMS & COMPANIES, INC., P.O. Box 53, Chino, CA 91710. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306; (805) 872–1106. Transporting (1) *building materials*, (2) *machinery*, (3) *metal products*, and (4) *lumber and wood products* between points in Los Angeles, Riversde and San Bernardino Counties, CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, WY, and TX.

MC 106887 (Sub-11), filed July 6, 1982, previously notice in the Federal Register issue of July 20, 1982, and republished this issue. Applicant: A. D. RAY TRUCKING, INC., d.b.a. NORTHWESTERN COLORADO PIPE AND STORAGE CO., P.O. Box 883, Craig CO 81625. Representative: M. A. Andrade, 770 Grant St., Suite 228, Denver, CO 80203; (303) 861–4273. Transporting (1) *Mercer commodities*, (a) between points in NM and TX, on the one hand, and, on the other points in CO, NM, UT and WY, and (b) between points in CO, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK and TX; (2) *machinery, equipment and supplies* used in or in connection with the discovery, development, production and manufacture of coal, electrical energy, geothermal energy and nuclear energy, between points in CO, KS and UT, on the one hand, and, on the other, points in AZ, CO, ID, KS, MT, NM, ND, SD, UT, and WY; (3) *machinery, equipment and supplies* used in or in connection with mining, between points in CO and KS, on the one hand, and, on the other, points in AZ, CO, ID, KS, MT, NM, ND, SD, UT, and WY; (4) *equipment, materials and supplies* used in or in connection with the manufacture and installation of air pollution control systems, between points in CO and WY, on the one hand, and, on the other, points in UT and CA; and (5) *coal*, between points in CO, MT, NM and WY.

Note.—The purpose of this republication is to correctly state the authority in part (3) above to show the state of ND in lieu of NC.

Volume No. OP4–296

Decided: August 4, 1982.

MC 133466 (Sub-7), filed July 26, 1982. Applicant: FORT CALHOUN EXPRESS, INC., 12th and Madison, Fort Calhoun, NE 68023. Representative: Cole Sparkman (same address as applicant) (402) 468–5511. Transporting food and related products, between points in Adair County, NE, on the one hand, and, on the other, points in MO, KS, IA and NE.

MC 144676 (Sub-10), filed July 28, 1982. Applicant: McELROY TRUCKING, INC., 1905 Gordon Rd., Yakima, WA 98909. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. (206) 624–7373. Transporting *food and related products* (1) between points in Benton County, WA and Multnomah County, OR, on the one hand, and, on the other, points in ID, MT, WY, CO, UT, AZ, NV, CA, SD, ND, NE, IA, MN, and WS, (2) between points in Chester County, PA and Benton County, WA, and (3) between points in Benton County, WA, on the one hand, and, on the other, points in Multnomah and Marion Counties, OR, under continuing contract(s) with Seneca Foods Corporation, of Prosser, WA.

MC 157916, filed July 28, 1982. Applicant: RONALD C. JOHNSTON d.b.a. R. C. JOHNSTON TRUCKING, P.O. Box 422, Dolomite, AL 35061. Representative: Ronald C. Johnston, P.O. Box 271, Bessemer, AL 35020; (205) 744–9085. Transporting *metal products and machinery*, between points in Jefferson County, AL, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN and TX.

MC 161206, filed July 14, 1982. Applicant: SCHRYVER MOTOR LINES, INC., 323 Sunset Rd., Pompton Plains, NJ 07444. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 161656, filed July 28, 1982. Applicant: WILLIAM R. WOFFORD, d.b.a. WOFFORD TRUCKING COMPANY, P.O. Box 1078, Walden, CO 80480. Representative: Nancy P. Bigbee, 745 E. 18th Ave., #101, Denver, CO 80203; (303) 839–0057. Transporting *crude oil*, between points in CO and TX.

MC 162266, filed July 26, 1982. Applicant: TEMPUS TRUCKING COMPANY, 2508 Starita Rd., Charlotte, NC 28213. Representative: Robert D. Hoagland, 301 S. McDowell St., Suite 1204, Charlotte, NC 28204; (704) 333–8801. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Charlotte Freight Association, Inc., of Charlotte, NC.

MC 163136, filed July 26, 1982. Applicant: JIMWAY, INC., 6030 A Unity Dr., Norcross, GA 30070. Representative: Thomas J. O'Brien, 234 Mt. Pleasant Ave., Ambler, PA 19002; (215) 646–6220. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, FL, GA, MS, SC, NC, and TN, under continuing contract(s) with Intermodal Brokerage Services, Inc., of Norcross, GA.

MC 163146, filed July 23, 1982. Applicant: FAIR WINDS TRAVELS, INC., 21 N. Harrison St., Easton, MD 21601. Representative: Emily B. Gogoll (same address as applicant) (301) 822–6144. As a *broker*, at Easton, MD, arranging for the transportation of *passengers and their baggage*, beginning and ending at points in MD, and extending to points in the U.S. (except AK and HI).

MC 163187, filed July 26, 1982. Applicant: NORTHROP DISPATCH & BROKERAGE, INC., Union Stockyards, West Fargo, ND 58078. Representative: Earl T. Northrop (same address as applicant) (701) 282–3731. Transporting *coal briquettes*, between Duluth and Minneapolis, MN, on the one hand, and, on the other, points in ND, SD, and MT.

MC 163197, filed July 29, 1982. Applicant: RAYMOND SPENCER, 411 Bunker Ave., Kellogg, ID 83837. Representative: Raymond Spencer (same address as applicant) (208) 784–8785. Transporting (1) *building materials*, between points in ID, WA, MT, ND, SD, MN, CO, WY, and NE; (2) *machinery*, between points in MN, ND, SD, MT, WY, CO, VT, ID, WA, and OR; (3) *transportation*, between points in WA, OR, MT, ND, SD, and WY; and (4) *scrap iron and metal products*, between points in ID, WA, OR, and MT.

[FR Doc. 82–21676 Filed 8–11–82; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transporation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant 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, authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

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".

Please direct status inquiries to the Ombudman's Office, (202) 275–7326.

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Decided: August 2, 1982.

MC 120757 (Sub-2), filed July 28, 1982. Applicant: EABORN TRUCK SERVICE, INC., 1300 Crafton Blvd., Pittsburgh, PA 15205. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222; (412) 471–3300. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in in the U.S. (except AK and HI).

MC 163117, filed July 23, 1982. Applicant: DUANE SUNDBERG, SR., d.b.a. J & D TRUCKING, Box 263, DeSmet, SD 57231. Representative: Thomas J. Simmons, P.O. Box 480, Sioux Falls, SD 57101, (605) 339–3629. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 163167, filed July 28, 1982. Applicant: D J MOVING SERVICES, INC., 1799 Ross Clark Circle, SE, Dothan, AL 36301. Representative: Richard O. Rawlett (same address as applicant) (205) 793–2324. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government incident to the performance of pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 163177, filed July 28, 1982. Applicant: G. A. WILLIAMS, 10106 Kleckley, Houston, TX 77075. Representative: Joe G. Fender, 9801 Katy Freeway, Suite 320, Houston, TX 77024, (713) 943–2068. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP4–295

Decided: August 4, 1982.

MC 162156, filed July 27, 1982. Applicant: GERALD W. FILLER, an individual, d.b.a. CINE-FILM EXPRESS, P.O. Box 2305, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. 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).

[FR Doc. 82–21875 Filed 8–11–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte 274 (Sub-3A)]

Railroads; Abandonment of Railroad Lines; Use of Opportunity Costs

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The Commission finds that in abandonment proceedings the appropriate rate of return to be used in calculating a railroad's opportunity cost is 16.7 percent. Other figures which are supported by clearly explained methodologies and evidence will be considered on a case-by-case basis.

DATE: This notice will be effective on August 12,/1982.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer (202) 275–7245; or Wayne A. Michel (202) 275–7657.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; (202) 289–4357—DC metropolitan area; (800) 424–5403—Toll-free for outside the DC area.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Andre dissented with a separate expression.

Decided: August 3, 1982.

Agatha L. Mergenovich,

Secretary.

Commissioner Andre, Dissenting

I vote to accept the result (the 16.7% return), but not the *Texas & Pacific* methodology behind the result.

[FR Doc. 82–21873 Filed 8–11–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte 387 (Sub-212)]

Railroads; Norfolk and Western Railroad Co. Exemption for Contract Tariff ICC–NW–C–5022

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101(a) or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: August 6, 1982.

By the Commission, Division 2, Commissioners Andre, Gilliam, and Taylor. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-21877 Filed 8-11-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket AB-55 (Sub-63)]

Railroads; Seaboard Coast Line Railroad Co.; Abandonment in Polk County, FL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Seaboard Coast Line Railroad Company to abandon a portion of a line of railroad known as the Valrico Subdivision of its Tampa Division extending from railroad milepost SV-853.30 near Bartow, FL to milepost SV-863.37 near West Lake Wales, FL, a distance of 10.07 miles, in Polk County, FL, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, not later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-21874 Filed 8-11-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 207)]

Railroads; Union Pacific Railroad Co. Exemption for Contract Tariff ICC-UP-

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESSES: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Tom Smerdon (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101(a) or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10105(a) and is granted subject to the following condition:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison. Commissioner Simmons was absent an did not participate.

Decided: August 5, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-21878 Filed 8-11-82; 8:45 am]

BILLING CODE 7035-01-M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Change of Address

Summary: The purpose of this notice is to inform all interested parties that effective Monday, August 30, 1982 the Motor Carrier Ratemaking Study Commission will be located in new premises.

New Address: Motor Carrier Ratemaking Study Commission, Second Floor, 100 Indiana Avenue, NW., Washington, D.C. 20001.

For Further Information Contact: J. Kent Jarrell, General Counsel (202) 724-9600.

Supplementary Information: The Motor Carrier Ratemaking Study Commission will be at its old address, 214 Massachusetts Avenue, NE., Washington, D.C. 20002, through close of business on Friday, August 27, 1982. The move will be performed over that weekend. The telephone number(s) of the Commission will remain the same, i.e. (202) 724-9600.

Submitted this the 9th day of August 1982.

Larry F. Darby,

Executive Director.

[FR Doc. 82-21893 Filed 8-11-82; 8:45 am]

BILLING CODE 6820-BD-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82-46)]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration

announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Ad Hoc Informal Advisory Subcommittee on Computer Sciences.

DATE AND TIME:
September 9, 1982, 9 a.m. to 5 p.m.; September 10, 1982, 9 a.m. to 2 p.m.

ADDRESS: Carnegie-Mellon University, Wean Hall, Room 4623, Pittsburgh, PA 15203.

FOR FURTHER INFORMATION CONTACT:
Mr. Lee B. Holcomb, National Aeronautics and Space Administration, Code RTC-6, Washington, DC 20546 (202/755-2364).

SUPPLEMENTARY INFORMATION: This Ad Hoc Informal Advisory Subcommittee was formed to make a technical review of the Office of Aeronautics and Space Technology (OAST) 1983 Computer Science Research Program. The Subcommittee, chaired by Dr. Raj Reddy, is comprised of 10 members. The meeting will be open to the public up the seating capacity of the room (approximately 20 persons, including the Subcommittee members and participants).

Type of Meeting: Open.
Agenda: September 9, 1982:
9 a.m.—Subcommittee Charter.
9:30 a.m.—Review 1983 OAST Computer Science Research Program.
5 p.m.—Adjourn.
September 10, 1982:
9 a.m.—Continue Review of 1983 Computer Science Research Program.
2 p.m.—Adjourn.

Walter B. Olstad,
Associate Administrator for Management.
August 4, 1982.

[FR Doc. 82-21856 Filed 8-11-82; 8:45 am]
BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Hearing Notice, and Reports, Recommendations, Responses; Availability

Notice of Hearing

In connection with its investigation of the accident involving Pan American World Airways Boeing 727-235, of U.S. Registry N4737, at Kenner, Louisiana, on Jul. 9, 1982, the Safety Board will convene a hearing at 9 a.m., c.d.t., on Sep. 14, 1982, in the Cypress Room of the New Orleans Airport Hilton Hotel, Kenner, Louisiana.

Reports Issued

Aircraft Accident Reports: Brief Format, U.S. Civil Aviation, Issue Number 4 of 1981 Accidents (NTSB-BA-82-6).

Marine Accident Reports: Summary Format, Issue Number 2—July through December 1978 (NTSB-MAB-82-1).

Recommendations to

Federal Aviation Administration (FAA), Jul. 27, A-82-70 through-73: Issue an Operations Bulletin requiring Principal Operations Inspectors of 14 CFR Part 135 operators to determine: (1) that oral briefings by the crew and safety briefing cards in the cabin comply with 14 CFR 135.117 and 14 CFR 135.87(c)(6) regarding use of passenger seatbelts and stowage of carryon baggage, (2) that fire extinguishers and other safety equipment are accessible and that their locations are identified by placards, and (3) that operators stress to their flightcrews the importance of making public address announcements slowly and articulately; issue a Maintenance Bulletin calling attention to the need for properly functioning public address systems to assure that safety messages by the crew are understandable in all parts of the cabin both on the ground and in flight; amend 14 CFR 135.155 to make the requirements regarding the accessibility and location of fire extinguishers in passenger compartments of aircraft in commuter service at least as stringent as the requirement in 14 CFR 91.193(c)(4); review the training of and the surveillance procedures followed by FAA inspectors and modify them if necessary to provide increased emphasis on the provisions of 14 CFR Part 135 with regard to occupant safety and safety equipment. *Jul. 27, A-82-74:* Issue an Airworthiness Directive to require a modification of the 90° induction elbow on the turbocharger inlet on Aero-Commander model 685 aircraft by adding beads and rivets similar to the modifications established by Rockwell Engineering Order No. 610597 and recommended by Rockwell Service Letter No. 300, and to require an immediate inspection of all Aero-Commander model 685 aircraft, and any other Rockwell series aircraft with a similar induction inlet system, to insure that a positive retention system exists for preventing the separation of the flexible duct from the 90° induction elbow on the turbocharger inlet. *Jul. 30, A-82-68 and-69:* Issue an Airworthiness Directive to require an immediate one-time inspection by FAA-approved method of all McCauley model number 90-DHB type propellar blades and to remove from service any blades found to be cracked, with emphasis on early completion of inspections of blades in the same forging lot as blade S/N B122098 which experienced fatigue failure in service; review the quality control procedures of the forging vendor and fabricator of McCauley model number 90-DHB propeller blades to insure that proper inspection procedures are performed to detect blades having forging defects to prevent their being placed in service.

Recommendation Responses From

Secretary of Transportation, Jul. 26: I-81-8: The Material Transportation Bureau's Office of Regulatory Planning and Analysis within the Research and Special Programs Administration coordinates the process of determining hazardous materials data needs with the other DOT administrations through ad hoc meetings. *I-81-10:* A pilot project to cross-reference hazardous materials accident data between the RSPA and the Federal Railroad Administration is underway.

Federal Aviation Administration (FAA), Jul. 23, A-80-44: Since a study has shown that the portions of general aviation aircraft windshields which are heated would not enable the windshields to withstand bird impacts, the FAA does not plan to issue an advisory circular or to call for the inclusion of a windshield heating procedure as recommended. *Jul. 27, A-81-130:* Publication of the final determination resulting from comments to the FAA's Notice of Proposed Rulemaking No. 81-1, regarding the operation of the public address system on passenger-carrying aircraft from a power source independent of the main electrical generating system without jeopardizing the in-flight emergency electrical power system, is scheduled for October 1982. *Jul. 30: A-80-108:* The FAA's Air Traffic Service is proposing a revision to the definition of "radar contact" in the Pilot/Controller Glossary of the Airman's Information Manual, and is proposing extensive changes to the Airman's Information Manual and Handbooks 7110.65C and 7210.3F that are designed to clarify pilot/controller responsibilities during instrument departure in controlled and uncontrolled airspace. *A-80-109:* The broadening of Air Traffic Control authority to issue visual flight rules restrictions to instrument flight rules aircraft would not enhance the safety of departing aircraft. *Aug. 3, A-81-157 through -160:* The Small Airplane Certification Directorate in the FAA Central Region is actively engaged in the resolution of problems associated with the operation of the fuel system on Piper PA-24, PA-30, and PA-39 airplanes, and also with the replacement of the fuel selector strainer housing on PA-30 airplanes.

Urban Mass Transportation Administration (UMTA), Jul. 23: R-81-3: In cooperation with the American Public Transit Association (APTA) and the National Federal Emergency Management Agency (FEMA), UMTA is preparing a draft of Emergency Preparedness Guildelines for rail rapid transit systems developed through gathering information on fixed facilities, vehicles, communications, procedures, training, and outside agency coordination from rail transit systems. *R-81-5:* A reorganization in UMTA on March 21, 1982, placed the safety function as a staff office reporting to the Associate Administrator for Technical Assistance. *R-81-6:* UMTA plans to solicit public comment on recommended fire safety practices for transit materials selection based on the Transportation System Center's (TSC) "Proposed Guidelines for Flammability and Smoke Emission Specifications." *R-81-7:* UMTA has supported the fire testing of transit vehicle materials for flammability at the San Francisco Bay Area Rapid Transit District, and a materials data bank activity at the TSC involves indentifying materials used in transit vehicles and providing technical assistance to transit properties in their selection of materials. *R-81-8:* Federal financial assistance to rail rapid transit systems is not specifically allocated for safety projects, but high priority is given to use of the funds for safety and emergency equipment even though grantees are not forced to use funds for this purpose. *R-81-9:* An updated version of an UMTA rail transit fire safety program plan approved after the

delegation of rail transit safety to UMTA in 1978 is being written for a period of five years. *R–81–10:* Rail transit safety research and development is one element of the safety program plan being written. *R–81–11:* A materials data bank created by UMTA at the TSC makes available current information on flammability, toxicity, and smoke-generation characteristics of the materials used in transit vehicles; UMTA provides technical assistance to transit properties in the selection of materials; and guidelines for flammability and smoke emission specifications developed by the TSC are being widely used in the development of specifications for new rail transit vehicle procurements. *R–81–12:* UMTA plans to continue the development of guidelines for review and evaluation of rail rapid transit system safety programs; these guidelines will be used when the safety program at a property is being reviewed. *R–81–13:* UMTA has current activities in fire safety research and evaluation of the fire safety of rail rapid transit cars involving rail transit safety countermeasures, recommended fire safety practices for transit materials selection, research and development in support of fire safety countermeasures, material data bank to identify materials used in transit vehicles and materials assistance to transit properties, and evacuation and rescue countermeasures. *R–81–14:* In cooperation with APTA and FEMA, UMTA has planned a workshop to identify fire/life safety training and education needs for fire service personnel and transit employees involved in the administration of fire protection on rapid transit systems. *R–81–15:* Emergency preparedness guidelines will include various types of employee training in procedures, equipment, and emergency response such as drills to prepare for emergency situations. *R–81–16:* Passenger-related information will be incorporated in the emergency preparedness guidelines; the emergency planning part of the guidelines will address actions to be taken in the event of an emergency, including informing the passengers. *R–81–17:* A research project has been initiated to evaluate potential fire suppression techniques. *R–81–18:* The National Fire Academy is represented in the effort to develop emergency preparedness guidelines and related efforts, and UMTA plans to include FEMA coordination in future activities in fire/life safety considerations; one of the activities is the development of guidelines for review and evaluation of rail transit system safety programs. *R–81–20:* In publishing an annal report assessing the degree of conformance or nonconformance of rail rapid transit systems with each Federal safety guideline established by UMTA, UMTA would be acting as a regulatory agency; UMTA is developing guidelines and recommended practices to assist the properties in assessing needs and planning improvements in safety without preempting the local safety responsibility.

American Trucking Associations, Inc. (ATA), Aug. 4, H–78–65: ATA has published "State Truck Safety Programs" to be used industry-wide to improve driver knowledge and conduct, as well as for improvement of other aspects of truck safety, and has revitalized the "Trucking Industry Safety Program" designed to inform carriers how to carry out a program dealing with a specific safety problem.

National Society of Professional Surveyors, Aug. 4, P–82–20: Will advise its membership of the circumstances of the pipeline accident in Ackerly, Texas, on Sep. 27, 1981; will submit the recommendation for publication by the American Congress on Surveying and Maping; and will instruct its Standards Committee to develop a position paper on the subject.

American Congress on Surveying and Mapping, Jul. 27, P–82–20: Urges support for bill S. 706 introduced in Congress regarding reliable and comprehensive survey records.

National Business Aircarft Association, Inc. (NBAA), Jul. 29, A–82–61: Accurate position reporting by pilots in communications with air traffic control facilities was discussed on pages 22 and 23 of NBAA's Maintenance and Operations Bulletin 82–2.

Norfolk Southern, Jul. 20, R–82–43: The company's present standard for track circuit switch protection for new installations is the closed-circuit principle, or series break-type circuits; however, the protection afforded by non-series, break-type circuits fully satisfies industry and Federal Railroad Administration requirements. *R–82–44:* Instructions were reissued to Maintenance-of-Way Department and Signals and Communications Department employees that any maintenance-of-way work involving the signal system must be performed as a joint effort and/or with the full protection of signal apparatus. *R–82–45:* Signals and Communications Department's present procedures require that the maintenance and testing of signals be done in accordance with the applicable rules, standards, and instructions of the Federal Railroad Administration, and supervisors monitor the signal maintainers' reports to verify compliance. *R–82–46:* Monthly efficiency checks are made by Operating Department supervisors to see that employees are complying with operating rules. All employees whose duties involve the application of the Operating Rules are required to take an annual examination of these rules. There are also rules instruction classes for new employees whose duties will require a knowledge of the operating rules.

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) and response letters are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

August 12, 1982.

[FR Doc. 82–21894 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR–35 issued to Boston Edison Company (the licensee) which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to (1) clarify limiting conditions for operation concerning the alternate rod insertion system (2) change the tables of mechanical and hydraulic snubbers (3) clarify testing requirements associated with the core spray and low pressure coolant injection systems and (4) clarify testing requirements related to starting and loading of the diesel generators from the alternate shutdown station.

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 it 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 the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated March 19, 1982, (2) Amendment No. 62 to License No. DPR–35, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. 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 5th day of August 1982.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-21925 Filed 8-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 48 and 72 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Units 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to provide surveillance requirements and limiting conditions for operation for certain scram discharge volume components.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since 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) an environmental impact statement, or negative declaration and environment impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated November 13, 1980 with supplement dated November 17, 1981 (2) Amendment Nos. 48 and 72 to License Nos. DPR-71 and DPR-62, 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, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. 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 5th day of August 1982.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-21926 Filed 8-11-82; 8:45 am]

BILLING CODE 7590-01-M

Issuance and Availability; Correction

The Nuclear Regulatory Commission has issued errata to Regulatory Guide 3.51, "Calculational Models for Estimating Radiation Doses to Man from Airborne Radioactive Materials Resulting from Uranium Milling Operations," which was issued in March 1982. Two entries in a table of inhalation dose factors that were found to be incorrect are corrected. These entries are used in determinations of compliance with NRC and EPA standards

Requests for single copies of the errata should be directed to the Distribution Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

(5 U.S.C. 552(a))

Dated at Silver Spring, Md. this 5th day of August 1982.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 82-21934 Filed 8-11-82; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.53, "Applicability of Existing Regulatory Guides to the Design and Operation of an Independent Spent Fuel Storage Installation," identifies existing regulatory guides that may be applicable in whole or in part to the design and operation of an independent spent fuel storage installation.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 4th day of August 1982.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 82-21935 Filed 8-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co.; Three Mile Island Nuclear Station, Unit No. 1

Order

In order to assure the effectiveness of investigations into various aspects of the Three Mile Island Unit 2 accident, the Commission on May 22, 1979, ordered the preservation of records relating to the accident. The order required retention of all data, including documentary material and phsysical samples unless otherwise directed by the Director of the Commission's Special Investigation. All persons possessing relevant sources of data were ordered to preserve such records intact. *See* 44 FR 30788 (May 29, 1979).

On February 26, 1982, GPU Nuclear requested that the Commission vacate the May 22, 1979 record retention order. GPU seeks to reestablish its normal

course of business and retain business documents in accordance with existing regulatory retention criteria, rather than those imposed in the May 22, 1979 order.

The Commission has considered the GPU request and finds that the retention of some records covered by the May 22, 1979 order is no longer necessary. Where the radioactivity of physical samples taken after the TMI–2 accident has been determined and the resulting data recorded, there is no need to retain such samples. Accordingly, the Commission's May 22, 1979 order is vacated with respect to the retention of catalogued physical samples. They may be disposed of in accordance with applicable NRC directives and regulations.

Records other than catalogued physical samples remain valuable to the continuing technical review of the TMI–2 accident, especially in connection with the anticipated examination of the reactor core. In addition, these records may be important in the litigation resulting from the accident. Records other than catalogued physical samples shall be retained as provided by the Commission's May 29, 1979 order, unless the Director of the Office of Nuclear Reactor Regulation finds that particular records or categories of records no longer need be retained.[1] The Director is hereby designated the authority to allow destruction of records covered by that order. Commissioner Ahearne dissents from this order. His dissenting views are attached.

It is so ordered.[2]

Dated at Washington, D.C. this 6th day of August 1982.

For the Commission.

John Hoyle,

Acting Secretary to the Commission.

Dissenting Views of Commissioner Ahearne

I am not prepared to join the Commission's Order. Based on the information provided by the NRC staff, I was unable to identify even in general terms (1) categories of records the licensee believes must be retained under the Commission's order of May 22, 1979, (2) categories of records the licensee finds most burdensome, and (3) categories of records the Department of Justice and others (such as DOE) are interested in retaining for some specified purpose. If there are categories of material that GPU believes it is required to keep, that GPU finds burdensome to keep, and that NRC, DOE & DOJ cannot justify keeping, we should allow GPU to get rid of them. The NRC staff should have taken steps to identify such areas.

[1] This order does not affect the requirements for retention of records contained in Appendix B of TMI–2 License No. DPR–73 or imposed by the Director's Order of February 11, 1980 (45 FR 11282, February 20, 1980), or the requirements of 10 CFR 50.71.

[2] Commissioner Gilinsky was not present when this Order was affirmed, but had previously indicated his disapproval. Had Commissioner Gilinsky been present he would have affirmed his prior vote.

[FR Doc. 82–21927 Filed 8–11–82; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 70.143, SNM License No. 124]

Nuclear Fuel Services, Inc., Erwin, Tenn.; Revised Notice of Hearing

On June 26, 1980, the Commission granted a hearing in this matter in response to the February 6, 1980 request of Natural Resources Defense Council (NRDC). *In the Matter of Nuclear Fuel Services, Inc.*, CLI–80–27, 11 NRC 799 (1980). See, also, 45 F.R. 45428 (1980). The Commission specified that it would preside over the hearing which would be legislative in nature pursuant to 10 CFR 2.700a which permits other than adjudicatory procedures where military functions of the United States are involved. See 5 U.S.C. 554(a)(4). On July 28, 1980, NRDC petitioned the United States Court of Appeals for the District of Columbia for review of the Commission's orders promulgating rule 2.700a and applying it to the instant matter. On NRDC's motion that court stayed the Commission's actions pursuant to 10 CFR 2.700a pending appellate review. See *Natural Resources Defense Council* v. *NRC*, No. 80–1864, unpublished orders of September 29, 1980 and October 14, 1981. Accordingly, the hearing in this matter has been held in abeyance.

On June 11, 1982, the Court of Appeals dismissed NRDC's petitions for review and lifted its stay, thus permitting the Commission to go forward with its hearing. *Natural Resources Defense Council* v. *NRC*, Nos. 80–1863 and 80–1864 (D.C. Cir., June 11, 1982).

For the parties' convenience we republish below the original hearing order as modified to revise the schedule, list those who have indicated that they wish to participate, and permit the licensee Nuclear Fuel Services, Inc. (NFS) to participate if it wishes. An answer confirming that each party still wishes to participate is required.

Issues

The issues to be decided in the hearing are:

(a) Whether the circumstances as described in the January 21, 1980 Order exist;

(b) Whether on the basis of those circumstances the amendment to NFS's license No. SNM–124 should be sustained; and

(c) Whether, if it is decided that the amendment should not be sustained, the NFS license should be revoked recognizing that the consequence of revocation may be operation of the NFS Erwin facility as an unlicensed activity.

Presiding Officer

The Commission itself will preside over the hearing and render the decision.

Procedures

The Commission has decided that the matter should be resolved on the basis of written presentations addressed to the Commission and an oral hearing at which the Commission will question the parties and hear argument. There shall be no discovery or cross-examination; however, the Commission will entertain written suggestions from the parties for questions to be posed at the hearing. In preparing their presentations, the parties should consider the January 21, 1980 Order and NRDC's February 6, 1980 Request for a Hearing (unclassified version) as already part of the record.

Schedule

The following schedule will govern the hearing:

By October 1, 1982 each party should submit to the Commission and serve on all other parties written testimony on the above issues, including any factual and legal arguments it may wish to make and providing any other information it believes pertinent.

By October 15 each party may submit to the Commission and serve on all other parties written suggestions for questions that the Commission may pose to the parties in oral session.

Between November 15 and December 1, at a time to be announced by subsequent order, the Commission will preside over an oral session at which it will question the parties and hear oral argument. The subsequent order will detail the procedures, including time allotments, for the oral session.

Within 3 weeks from the date of the oral session, each party may submit to the Commission and serve on all other parties a final summary rebuttal and statement of position.

Parties

The parties to this hearing shall be the NRDC; the NRC Staff; Oil, Chemical and Atomic Workers International Union; and the Departments of Defense and Energy. Ms. Gwen McKinney has joined her participation to that of NRDC. The Commission notes that NFS did not earlier choose to participate, but offers an opportunity to participate now.

Answer

The parties, as well as NFS if it now wishes to be a party, shall file an answer to this Revised Notice of Hearing by August 27, 1982. The answers should indicate whether the party plans to participate and the person upon whom service should be made.

Commissioners Gilinsky and Asselstine dissent from this order. They would grant an adjudicatory hearing in this case.

Dated at Washington, D.C., the 6th day of August 1982.

For the Commission.[1]

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 82-21933 Filed 8-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Co., Limerick Generating Station, Units 1 and 2; Receipt of Petition Under 10 CFR 2.206

Notice is hereby given that by petition dated July 2, 1982, Robert J. Sugarman on behalf of Del-Aware Unlimited has requested that the Director of Nuclear Reactor Regulation suspend or revoke the Limerick construction permits issued to Philadelphia Electric Company pending submission of plans for an acceptable alternative supplemental water supply system to the Point Pleasant diversion project. Mr. Sugarman also requests that the licensee be ordered not to take any steps to construct the Point Pleasant diversion. In accordance with 10 CFR 2.206, appropriate action will be taken on the petition within a reasonable time.

A copy of the request is available for inspection in the Commission's public document room at 1717 H Street, NW., Washington, D.C. 20555 and in the local public document room for the Limerick Generating Station at the Pottstown Public Library, 500 High Street, Pottstown, PA 19464.

Dated at Bethesda, Maryland, this 4th day of August 1982.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-21928 Filed 8-11-82; 8:45 am]

BILLING CODE 7590-01-M

[1] Commissioner Gilinsky was not present when this Order was affirmed, but had previously indicated his disapproval. Had Commissioner Gilinsky been present he would have affirmed his prior vote.

[Docket No. 50-413]

Saluda River Electric Cooperative Inc. and North Carolina Electric Membership Corp.; Receipt of Antitrust Information

The Saluda River Electric Cooperative, Inc. and the North Carolina Electric Membership Corporation have each submitted antitrust information in conjunction with their application for an operating license for a pressurized water nuclear plant (known as Catawba Unit No. 1) located in northeastern York County, South Carolina. The data submitted contain antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage. (The lead applicant, Duke Power Company, submitted its 9.3 response at an earlier date as noted in the September 21, 1981, edition of the **Federal Register**— Vol. 46, No. 182.)

On completion of a staff antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington, D.C. and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, requests for reevaluation may be submitted for a period of 30 days after the date of the **Federal Register** notice. The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for an operating license and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and in the local public document room at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensees' activities since the construction permit antitrust review should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Office of Nuclear Reactor Regulation on or before September 13, 1982.

Dated at Bethesda, Maryland, this 6th day of August 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-21929 Filed 8-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-483, ASLB No. 81-449-01 OL]

Union Electric Co., Callaway Plant, Unit 1; Memorandum and Hearing Schedule Order

August 6, 1982.

Upon discussion with the appropriate parties and the Board, the schedule on the emergency planning contentions in this proceeding has been changed as follows:

August 23, 1982—Last day for filing responses to discovery requests.

September 2-3, 1982—Prehearing conference to consider matters under 10 CFR 2.752.

September 10, 1982—Last day for filing summary disposition motions. Service shall be by express mail.

September 30, 1982—Last day for filing responses to summary disposition motions. Service shall be by express mail.

October 12, 1982—Last day for filing of direct, written testimony and qualifications of expert witnesses. Service shall be by express mail.

The Prehearing Conference will begin at 9:00 a.m. at the Ramada Inn (Roanoke Room), 1510 Jefferson Highway, in Jefferson, Missouri.

For the Atomic Safety and Licensing Board.

James P. Gleason,

Chairman, Administrative Judge.

[FR Doc. 82-21930 Filed 8-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. NPF-4 issued to the Virginia

Electric and Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 1 (the facility) located in Louisa County, Virginia. The amendment was effective on July 16, 1982.

The amendment provides relief from Surveillance Requirement 4.4.7 (Table 4.4.3) which requires that reactor coolant system chemistry limits for chlorides and fluorides be sampled on a continuing 72 hour basis. The relief from Surveillance Requirement 4.4.7 (Table 4.4–3) is applicable when the reactor coolant system is drained below the reactor pressure nozzle and the internals and/or head are in place. The relief is only applicable in Mode 6 (Refueling).

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 July 16, 1982; (2) the Commission's letter to the licensee dated July 16, 1982; (3) Amendment No. 41 to Facility Operating License No. NPF–4; and (4) 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. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2), (3) and (4) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 4th day of August 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82–21981 Filed 8–11–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–29]

Yankee Atomic Electric Co., Yankee Nuclear Power Station; Exemption

I

The Yankee Atomic Electric Company (the licensee) is the holder of Facility Operating License No. DPR–3 which authorizes operation of the Yankee Nuclear Power Station (Yankee). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility is a pressurized water reactor located at the licensee's site located in Rowe, Massachusetts.

II

Section III.G.3 of Appendix R to 10 CFR Part 50 requires that a fixed fire suppression system be installed in an area, room or zone under consideration for alternative, safe shutdown modifications. In the case of Yankee, under this provision a fire suppression system would be required in the control room.

The licensee indicated in its May 13, 1982 letter that the fire protection features currently installed in the control room are equal in effectiveness to a fixed fire suppression system and, therefore, requested an exemption from the requirement to install a fixed suppression system in the control room. The licensee's exemption request is based on the following:

The control room is continually manned.

Fire detection equipment has been installed generally throughout the control room including in cabinets and other areas not readily visible to operators.

All electrical penetrations into the control room are sealed.

Fire dampers have been provided on ventilation lines.

Portable extinguishers are immediately available to operating personnel.

Inadvertent operation of any known suppressant could cause equipment damage or make it necessary for personnel to evacuate the room.

Fire loading in the Control Room is low and there is strict control over the use of flammable material.

The modifications, which the licensee's exemption request is based on, are required by Appendix R to 10 CFR Part 50. Therefore, the above modifications alone do not justify an exemption from the requirement to install a fixed fire suppression system in areas where redundant divisions are located. However, the control room is a unique area of the plant that is required by Technical Specifications to be continually occupied by the operators. In the event of a fire, manual fire suppression would be effective and prompt. Because the operators provide a continuous fire watch in the control room, a fixed suppression system is not necessary to achieve adequate fire protection in the control room. This is similar to the concept reflected in the staff's acceptance, on a short-term basis, of a continuous fire watch as an alternative to fixed suppression systems in other locations when fire protection systems become unavailable (See Section 3.7.7.2 of the BWR Standard Technical Specifications, NUREG–0123, Rev. 3, as an example).

Based on our evaluation, we conclude that the licensee's fire protection features for the control room meet the objectives of Section III.G, "Fire Protection of Safe Shutdown Capability," of Appendix R to 10 CFR Part 50 and, therefore, the licensee's request to be exempted from the requirement to provide a fixed fire suppression system in the control room should be granted.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12 an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption:

With respect to the control room, the licensee is exempt from the requirement of Section III.G.3.b of Appendix R to 10 CFR Part 50 for a fixed fire suppression system.

The NRC staff has determined that the granting of this exemption 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.

Dated at Bethesda, Maryland, this 5th day of August 1982.

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Director, Division of Licensing.
[FR Doc. 82-21932 Filed 8-11-82; 8:45 am]
BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Columbia, South Carolina, will hold a public meeting at 9:30 a.m., on Thursday, August 26, 1982, at the Carolina Inn, 937 Assembly Street, Columbia, South Carolina, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call John C. Patrick, Jr., District Director, U.S. Small Business Administration, 1835 Assembly Street, Room 358, Columbia, S.C. 29201,—(803) 765-5373.

Jean M. Nowak,
Acting Director, Office of Advisory Council.
June 6, 1982.
[FR Doc. 82-21843 Filed 8-11-82; 8:45 am]
BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Columbus, will hold a public meeting at 9:30 a.m., on Tuesday, August 24, 1982, at the U.S. Courthouse, 85 Marconi Boulevard, Conference Room 426 (fourth floor), Columbus, Ohio, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Frank D. Ray, District Director, U.S. Small Business Administration, 85 Marconi Boulevard, fifth floor, Columbus, Ohio 43215, (614) 469-7310.

Jean M. Nowak,
Acting Director, Office of Advisory Council.
August 5, 1982.
[FR Doc. 82-21842 Filed 8-11-82; 8:45 am]
BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The Small Business Administration, Region IX Advisory Council, located in the geographical area of Fresno, will hold a public meeting at 10:00 a.m., on Monday, August 30, 1982, at the Fresno District Office, 2202 Monterey Street, Suite 108, Fresno, California, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Peter J. Bergin, District Director, U.S. Small Business Administration, 2202 Monterey Street, Suite 108, Frenso, California 93721, (209) 487-5791.

Jean M. Nowak,
Acting Director, Office of Advisory Councils.
August 6, 1982.
[FR Doc. 82-21844 Filed 8-11-82; 8:45 am]
BILLING CODE 8025-01-M

Privacy Act of 1974; Proposed Revision of Systems of Records

AGENCY: Small Business Administration (SBA).

ACTION: Notice of proposed revision of systems of records.

SUMMARY: Pursuant to section 3 of the Privacy Act, 5 U.S.C. 552a(e)(4), SBA herein: (1) Updates the description of records systems SBA 315, Personnel Security Files, SBA 360, Securities & Investigations Files, and SBA 365, Securities & Investigations Referrals, in order to provide a more up to date description of the systems including the fact that the systems are held by the SBA Office of Inspector General (OIG), and to incorporate SBA 365 as a part of SBA 360, renaming the combined system as SBA Investigation Files to reflect the fact that they function as one nation-wide records system; (2) gives notice under section 552a(e)(11) of its intended use of SBA 315 files for disclosures to the Office of Personnel Management in accordance with that agency's authority to evaluate Federal personnel management, to the Merit Systems Protection Board in connection with appeals of personnel actions, and to physicians conducting fitness for duty examinations; (3) gives notice under section 552a(e)(11) of its intended use of the restructured SBA 360 for disclosures of information to Federal, State or local bar associations and other professional regulatory or disciplinary bodies for use in disciplinary proceedings and inquiries preparatory thereto; (4) gives notice that investigative reports are disclosed from SBA 360 to members of the public under the Freedom of Information Act; and (5) gives notice of its intention, under section 552a(j)(2), to exempt SBA 315 and SBA 360 from all provisions of the Privacy Act except section 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i). The proposed (j)(2) exemption reflects the role of the OIG in criminal law enforcement under the authority of 5 U.S.C. App. I. The exemptions are needed in order to protect the confidentiality of sources and to prevent the subjects of investigations from frustrating the investigatory process. SBA 315, SBA 360 and SBA 365 are presently exempted under sections (k)(2) and (k)(5) of the Privacy Act. Those exemptions are to be retained, but are restated.

DATE: Comments regarding the proposed combination of the systems, intended routine uses and (j)(2) exemptions must be received on or before September 13, 1982.

FOR FURTHER INFORMATION CONTACT: David Sandler, Small Business Administration, Office of Inspector General, Room 1018, 1441 L Street, NW., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION: Appendix B, referred to in the systems notices, is as previously published.

Dated: August 5, 1982.
James C. Sanders,
Administrator.

SBA 315

SYSTEM NAME:

Personnel Security Files.

SYSTEM LOCATION:

Office of Inspector General (OIG), Investigations Division, Central Office. See Appendix C for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and inactive SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the active and inactive personnel security files, which include the employee's or former employee's name, background information, and personnel actions. Also included in this system are the Office of Personnel Management (OPM)'s National Agency checks and full field investigations of current employees in and applicants for sensitive positions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. I.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that records created by OIG or originating from a third party other than OPM indicate a violation or potential violation of law, whether civil, criminal or administrative in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant

thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility for or otherwise involved in investigation or prosecution of such violations or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

Records may be disclosed to the OPM in accordance with that agency's authority to evaluate Federal personnel management.

Records may be disclosed to the Merit Systems Protection Board in connection with its consideration of appeals of personnel actions.

Records may be disclosed to physicians conducting fitness for duty examinations.

Records created by OIG or received from third parties other than OPM existing in the active and inactive personnel security files are forwarded to other Federal agencies conducting background checks.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

Disclosure may be made from the record of an individual in response to an inquiry made, at the request of the individual, by a Member of Congress or staff member acting for the Member of Congress.

STORAGE:

The active and inactive personnel security files are maintained in locked rotary diebold power files.

RETRIEVABILITY:

Records are retrieved by employee's name.

SAFEGUARDS:

Information is released only to authorized persons. All filing cabinets are locked.

RETENTION AND DISPOSAL:

Upon the separation of an employee from SBA, OIG destroys records of a non-adverse nature, while those containing adverse information are microfilmed and retained in that format for an additional five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Management and Security Services, OIG Office of Investigations. See Appendix C for Central Office address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in writing to the system manager.

RECORD ACCESS PROCEDURES:

Requests for access to records should be addressed to Inspector General, Room 1018, 1441 L Street, N.W., Washington, D.C. 20416.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the preceding paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

SBA employees, SBA Personnel Office, third parties, OPM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), material in this system of records is exempt from the application of section 552a (c)(3), (d), (e)(1), (e)(4)(G), (h), (I) and (f). The system is exempt:

(a) To the extent that it consists of investigatory material compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552a(j)(2) and disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence; and

(b) To the extent that it is compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or voluntary work as part of the SCORE/ACE program, Federal contracts, or access to classified information and disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence.

This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to prevent the subjects of investigations from frustrating the investigatory process.

SBA 360

SYSTEM NAME:

SBA Investigation Files.

SYSTEM LOCATION:

Office of Inspector General (OIG), Investigations Division, Central Office and Central Office duty stations in the field, and Federal Records Centers (FRC). See Appendix B for FRC addresses and Appendix C for OIG addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for, recipients of and other parties in interest to (e.g., guarantors) SBA disaster loans. Principals and representatives of applicant and recipient businesses and other parties in interest to, as well as governmental entities participating in, the various SBA programs, including all types of direct and guaranteed loans and other guarantee programs, small business investment company (SBIC) program, State and local development company program, Section 7(j) contracting program and Section 8(a) subcontracting program, as well as other contractors, grantees, and participants in cooperative agreements with SBA. Records are also maintained on the principal SBIC directors and stockholders. In addition, records are maintained on persons who supply information, containing the information supplied; on SBA employees against whom allegations have been made and investigations conducted; and on members of Advisory Councils and the Service Corps of Retired Executives/Association of Career Executives volunteers.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains material gathered or created during the preparation for, conduct of and follow up on investigations conducted by OIG, as well as other relevant material submitted to or gathered by OIG in the furtherance of its investigative function. These records integrate FBI and other Federal, State, local and foreign regulatory or law enforcement investigative reports and include personal history statements, background character checks, field investigations, arrest and conviction records, parole and probation data, recommendations and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 1, 15 U.S.C. Chapter 14A and 15 U.S.C. Chapter 14B.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that a system of records maintained by this Agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or administrative in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility for or otherwise involved in investigation or prosecution of such violations or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence in or to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceeding or settlement negotiations.

These records may be used to provide data to the General Accounting Office for periodic reviews of this agency.

These records may routinely be disclosed to other Federal agencies, in response to their requests for use as necessary in connection with the conduct of background checks.

These records may be disclosed to Federal, State or local bar associations and other professional regulatory bodies for use in disciplinary proceedings and inquiries preparatory thereto.

Disclosure may be made from the record of an individual in response to an inquiry made, at the request of the individual, by a Member of Congress or staff member acting for the Member of Congress.

Completed investigative reports, subject to 5 U.S.C. 552, may be disclosed, upon request, to members of the public.

STORAGE:

These records are maintained in rotary diebold power files, filing cabinets, file folders, card indexes and word processing equipment.

RETRIEVABILITY:

These records are indexed by name and cross-referenced to the number of Inspector General files containing related material.

SAFEGUARDS:

Information is released only to authorized persons. All filing cabinets are locked.

RETENTION AND DISPOSAL:

Following final agency action as result of an investigation, field investigation records are transferred to the Central Office. At the end of each calender year, investigatory records are screened to remove those records concerning persons about whom no derogatory information has been received for five years or more. These inactive records are microfiched and then sent to an FRC which maintains them for twenty years and then destroys them. Records containing adverse information on SBIC principals are retained for two years and then transferred to FRC which destroys then after ten years; non-adverse records are retained for one year and then destroyed. Investigation cards containing a condensed report and applicant representative cards are retained indefinitely. Correspondence records are reviewed annually to assure that they are still essential and are destroyed when found not to be essential. Records concerning case status, maintained on word processing systems are reviewed annually and purged of outdated records.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations. See Apendix C for Central Office address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in writing to the system manager.

RECORD ACCESS PROCEDURES:

Requests for access to records should be addressed to Inspector General, Room 1018, 1441 L Street NW., Washington, D.C. 20416.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the preceding paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The indivudual to whom the record pertains, public court records, parole and probation authorities, FBI, Federal, State, local and foreign investigative and law enforcement authorities, third parties and Agency personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the Office of Inspector General's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), material in this system of records is exempt from the application of section 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f). The system is exempt:

(a) To the extent that it consists of investigatory material compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552a(j)(2) and disclosure of such material would reveal the indentity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence; and

To the extent that it is compiled for the purpose of determining suitability, eligibility, or qualifications for Federal

civilian employment or voluntary work as part of the SCORE/ACE program, Federal contracts, or access to classified information and disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence.

This exemption is necessary in order to fulfill commitments made to protect the confidentially of sources and to prevent the subjects of investigations from frustrating the investigatory process.

Appendix C

The following are the addresses of the Office of Inspector General, Investigations Division Central Office and Central Office Duty Stations in the field:

Central Office

5th Floor, 4040 Fairfax Drive, Arlington, Virginia 22202

Central Office Duty Stations

1720 Peachtree Road, North Tower, Atlanta, Georgia 30309
536 South Clark Street, Chicago, Illinois 60605
1114 Commerce Street, Room 815–D, Dallas, Texas 75242
U.S. Customs House, Room 901, 2nd & Chestnut Streets, Philadelphia, Pennsylvania 19106
530 Bush Street, San Francisco, California 94108
201 Varick Street, New York, New York 10014.

[FR Doc. 82–21914 Filed 8–11–82; 8:45 am]
BILLING CODE 6025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

High Altitude Pollution Program Scientific Advisory Committee; Termination

Notice is hereby given of the termination of the High Altitude Pollution Program Scientific Advisory Committee. This committee was sponsored by the Office of Environment and Energy of the Federal Aviation Administration (FAA) to determine quantitatively the effects of exhaust emissions by high altitude aircraft and to determine any need for regulatory action to avoid environmental degradation from those emissions. The committee's charter has expired and the committee has been terminated, as its continuation is no longer in the public interest in connection with the performance of duties imposed on FAA by law.

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

F. C. Osgood,

Acting FAA Committee Management Officer.

[FR Doc. 82–21586 Filed 8–11–82; 8:45 am]
BILLING CODE 4910–13–M

[Summary Notice No. PE–82–15]

Petitions for Exemption; Summary of Petitions Received, Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before September 1, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 6, 1982.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITION FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23228	Los Angeles Dodgers, Inc.	14 CFR 91.303	To allow petitioner to operate to operate one Boeing 720 aircraft in the U.S. from January 1, 1985 until January 1, 1988 without meeting the operating noise limit requirements.
23180	Mr. Douglas A Cahill	14 CFR 61.161(b)	To permit petitioner to apply for an airline transport pilot certificate with rotorcraft rating even though he does not meet the requirement of 1,200 hours of flight time within the 8 years before the date of application.
20378	Beckett Aviation	14 CFR 61.58(c)	Extension of Exemption No. 3067 to permit pilot trainees of petitioner to complete the entire 24-month pilot-in-command check in a FAA approved simulator provided that the pilot taking the flight check has completed three landings within the preceding 90 days in a BAC 1–11 aircraft.
23147	Boeing Commercial Airplane Company.	14 CFR 91.195(a)(1)	To permit petitioner to peform noise measurement and Ground Proximity Warning System research and development and FAA certification flights at altitudes lower than 1,000 feet.
22792	Bar Aviation, Inc	14 CFR 91.31	To permit petitioner to operate its DC–6 aircraft at a 5 percent increased zero fuel and landing weight.
23128	National Aviation Academy	14 CFR 141.35(d)	To permit petitioner to designate Ronald G. Kroff as a chief flight instructor although he does not meet the 2,000 hours pilot-in-command requirement for a chief instructor.
23233	Regional Airlines Assn	14 CFR Portions of Part 121	To permit the operation of propeller driven airplanes with more than 30 but less than 61 passengers seats pursuant to the domestic air carrier rules of Part 121 without complying with dispatch system requirements.
23138	Aircraft At Your Call, Inc	14 CFR 135.165(b)(6)	To permit petitioner to operate its IA 124/A aircraft with one high frequency (HF) transmitter and one HF receiver, provided a monitoring program which includes avionics is used.
21099	Heli-Trade Corporation	14 CFR 47.9(b)	Reconsideration of a Denial of Exemption to permit petitioner to report flight hours annually instead of every 6 months for the purpose of determining whether its aircraft are based and primarily used in the United States.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23064	Cessna Aircraft Co	14 CFR 47.15(b)	To allow petitioner the use of a special N- number on one of its 172RG aircraft. The number requested is N1CPC. *Denied 7/20/82.*
22955	Trans-Mediterranean Airways	14 CFR 91.303	To allow petitioner to temporarily operate noncomplying Boeing 707 aircraft in the U.S. from January 1, 1985, until December 31, 1986. *Withdrawn 7/19/82.*
23155	Central Flying Service	14 CFR 141.91(a)	To permit petitioner to conduct pilot training operations at a satellite base located more than 25 nautical miles from its home base of operations. *Granted 7/27/82.*
23179	Scandinavian Airlines System	14 CFR Portions of Parts 21 and 91.	To permit petitioner to operate and maintain a leased U.S.-registered Boeing B-747-143 using a FAA-approved minimum equipment list and a FAA-approved continuous airworthiness maintenance program. *Granted 7/26/82.*
22570	Des Moines Flying Service, Inc	14 CFR 141.35 (b) (c) and (d)	To allow petitioner to employ Mr. Clyde Sievers as Chief Flight Instructor even though he does not meet all the requirements for that position. *Granted 7/23/82.*
22752	Capital Aviation Services, Inc	14 CFR 135.261(b)	To permit petitioner to assign flight crewmembers and for flight crewmembers to accept an assignment for duty during flight time without having had at least ten consecutive hours of rest during the 24-hour period preceding the planned completion of the assignment. *Denied 7/27/82.*
22629	Alaska Air Charter	14 CFR 135.181	To allow petitioner to operate single-engine aircraft, carrying passengers, in IFR conditions without being limited to Part 135 requirements. *Denied 7/27/82.*
21297	Mr. Joe Ware	14 CFR 135.243(b)(3)	To allow petitioner to serve as pilot-in-command of his single engine Bonanza aircraft in day visual flight rule conditions without holding an instrument rating. *Denied 7/27/82.*
21958	Scott Edwin Abram	14 CFR 61.151	To permit petitioner to obtain an airline transport pilot certificate prior to reaching his 23rd birthday. *Denied 7/30/82.*
22952	Petroleum Helicopters, Inc	14 CFR 21.197(c)	To permit all aircraft of nine or less passengers, that are maintained by petitioner on the approved aircraft inspection program, to utilize the special flight permit with a continuous authorization to conduct ferry flights. *Denied 7/22/82.*
22451	People Express Airlines, Inc	14 CFR 121.613, 121.619 and 121.625.	To permit petitioner to dispatch or release an aircraft to an airport, even though weather reports or forecasts or any combination of these contain statements that weather conditions will or may be "occasionally," "intermittently," "briefly," or have "a chance of" being below authorized minimums at the estimated time of arrival at the destination airport, so long as there is at least one alternative airport for which weather reports or forecasts do not include such language. *Granted 7/27/82.*
22584	Hawkins and Powers Aviation, Inc.	14 CFR 36.201(c)(3)	To permit petitioner to be exempted from the "Stage III" noise requirements in order to obtain a civil type certificate. *Granted 7/20/82.*
21224	United Airlines	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 49 B-737-222s. *Granted 7/26/82.*
23186	Air Illinois, Inc	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 1 BAC 1-11-200: N1547. *Granted 7/26/82.*

[FR Doc. 82-21852 Filed 8-11-82; 8:45 am]
BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1-1 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: Temporary special use airspace will be reviewed to increase efficiency of airspace usage. Joint use of designated special use airspace will be studied to develop a means to effectively and efficiently administer its use.

DATE: Beginning September 7, 1982, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 9 A/B, 800 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue SW., 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, SW., Washington, D.C. 20591, by August 30, 1982. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on August 6, 1982.

Willard H. Reazin,

Program Manager, NARAC.

[FR Doc. 82-21867 Filed 8-11-82; 8:45 am]
BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1-3 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: The group will study the concept of random routes, in both low and high altitude structures, for implementation on a national basis.

DATE: Beginning September 7, 1982, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 8 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., 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 August 30, 1982. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on August 6, 1982.

Willard H. Reazin,

Program Manager, NARAC.

[FR Doc. 82-21868 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-13-M

Timely Submission of Preapplications Under the Airport Improvement Program for Fiscal Year 1982

This notice is being published in anticipation of new airport grant legislation to insure that airport sponsors are aware of the short time available for processing grants in fiscal year 1982.

Airport sponsors should advise the Federal Aviation Administration (FAA) field offices in their area as soon as possible of their intent to apply for airport grants under the proposed airport legislation. Sponsors advising the FAA of their intent to file for airport grants should furnish the nature or description and the estimated cost of the proposed project.

By September 1, 1981, airport sponsors are requested to submit preapplication(s) for the proposed airport projects to their FAA field office. The airport legislation requires the FAA to execute fiscal year 1982 grants by September 30, 1982. To insure full consideration of sponsor requests the FAA is asking sponsors to comply with these procedures in order to meet this deadline.

For additional information, please contact Mr. Jack Cathell, APP-510, on (202) 426-3067.

Issued in Washington, D.C.

Lowell H. Johnson,

Acting Director, Office of Airport Planning and Programming.

[FR Doc. 82-21897 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

National Motor Carrier Advisory Committee; Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces that the National Motor Carrier Advisory Committee will hold a meeting on September 8 and 9, 1982, beginning at 9:00 a.m. both days, in Washington, D.C., at the Department of Transportation's Headquarters Building, 400 Seventh Street, SW., Washington, D.C. 20590, Room 4200.

The agenda for this meeting will include further consideration of the Department of Transportation's Cost Allocation Study and implementation of its findings. The Committee will also review the issue of uniform State regulation of motor carriers. The Department of Transportation and the Interstate Commerce Commission were directed by the Congress to jointly study this latter issue in Section 19 of the Motor Carrier Act of 1980. A joint DOT/ICC report pursuant to Section 19 will be forwarded to the Congress in the near future.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas P. Holian, Executive Director, National Motor Carrier Advisory Committee, Federal Highway Administration, HCC-10, Room 4223, 400 Seventh Street, NW., Washington, D.C. 20590, (202) 426-0761. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday throuh Friday.

Issued on August 5, 1982.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 82-21763 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA Waive Petition Docket No. RS & I 835]

Consolidated Rail Corp.; Petition

Notice is hereby given that the Consolidated Rail Corporation (Conrail) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with certain procedural requirements of 49 CFR 235.2 (Instructions governing applications for approval of a discontinuance or material modification of a signal system). The petition requests the approval of (1) guidelines for future changes in Conrail's signal systems, and (2) proposed special procedures for the handling of applications that fall within these guidelines.

The requested waiver would permit Conrail to file with FRA a notice of its intent to install, modify or discontinue signals on an identified segment of track consistent with FRA approved guidelines. No public notice would be given of the Conrail notice. If the FRA did not object to Conrail's intended change within 30 days, Conrail could act to implement the change without further public proceedings.

Conrail Proposed Guidelines

The guidelines classify Conrail lines on the basis of the number of trains to be operated daily and the average annual gross tonnage moving over the lines. The analysis in each case is further broken down according to the number of existing tracks and the existing signal systems on Conrail lines. On the basis of the stated density factors and the number of tracks, the guidelines specify proposed signal systems. These guidelines are expressed in the following chart type format which uses a variety of abbreviations. The meaning for the abbreviations or symbols is as follows: (1) MGT—million gross tons; (2) MBS—manual block system; (3) TCS—traffic control system; (4) ABS—automatic block signal system; and (5) DT—double track.

GUIDELINES FOR SIGNAL SYSTEMS AND TRACK CONFIGURATION

Projected density (typical number of trains)	Present signal system	Proposed signal system
0-7 MGT (1-4 trains/day)	Single track—MBS	Retain.
	Single track—TCS	Remove selected TCS—Install MBS.
	Double track—ABS	Remove ABS and 2nd track—Install MBS.
7-15 MGT (4-12 trains/day)	Single track—MBS	Retain.
	Single track—TCS	Retain.
	Double track—ABS	Remove ABS and segments of 2nd track—Install MBS.
15-40 MGT (12-34 trains/day)	Single track—TCS	Retain.
	Double track—TCS	Retain TCS—Remove segments of 2nd track.
	Double track—ABS	Install TCS—Remove segments of 2nd track.

GUIDELINES FOR SIGNAL SYSTEMS AND TRACK CONFIGURATION—Continued

Projected density (typical number of trains)	Present signal system	Proposed signal system
40–70 MGT (25–44 trains/day)	Single track—TCS	Retain.
	Double track—TCS	Retain TCS—Remove selected 2nd track.
	Double track—ABS	Retain ABS, or install TCS with selected removal of 2nd track.
70–115 MGT (35–60 trains/day)	Double track—TCS	Retain.
	Double track—ABS More than 2 track ABS	Retain or convert to D.T. ABS/TCS and retain 3rd track at work areas.

An example will illustrate the effect of Conrail's proposed guidelines: assuming that on Conrail's trackage between two locations 1 to 4 freight trains were operated on a typical day with a resulting density of less than seven million gross tons each year, operations would be conducted under manual block system rules, and any existing signal system could be removed under the proposed special procedures. It should be noted that the guidelines proposed by Conrail also include provisions for the use of the manual block system for all operations where the speed of trains exceeds 20 miles per hour on nonsignaled track, and for retention of signals on all lines where passenger trains are being operated. Conrail has stated that existing FRA regulatory procedures would be adhered to in any instance where the desired signal change was not consistent with these guidelines. Existing procedure would be followed, for example, if Conrail desired to remove a signal system on a line where a passenger train was included within a projected density of three times per day.

In support of this wavier, Conrail notes that FRA is currently required to act within 90 days of filing of an application on proposed Conrail signal modifications involving trackage handling less than 20 million gross tons of freight annually. The use of the proposed procedure would assist FRA in meeting the statutory deadline. Conrail also notes that in many locations both its existing trackage and supporting signal systems are too extensive for the volume of traffic currently being handled or reasonably anticipated in the near future. According to Conrail, the proposed waiver would permit Conrail to reduce excess plant capacity expeditiously but without reducing safety, and to install signals at other locations where operations warrant either installation of signals or an increase in the sophistication level of the existing signals.

Interested persons are invited to participate in this proceeding by submitting written views of comments. Communications concerning this proceeding should refer to Docket Number RS&I 835, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before September 17, 1982, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 7321A, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on August 6, 1982.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 82-21887 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP82-14; Notice 1]

B. F. Goodrich Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

B. F. Goodrich Co. of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 3181 *et seq.*) for a noncompliance with 49 CFR 571.109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraphs S4.3 (b) and (c) of Standard No. 109 require that the sidewall of each passenger car tire be labeled with the composition of the cord materials used in the plies branded on both sides of the tire. Goodrich has produced approximately 325 tires with ply information appearing on one side only. The tire in question is the P235/75R15 XLM blackwall.

Goodrich argues that the noncompliance is inconsequential because the failure to label has no impact upon safety, and the tires otherwise comply with Standard No. 109.

Interested persons are invited to submit written data, views and arguments on the petition of Uniroyal Tire Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: September 13, 1982.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 3, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-21731 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-15; Notice 1]

B. F. Goodrich Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

B. F. Goodrich Company of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance

with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passengers Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.5(c) of Standard No. 119 requires tires to be marked with the tire size designation as listed by, among other organizations, the Tire and Rim Association (T&RA). Several years ago T&RA added the suffix "LT" denoting light truck application to tire size 8–17.5 load range "D" Extra Miler XL tires. This information was not added to three of petitioner's molds, and consequently since 1979 more than 21,000 tires have been produced lacking the suffix.

Petitioner argues that the noncompliance is inconsequential because the size has been specified and use only for light truck application and it is aware of no problems or complaints arising from the omission.

Interested persons are invited to submit written data, views and arguments on the petition of B. F. Goodrich Company described above. Comments should refer to the docket number and submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: September 13, 1982.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 3, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–21732 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP82–4: Notice 2]

Volvo White Truck Corp.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Volvo White Truck Corporation of Greensboro, North Carolina, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.)* for an apparent noncompliance with 49 CFR 571.115, Motor Vehicle Safety Standard No. 115, *Vehicle Identification Number.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on January 28, 1982, and an opportunity afforded for comment (47 FR 4190).

Volvo White imports Western Star trucks (33,000 pounds and greater GVWR) manufactured in Canada. The tenth character of the VIN was not changed at the proper time to signify Model Year 1982. The result is that 46 trucks, manufactured in September 1981, came into the country with the VIN translating as Model Year 1981, when in reality they were 1982 models.

The company's principal inconsequentiality argument was that traceability for recall is not affected by the content of the descriptor section of the VIN. To require correction would burden the truck owner who would have to obtain a new title. There are other difficulties such as misinterpretation by law enforcement agencies of a restamped VIN and the possibility for error that restamping might involve.

No comments were received on the petition

An incorrect model year designator, by itself, poses no risk to motor vehicle safety. Information retrieval will not be affected as the other characters in the VIN contain the information required by Standard No. 115. Not only is it costly and difficult to correct an erroneous VIN in the field, but such a course of action is against the recommendations of theft prevention and law enforcement authorities who perfer that manufacturers simply advise vehicle owners of the incorrect VIN.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

The engineer and attorney primarily responsible for this notice are Nelson Erickson and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 3, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–21730 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in July 1982. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3941-P	DOT-E 3941	Aerojet Strategic Propulsion Company, Sacramento, CA.	49 CFR 173.239a(a)(2)	To become a party to Exemption 3941. (Modes 1, 2.)
5196-X	DOT-E 5196	El Paso Products Company, Odessa, TX	49 CFR 172.101, 173.315(a)(1)	To authorize use of a non-DOT specification cargo tank, for transportation of a flammable gas. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5736-X	DOT-E 5736	El Paso Products Company, Odessa, TX	49 CFR 172.101, 173.314(e)	To authorize use of non-DOT specification tank car tanks for transportation of a flammable gas. (Modes 2, 3.)
6113-X	DOT-E 6113	Boston Gas Company, Boston, MA	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank for shipment of certain flammable gases. (Mode 1.)
6197-X	DOT-E 6197	Boston Gas Company, Boston, MA	49 CFR 172.101, 173.315(a)(1)	To authorize use of a non-DOT specification vacuum-perlite insulated cargo tank for transportation of certain flammable gases. (Mode 1.)
6530-X	DOT-E 6530	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.302(c)	To authorize shipment of hydrogen and mixtures of hydrogen with helium, argon or nitrogen in DOT Specification 3A, 3AA, 3AX or 3AAX steel cylinders. (Modes 1, 2.)
6530-X	DOT-E 6530	Air Products and Chemicals, Incorporated, Allentown, PA.	49 CFR 173.302(c)	To authorize shipment of hydrogen and mixtures of hydrogen with helium, argon or nitrogen in DOT Specification 3A, 3AA, 3AX or 3AAX steel cylinders. (Modes 1, 2.)
6530-X	DOT-E 6530	Union Carbide Corporation, Danbury, CT	49 CFR 173.302(c)	To authorize shipment of hydrogen and mixtures of hydrogen with helium, argon or nitrogen in DOT Specification 3A, 3AA, 3AX or 3AAX steel cylinders. (Modes 1, 2.)
6825-X	DOT-E 6825	Richmond Lox Equipment Company, Livermore, CA.	49 CFR 172.101, 173.314(e)	To authorize manufacture, marking and sale of non-DOT specification vacuum insulated tank car tanks for transportation of liquefied ethylene and liquefied ethane. (Mode 2.)
7477-X	DOT-E 7477	Systron Donner Corporation, Concord, CA	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3	To authorize use of non-DOT specification seamless aluminum cylinder for transportation of certain nonflammable compressed gases. (Modes 1, 2, 3, 4.)
7494-X	DOT-E 7497	Airco Industrial Gases, Murray, Hill, NJ	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification cargo tanks, for transportation of certain nonflammable gases. (Modes 1, 3.)
7586-X	DOT-E 7586	Rockwell International Corporation, Downey, CA.	49 CFR 173.88(e)(2)(ii), 173.92	To authorize transport of rocket motors in a propulsive state and in packaging not prescribed in the regulations. (Mode 1.)
7753-X	DOT-E 7753	Monsanto Company, St. Louis, MO	49 CFR 173.190(b)(2)	To authorize shipment of yellow phosphorous in a tight-head 55-gallon DOT Specification 17C drum. (Modes 1, 2, 3.)
7754-X	DOT-E 7754	Hercules, Incorporated, Wilmington, DE	49 CFR 173.103(a), 173.66, 177.835(g)(2)(i)	To authorize transport of non-electric blasting caps in the same vehicle with Class A and Class B explosives when the caps are placed in polyethylene plastic bags. (Mode 1.)
7768-X	DOT-E 7768	Plasti-Drum Corporation, Lockport, IL	49 CFR 173.217, 173.245b, 178.19	To authorize manufacture, marking and sale of non-DOT specification removable head, blowmolded, high molecular weight polyethylene drums, for transportation of certain oxidizers and corrosive solids. (Modes 1, 2, 3.)
7777-X	DOT-E 7777	Stabilex Ltd., Boynton Beach, FL	49 CFR 173.248	To authorize use of DOT Specification 34 polyethylene containers, DOT Specification 12B or 12P corrugated fiberboard boxes, or DOT Specification 6D or 37M cylindrical steel overpacked with an inside Specification 2SL polyethylene containers for shipment of spent sulfuric acid. (Modes 1, 2, 3.)
7793-P	DOT-E 7793	Velsicol Chemical Corporation, Chicago, IL	49 CFR 173.245	To become a party to Exemption 7793. (Modes 1, 2, 3.)
7811-P	DOT-E 7811	EM Science, Cincinnati, OH	49 CFR 173.119(a)(23), 173.245(a)(18), 175.3, 178.210.	To become a party to Exemption 7811. (Modes 1, 2, 3, 4.)
7811-X	DOT-E 7811	Burdick & Jackson Laboratories, Inc., Muskegon, MI.	49 CFR 173.119(a)(23), 173.245(a)(18), 175.3, 178.210.	To authorize use of DOT Specification 12A corrugated fiberboard box with handholes, for shipment of certain corrosive liquids and flammable liquids. (Modes 1, 2, 3, 4.)
7876-X	DOT-E 7876	Ashland Oil, Incorporated, Columbus, OH	49 CFR 173.299(a), 175.3	To authorize shipping description etching acid, liquid, n.o.s. to be used for products which do not comply with the definition in 49 CFR 173.229(a). (Modes 1, 2, 3, 4.)
7885-X	DOT-E 7885	The Mercoid Corporation, Chicago, IL	49 CFR 173.1200, 173.123, 173.347, 175.3	To authorize use of non-DOT specification non-refillable metallic inside containers, for shipment of certain hazardous materials. (Modes 1, 2, 3, 4, 5.)
7888-X	DOT-E 7888	Rheem Manufacturing Company, Linden, NJ	49 CFR 173, subpart F, 178.19	To authorize manufacture, marking and sale of non-DOT specification reusable polyethylene containers, for transportation of corrosive liquids. (Modes 1, 2, 3.)
7891-X	DOT-E 7891	Fisher Scientific Company, Fair Lawn, NJ	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.126, 173.138, 173.237, 173.246, 173.25(a), 175.3.	To authorize transport of packages bearing the DANGEROUS WHEN WET label, in motor vehicles which are not placarded FLAMMABLE SOLID W. (Modes 1, 2.)
7891-X	DOT-E 7891	Reliance Electric Company, Cleveland, OH	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.126, 173.138, 173.237, 173.246, 173.25(a), 175.3.	To authorize transport of packages bearing the DANGEROUS WHEN WET label, in motor vehicles which are not placarded FLAMMABLE SOLID W. (Modes 1, 2.)
7891-X	DOT-E 7891	Sigma-Aldrich Corporation, St. Louis, MO	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.126, 173.138, 173.237, 173.246, 173.25(a), 175.3.	To authorize transport of packages bearing the DANGEROUS WHEN WET label, in motor vehicles which are not placarded FLAMMABLE SOLID W. (Modes 1, 2.)
7843-X	DOT-E 7943	GPS Industries, City of Industry, CA	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To authorize shipment of corrosive liquids in fiberboard boxes complying with DOT Specification 12B except for handholes in top flaps. (Modes 1.)
7843-X	DOT-E 7943	Hill Brothers Chemical Company, Tueson, AZ.	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To authorize shipment of corrosive liquids in fiberboard boxes complying with DOT specification 12B except for handholes in top flaps. (Modes 1.)
8006-X	DOT-E 8006	Kilgore Corporation, Toone, TN	49 CFR 172.400(a), 172.504 Table 2	To authorize transport of unlabeled packages of toy paper or plastic caps complying the requirements of 173.100(p) and 173.109, in motor vehicles with placards, when the gross weight of the caps is 1000 pounds or more. (Modes 1.)
8006-X	DOT-E 8006	Nichols-Kusan, Inc., Jacksonville, TX	49 CFR 172.400(a), 172.504 Table 2	To authorize transport of unlabeled packages of toy paper or plastic caps complying the requirements of 173.100(p) and 173.109, in motor vehicles with placards, when the gross weight of the caps is 1000 pounds or more. (Modes 1.)
8006-X	DOT-E 8006	Bland Brothers, Incorporated, New York, NY	49 CFR 172.400(a), 172.504 Table 2	To authorize transport of unlabeled packages of toy paper or plastic caps complying the requirements of 173.100(p) and 173.109, in motor vehicles with placards, when the gross weight of the caps is 1000 pounds or more. (Modes 1.)
8009-X	DOT-E 8009	Pressure Transport, Inc., Austin, TX	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To authorize use of DOT specification 3AAX cylinders made of 4130X steel, for transportation of a compressed natural gas. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8009-X	DOT-E 8009	Matador Service, Inc., Wichita, KS	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To authorize use of DOT specification 3AAX cylinders made of 4130X steel, for transportation of a compressed natural gas. (Mode 1.)
8009-X	DOT-E 8009	Pressure Transport, Inc., Austin, TX	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To increase service pressure, allowing a range of 1,800 psi to 2,800 psi, for cylinders covered by the exemption. (Mode 1.)
8035-X	DOT-E 8035	NL McCullough, NL Industries, Inc., Houston, TX.	49 CFR 173.100(v), 173.112, 175.3	To authorize transport of limited quantities of certain propellant explosives in a plastic tube packed in DOT specification 12B fiberborad box. (Modes 1, 2, 3, 4.)
8074-X	DOT-E 8074	Matheson Gas Products, Secaucus, NJ	49 CFR 173.34(d)	To authorize use of a DOT specification 3E cylinder without safety devices, for transportation of certain flammable and nonflammable gases. (Modes 1, 2, 3, 4, 5.)
8206-X	DOT-E 8206	Rexnord, Incorporated, Milwaukee, WI	49 CFR 173.245(a)(17), 175.3, 178.131	To authorize shipment of certain corrosive liquids, n.o.s., in two one-quart tin cans, overpacked in amodified 26-gage, unlined DOT Specification 37A five-gallon drum, also containing a one-gallon tin can of non-hazardous resin mix. (Modes 1, 2, 3, 4.)
8207-X	DOT-E 8207	Rexnord Inc., Milwaukee, WI	49 CFR 173.245(a)(17), 175.3, 178.131	To authorize shipment of certain corrosive liquids, n.o.s., in a one-quart tin can, placed in a molded polyethylene liner, overpaced in a modified 28-gage, unlined DOT Specification 37A two-gallon drum, also containing a non-hazardous resin mix. (Modes 1, 2, 3, 4.)
8238-X	DOT-E 8238	ASARCO Incorporated, New York, NY	49 CFR 173.368	To authorize shipment of arsenical flue dust in non-DOT specification reusable bags. (Mode 2.)
8285-X	DOT-E 8285	Supelco, Inc., Bellefonte, PA	49 CFR 100-199	To authorize shipment of limited quantities of flammable liquids and ORM-A materials essentially non-regulated when packaged in special type packaging. (Modes 1, 2, 3, 4, 5.)
8369-X	DOT-E 8369	Degussa Corporation, Teterboro, NJ	49 CFR 173.21	To authorize transport of glycidol separated from certain other chemicals in non-DOT specification single-trip steel drums. (Modes 1, 2, 3.)
8389-X	DOT-E 8389	Container Corporation of America, Wilmington, DE.	49 CFR 173.119, 173.346	To authorize use of a 15-gallon capacity DOT Specification 34 polyethylene container, for transportation of certain poison B liquids. (Modes 1, 2, 3.)
8394-X	DOT-E 8394	Tempest, Inc. St. Louis, MO	49 CFR Parts 100-177	To authorize transport of certain thermostatic elements containing small quantities of sodium potassium alloy, liquid packed in a strong fiberboard box. (Modes 1, 2, 3, 4, 5.)
8394-X	DOT-E 8394	Whirlpool Corporation, La Porte, IN	49 CFR Parts 100-177	To authorize transport of certain thermostatic elements containing small quantities of sodium potassium alloy, liquid packed in a strong fiberboard box. (Modes 1, 2, 3, 4, 5.)
8410-X	DOT-E 8410	ES Science, Division of EM Industries, Inc., Cincinnati, OH.	49 CFR 173.269(a)(1)	To authorize shipment of perchloric acid no greater than 72% strength in glass bottles, not exceeding a capacity of 2.5 liters packed in non-DOT specification IMCO 4C2 wooden boxes. (Modes 1, 3.)
8468-X	DOT-E 8468	Hedwin Corporation, Baltimore, MD	49 CFR 173.119, 173.125, 173.154, 173.272, 173.288, 173.346.	To authorize manufacture, marking and sale of DOT Specification 34 drums of 4, 5 and 6-gallon capacity, for shipment of certain flammable, poison B, corrosive liquids and organic peroxides. (Modes 1, 2, 3.)
8498-X	DOT-E 8498	Hunter Drums Limited, Burlington, Ontario	49 CFR 178.19 Part 173, Subpart F	To authorize manufacture, marking and sale of non-DOT specification 55-gallon reusable, blowmolded, polyethylene container, for transportation of certain corrosive liquids and oxidizers. (Modes 1, 2, 3.)
8565P-X	DOT-E 8565	Pennwalt Corporation, Philadelphia, PA	49 CFR 173.217(a)(3), 178.224	To become a party to Exemption 8565.
8597-X	DOT-E 8597	McDonnell Douglas Corporation, St. Louis, MO.	49 CFR 173.268, Part 172 Subpart C	To authorize transport of nitric acid in stainless steel non-DOT specification portable tanks. (Mode 1.)
8699-P	DOT-E 8699	Rexnord Inc., Commerce City, CO	49 CFR 173.245, 173.249, 175.3	To become a party to Exemption 8699. (Modes 1, 2, 3, 4.)
8701-P	DOT-E 8701	Rexnord Inc., Commerce City, CO	49 CFR 173.245, 173.249, 173.3	To become a party to Exemption 8701. (Modes 1, 2, 3, 4.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8741-N	DOT-E 8741	Alpha Aviation, Inc., Dallas TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A explosives not permitted for air shipment. (Mode 4.)
8764-N	DOT-E 8764	Air Exec, Inc., Concord, CA	49 CFR 173.286, 175.3, 175.85	To authorize shipment of a material identification kit containing in the same outside packaging small quantities of flammable liquids, corrosive liquids, flammable gases, and non-hazardous materials. (Mode 4.)
8781-N	DOT-E 8781	Mauser-Werke, G.m.b.H. (Mauser Packaging Ltd.), New York, NY.	49 CFR 171.12(e), 178.116-6(a)	To authorize manufacture, marking and sale of non-DOT specification steel drums of one millimeter thickness, to be used in place of 20/18 gauge, 55-gallon capacity DOT Specification 17E drums, for transportation of various hazardous materials. (Modes 1, 2, 3.)
8791-N	DOT-E 8791	Bignier Schmid-Laurent SA, Ivry-sur-Seine, France.	49 CFR 173.245a, 178.245-1	To authorize use of a non-DOT specification portable tank, for transportation of ethyl chloroformate. (Modes 1, 2, 3.)
8806-N	DOT-E 8806	Natico, Inc., Chicago, IL	49 CFR 178.134	To authorize manufacture, marking and sale of non-DOT specification steel drum overpacks having polyethylene top heads for 55-gallon capacity inner DOT Specification 2SL polyethylene container, for transportation of various hazardous materials. (Modes 1, 2.)
8816-N	DOT-E 8816	Hunt-Wesson Foods, Inc., Fullerton, CA	49 CFR 172.504(a)	To authorize rail boxcar shipment of matches, strike anywhere, packed in compliance with 49 CFR 173.176 and in a quantity not to exceed 2,000 pounds without placarding the rail boxcar. (Modes 1, 2.)
8819-N	DOT-E 8819	Radiation Service Organization, Laurel, MD	49 CFR 173.395(b)(2)	To authorize transport of encapsulated metallic cobalt 60 sources not meeting special form standards and contained in a shielded device designed to be used as a shipping cask and irradiator in the laboratory. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8828-N	DOT-E 8828	Economics Laboratory, St. Paul, MN	49 CFR 173.227(a)(1)	To authorize use of a DOT Specification 12A fiberboard box containing no more than four inside vented polyethylene bottles of one-gallon capacity each, for shipment of a sodium hypochlorite solution. (Mode 1.)
8833-N	DOT-E 8833	Stresau Laboratory, Inc., Spooner, WI	49 CFR 172.101, 173.73, 173.74, 173.78	To authorize shipment of an initiating explosive, wetted with hexane, in teflon bottles not to exceed 30 grams of explosive, overpacked in DOT Specification 5, 5B or 17H metal drums containing no more than 8 inside containers. (Mode 1.)
8842-N	DOT-E 8842	HTL Industries, Inc., Durart, CA	49 CFR 173.302(a), 175.3, 178.44	To authorize use of non-DOT specification small, high pressure cylinders of welded construction for aircraft use or military weapons system only. (Modes 1, 2, 4, 5)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 4734-X	DOT-E 4734	General Electric Company, Waterford, NY	49 CFR 173.135(a)(9), 173.136(a)(8), 173.280(a)(8).	To authorize use of modified DOT Specification MC-331 cargo tanks for transportation of certain flammable liquids and corrosive materials. (Mode 1.)
EE 8875-N	DOT-E 8875	Global International Airways, Kansas City, MO.	49 CFR 172.101, column 6(b)	To authorize air transport of rocket ammunition with explosive projectile, classed as explosive A. (Mode 4.)
EE 8876-N	DOT-E 8876	Triangle Resource Industries, Laurel, MD	49 CFR C, E, F, Part 173, Subpart G, part 172, Subpart B.	To authorize a one-time shipment of 1.16 deteriorating cylinders containing various compressed gases. (Mode 1.)
EE 8888-N	DOT-E 8888	Alaska International Air, Inc., Anchorage, AK	49 CFR 172.101, column 6(b), 175.30	To authorize shipment of approximately 5,500 gallons of compound cleaning, liquid in DOT Specification 37M steel drums with 2SL polyethylene inside container having a capacity exceeding the net quantity limitations for cargo only aircraft. (Mode 4.)

Denials

8830-N—Request by Logical Technical Services Corp., Newtown, PA to authorize shipment of methyl alcohol with a flash point of 80 degrees F., in DOT Specification 34 polyethylene containers denied July 9, 1982, as being unnecessary.

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

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-21734 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 3]

Old Republic Insurance Co.; Surety Companies Acceptable on Federal Bonds; Correction

The underwriting limitation for Old Republic Insurance Company was listed at 47 FR 28880 [July 1, 1982] as $918,000. That underwriting limitation is hereby corrected to $5,061,000.

Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1982 Revision, at page 28880 to reflect this correction.

Questions concerning this correction notice may be directed to the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20226. Telephone [202] 634-5752.

Dated: August 5, 1982.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 82-21913 Filed 8-11-82; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 24, 1982, at 1:00 p.m., the Buffalo, N.Y. Regional Office Station Committee on Educational Allowances shall at Room 226, 111 W. Huron Street, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Corning Community College, Corning, N.Y. should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: August 4, 1982.

John Hricik,

Director, VA Regional Office, 111 W. Huron Street, Buffalo, NY 14202.

[FR Doc. 82-21962 Filed 8-11-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 156
Thursday, August 12, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, August 9, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Riverhead Savings Bank, Riverhead, New York, for consent to establish a branch in the vicinity of the intersection of Ponquogue and Fanning Avenues, Village of Hampton Bays, Town of Southampton, New York.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,333-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsection (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: August 10, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1165-82 Filed 8-10-82; 3:33 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 7:55 p.m. on Sunday, August 8, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept the bid of Hawkeye Bank and Trust, Mount Pleasant, Iowa, a newly-chartered State bank subsidiary of Hawkeye Bancorporation, Des Moines, Iowa, for the purchase of certain assets of and the assumption of the liability to pay deposits made in Mt. Pleasant Bank and Trust Company, Monut Pleasant, Iowa, which was closed by the Superintendent of Banking of the State of Iowa on Friday, August 6, 1982, subject to court approval; (2) approve the applications of Hawkeye Bank and Trust, Mount Pleasant, Iowa, for Federal deposit insurance and for consent to purchase the assets of and assume the liability to pay deposits made in Mt. Pleasant Bank and Trust Company, Mount Pleasant, Iowa; and (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction.

At that same meeting, the Board of Directors rescinded its previous authorization to make funds available for the payment of insured deposits in Mt. Pleasant Bank and Trust Company, Mount Pleasant, Iowa.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: August 10, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1166-82 Filed 8-10-82; 3:33 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:20 p.m. on Friday, August 6, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to make funds available for the payment of insured deposits in Mt. Pleasant Bank and Trust Company, Mount Pleasant, Iowa, which was closed by the Superintendent of Banking of the State of Iowa on Friday, August 6, 1982.

At that same meeting, the Board of Directors provided financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act, in order to facilitate the acquisition of Abilene National Bank, Abilene, Texas, by Mercantile Texas Corporation, Dallas, Texas, a bank holding company.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), concurred in by Director Irvine H. Sprague (Appointive), that

Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: August 10, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1167-82 Filed 8-10-82; 3:33 pm]

BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: August 17, 1982 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: August 19, 1982 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes:
Draft AO 1982-44: Anthony S. Harrington, Democratic National Committee; and Mark Braden, Republican National Committee
Draft AO 1982-47: Joseph Sussillo, Treasurer, Sullivan for Senate
Appropriations and budget:
Proposed FY 84 Budget Request
Routine Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone 202-523-4065.

Majorie W. Emmons,

Secretary of the Commission.

[S-1163-82 Filed 8-10-82; 8:45 am]

BILLING CODE 6715-01-M

5

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., August 18, 1982.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly report of actions taken pursuant to delegated authority.
2. Agreement No. 10414-2: Modification of the PRC-USA Eastbound Rate Agreement to permit adoption of administrative rules.
3. Agreement No. 10421-1: Modification of cooperative arrangement between Pan American Mail Line, Inc., and Linea Naviera Panatlantica, S.A., to admit American Atlantic Shipping, Inc., as a party.
4. Agreement No. T-4033: Establishment of the Marine Terminal Association of Maryland.
5. Agreement No. T-2206-1: Request for five-year renewal of discussion agreement between the California Association of Port Authorities and the Northwest Marine Terminal Association.

Portion closed to the public.

1. Docket No. 81-72: Seald-Sweet International, Inc. v. Sea-Land Service, Inc.—Further consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1168-82 Filed 8-10-82; 3:34 pm]

BILLING CODE 6730-01-M

6

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting

TIME AND DATE: 3:30 p.m., August 16, 1982.

PLACE: Board Room, Federal Reserve Board, 20th and Constitution Avenue, Washington, D.C.

STATUS: Open meeting.

CONTRACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Associate Director, Cummunications 202-653-2705.

AGENDA:

I. Call to Order and Remarks of the Chairman.
II. Report of the Audit Committee.
III. Report of the Personnel Committee.
IV. Report of the Ad hoc Committee.
V. Executive Director's Report.
VI. Approval of Proposed FY 1983 Budget.
VII. Approval of Proposed FY 1984 Budget Submission to OMB.
VIII. Treasurer's Report.

[No. 23, August 10, 1982]

Donnie L. Bryant

Secretary.

[S-1164-82 Filed 8-10-82; 3:33 pm]

BILLING CODE 0000-00-M

7

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

TIME AND DATE: 9:45 a.m., August 19, 1982.

PLACE: Key Bridge Marriott Hotel, Rosslyn, Virginia.

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are invited to attend and observe a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1), and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting pursuant to Article II Section 4 of the Corporation's By-laws, Section 116(f) of said Act and Sections 4 and 5 of said policy.

MATTERS TO BE CONSIDERED:

1. Briefing-Overview of Synthetic Fuel Technologies and Resource Bases.
2. Status Report on Union Project.
3. Status Report on Great Plains Project.
4. Meeting with Advisory Committee to the Board.
5. Approval of Minutes from Prior Meeting.
6. Management Report.
7. Consideration of Second and Third Solicitation.
8. Consideration of Projects.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel, (202) 822–6336.

August 9, 1982.

United States Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board.

[S–1162–82 Filed 8–10–82; 9:26 am]

BILLING CODE 0000–00–M

federal register

Thursday
August 12, 1982

Part II

Department of Transportation

Coast Guard

Subdivision and Stability Regulations; Proposed Rules

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 31, 32, 37, 42, 46, 56, 71, 72, 74, 75, 78, 79, 91, 92, 93 ,99, 107, 108, 109, 111, 151, 153, 154, 167, 168, 170, 171, 172, 173, 174, 175, 177, 178, 179, 189, 190, and 191

[CGD 79-023]

Subdivision and Stability Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The Coast Guard proposes to transfer the subdivision and stability regulations for merchant vessels to a new Subchapter S. The current regulations are scattered in various places throughout Title 46 and Title 33, Code of Federal Regulations, and include several redundant and poorly stated requirements. Rewriting the regulations and placing them in one subchapter should promote a uniform set of standards that can be more easily understood and should reduce the time and costs involved to comply with the various requirements. The proposed regulations also include requirements that have been previously issued as policy statements and interpretations but that have not yet been published in the Code of Federal Regulations.

DATE: Comments on these proposed rules must be received on or before November 10, 1982.

ADDRESSES: 1. Comments should be mailed to Commandant (G-CMC/44) (CGD 79-023), U.S. Coast Guard, Washington, D.C. 20593. The comments, draft evaluation, and materials referenced in this notice will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays at the Marine Safety Council (G-CMC/44), Room 4402, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Comments may also be hand delivered to this address.

2. Standards to be incorporated by reference into this document may be obtained from the following addresses:

MIL-P-21929B; Military Specifications, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120

International Convention for the Safety of Life at Sea, 1974; Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

FOR FURTHER INFORMATION CONTACT: LCDR Kevin V. Feeney, Office of Merchant Marine Safety (G-MTH-5/13), Room 1308, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-2187.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice as CGD 79-023 and the specific sections of the proposal to which the comments apply, and give reasons for the comments. If acknowledgment of receipt of a comment is desired, a stamped self-addressed postcard or envelope should be enclosed. The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on this proposal. No public hearing is planned, but one will be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this document are LCDR K. V. Feeney and Mr. D. L. Ewing, Office of Merchant Marine Safety, and Mr. W. R. Register, Office of the Chief Counsel.

Evaluations

This proposal has been evaluated under Executive Order 12291 and has been determined not to be a major regulation. The proposal has also been evaluated under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980) and has been determined to be nonsignificant. As explained in the evaluation, the regulations should provide a cost savings both to the marine industry and to Federal, State, and local governments that operate vessels. The annual savings is estimated to be in the range of $146,000 to $292,000. The savings will result principally from the reduced time and personnel involved to understand and comply with the regulations.

The regulations should also produce an annual cost savings for the Coast Guard estimated to be in the range of $21,600 to $43,200. Better quality vessel plan submittals can be expected and should result in less time and personnel costs involved for the Coast Guard to review the plans for compliance with the regulations.

Regulatory Flexibility Act Certification

Small businesses and other small entities would be effected by these regulations. These include certain independent naval architects, vessel owners, shipyards, and local governments. The impact is in terms of a cost savings which is estimated to be $520 for each ship ($64 per barge) for which stability plans are submitted for approval. This cost savings will in many cases be up to 5% greater than the savings expected to result for larger entities. Based upon this data and supporting explanation in the draft evaluation, it is certified pursuant to section 605 of the Regulatory Flexibility Act (94 Stat 1164, Pub. L. 96-354) that the regulations, if promulgated, would not have a significant economic impact on a substantial number of small entities.

OMB Control Numbers

Subparts C and D of Part 170 of these regulations contain reporting and recordkeeping requirements. These requirements have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The reporting and recordkeeping requirements for small passenger vessels (46 CFR Subchapter T), vessels carrying dangerous cargoes (46 CFR Subchapter O), cargo and miscellaneous vessels (46 CFR Subchapter I), tank vessels (46 CFR Subchapter D), tank vessels carrying oil (33 CFR Part 157), and mobile offshore drilling units (46 CFR Subchapter IA) have been approved by OMB and assigned control numbers 2115-0095, 2115-0114, 2115-0130, 2115-0131, 2130-0186, and 2130-0188 respectively. The reporting and recordkeeping requirements for passenger vessels (46 CFR Subchapter H), nautical school ships (46 CFR Subchapter R), and oceanographic vessels (46 CFR Subchapter U) were not required to be submitted to OMB. These requirements apply to fewer than ten respondents for each vessel type.

Discussion of the Proposed Regulations

(1) A sizeable portion of the subdivision and stability regulations now in the Code of Federal Regulations (CFR) were drafted between twenty and forty years ago. The language used is often cumbersome, archaic, or vague. Additionally, many basic requirements are repeated in several places and other requirements have not yet been published as regulations in the CFR. The unpublished requirements are currently included in various Coast Guard publications and internal documents as policy statements and interpretations. The existence of numerous unclear regulations and requirements in nonregulatory form has caused confusion in the marine industry and

has resulted in unnecessary additional costs due to increased personnel effort needed to comply with the requirements.

(2) The purpose of this proposal is to rewrite the existing subdivision and stability regulations in a more usable format in order to alleviate unnecessary costs and confusion that currently exists. Specifically, the project has been undertaken to accomplish the following:

(a) Reorganize all the stability and subdivision regulations into a single new subchapter.

(b) Redraft all existing regulations in clear English and consistent format and style.

(c) Incorporate long standing Coast Guard policy statements and interpretations into regulations.

(3) Rewriting the stability regulations and placing them into one subchapter should promote a uniform set of standards that can be more easily understood, should reduce the time and costs involved to comply with them, and should simplify the process of revising and adding regulations in the future as changes become necessary. The regulations, once they are in the new format, should also facilitate Coast Guard plans concerning future transfers of functions associated with the regulations to the American Bureau of Shipping or other non-government agencies.

(4) In redrafting the existing regulations in this proposal, there was no intention to make substantive changes other than the changes discussed later in this preamble. However, unintentional changes sometimes occur in the process of trying to restate requirements in clearer, simpler terms. Commenters are specifically requested to point out changes that inadvertently add additional requirements that are not discussed in this preamble, especially if they would tend to make the rewritten regulations unworkable or more burdensome. Comments are also requested concerning errors detected in the various tables included in this proposal.

(5) The regulations, as recodified in this proposal, are intended for use principally by two identifiable groups: (1) Ship designers and (2) plan review and inspection personnel. However, stability regulations that are operational in nature, such as the requirement to keep a stability letter in the pilothouse under a transparent material, are of little interest to these groups and will be transferred to appropriate sections in Title 46, Code of Federal Regulations, that contain operations requirements.

(6) The policy statements and interpretations that are being incorporated into these regulations cover the following vessels and topics: passenger sailing vessels, deck cargo barges, derrick vessels, foam flotation, and roll stabilization tanks. These policy statements and interpretations have been applied by the Coast Guard for several years, and they have been effective in providing for the safety of the vessel types involved.

(7) This proposal also includes stability standards for tugboats and towboats. These standards have not yet been published in the **Federal Register** but they represent existing policy being applied by Coast Guard field technical offices. In 1976 the Coast Guard published an advanced notice of proposed rulemaking concerning intact stability standards that would upgrade existing standards for towing vessels. The notice was published in the **Federal Register** on April 12, 1976 (41 FR 15349) under docket number CGD 76–018. Based upon further analysis, however, a demonstrated need for upgraded standards has not been shown and, accordingly, the Coast Guard has canceled CGD 76–018.

(8) Specific stability standards for offshore supply vessels are not included in this draft subchapter. In an effort to implement the provisions of Public Law 96–378, the Coast Guard has started a regulatory project to develop standards for offshore supply vessels. Notice of this regulatory project appeared in the April 1982 Agenda for DOT regulations. The stability requirements in those regulations, when finalized, will be transferred to this subchapter.

(9) This draft subchapter also does not include stability regulations that are currently being prepared in three other regulatory projects. The regulations in those projects, when finalized will be added to this subchapter. The other projects include—

(a) *CGD 76–080.* Stability Standards for Hopper Dredges. A notice of proposed rulemaking was published in the **Federal Register** on December 10, 1979 (44 FR 70791) and a supplemental notice on January 24, 1980 (45 FR 5780).

(b) *CGD 76–053.* Subdivision and Damage Stability for Certain Passenger Vessels. A notice of proposed rulemaking was published on August 20, 1981 (46 FR 42300).

(c) *CGD 77–027.* Damage Stability Standards for Ocean-Going Chemical Barges. A notice of proposed rulemaking has not yet been published. Final rules are not expected for some time and, accordingly, the existing standards for ocean-going chemical barges are included in this draft subchapter at proposed §§ 172.103–172.110.

(10) The editorial amendments necessary to transfer the various stability regulations to their new placement in the Code of Federal Regulations (CFR) have not been included in this proposal. However, they will be included in the final rules. The cross reference tables in paragraphs 13 through 16 show how the proposed regulations relate to those currently in the CFR and explain the disposition made of existing stability regulations that are not included in the proposal. Following the tables is a specific discussion of each regulation that incorporates a change. Regulations that contain changes are designated by an asterisk (*) in the extreme left column of Table I.

(11) The proposal includes several technical terms that are specific to the profession of naval architecture or to the business of ship construction. These technical terms are commonly used and understood by naval architects and persons involved in ship construction and are not defined in this proposal. The most widely used reference text for these terms is "Principles of Naval Architecture" published in 1967 by the Society of Naval Architects and Marine Engineers, 74 Trinity Place, New York, N.Y., 10006.

(12) Examples of technical terms used in this proposal include the following:

(a) Sectional area.

(b) Design waterline.

(c) Forward and after perpendiculars.

(d) Metacentric height (GM).

(e) Propeller circle diameter.

(f) Residual righting arm curve.

(g) Baseline.

(h) Sheer.

(i) Free surface effect.

(j) Molded dimensions (i.e. molded line, molded baseline, molded beam).

(13) The following table shows how the proposed regulations relate to regulations currently in the CFR. References are to regulations in Title 46 unless otherwise noted.

TABLE I

	Proposed regulation	Existing regulation	Other existing regulations containing the same or similar requirement
	170.001		31.10–30(a), 73.01.1, 74.01, 107.01, 107.111, 93.01–1, 167.20–5, 167.20–20, 168.05–5, 178.01, 179.01, 191.01, 153.806(a), 153.15, 153.16, 154.1, 73.90, 74.90, 93.07–90, 33 CFR 157.01.
	170.005	30.01–10	179.15–1, 91.45.

TABLE I—Continued

Proposed regulation	Existing regulation	Other existing regulations containing the same or similar requirement
170.010	108.105	30.15–1, 175.15, 90.15, 70.15, 188.15, 108.335(c) 153.10, 154.8, 33 CFR 157.07.
170.050:		
(a)	New	
(b)		30.10–17, 70.10–9, 90.10–7, 151.03–15, 153.1, 175.10–5, 107.111, 167.05–10, 188.10–19.
(c)	178.05–15	
(d)	90.05–10(b)	30.10–33, 30.10–6(b), 151.03–29, 70.05–10(b), 70.10–17, 175.10–11, 188.10–31, 93.20–1.
(e)	90.10–19	30.10–41, 70.10–23, 151.03–33, 175.10–17, 188.10–39.
(f)	175.10–25	30.10–45, 70.10–31, 151.03–39, 90.10–25, 188.10–51.
(g)	90.10–27	30.10–47, 70.10–33, 151.03–41, 175.10–26, 188.10–55.
(h)	33 CFR 157.03	
(i)	178.05–17	
(j)	178.05–19	
(k)	175.710–33	70.10–39, 90.10–33, 151.03–45, 188.10–61, 30.10–61.
170.055:		
(a)	175.10–38	
(b)	90.10–2	30.10–65, 70.10–2, 151.03–7, 175.10–23, 188.10–5.
(c)	33 CFR 157.03	73.05–4, 153.4, 191.05–4.
(d)	178.05–1	73.705–5, 191.05–5.
(e)	108.301(c)	
(f)	108.301(d)	
(g)	73.05–7	191.05–7.
(h)		153.2, 175.10–19, 73.05–3, 191.05–3, 154.3, 33 CFR 157.03.
(i)	33 CFR 157.03	30.10–38, 31.10–30(f)(1).
(j)	73.05–8	33 CFR 157.03, 154.3, 153.30(a), 191.05–8.
(k)	175.10–36	70.10–42.
(l)	New	
(m)	30.10–69	
(n)	30.10–65	
(o)	30.10–67	
(p)		70.10–45, 90.10–37, 151.03–55.
(q)	New	
1707.070	107.301	31.10–5(a), 71.65–1, 189.55–1, 91.55–1, 167.20–25, 168.05–5, 179.01–1
170.075:		
(a)(1)	107.305(b)	71.65–5(a)(2), 167.20–25 (a)(1) and (c), 177.05–1(a)(4), 189.55–5(a), 91.55–5(a)(2), 168.05–5, 31.10–5(a), 33 CFR 157.24(b), 154.4, 153.8.
(a)(2)	107.305(q)	71.65–5(c)(1), 167.20–25 (a)(3) and (c), 177.05–3(a)(1), 189.55–5(c)(1), 91.55–5(c)(1), 168.05–5, 31.10–5(a), 33 CFR 157.24(b), 154.4, 153.8.
(a)(3)	107.305(r)	71.65–5(c)(2), 167.20–25 (a)(4) and (c), 177.05–3(a)(2), 189.55–5(c)(2), 91.55(c)(2), 168.05–5, 31.10–5(a), 33 CFR 157.24(b), 154.4, 153.8.
(a)(4)	107.305(s)	71.65–5(c)(5), 167.20–25 (b) and (c), 177.05–3(a)(3), 189.55–5(c)(3), 91.55–5(c)(3), 168.05–5, 31.10–5(a), 33 CFR 157.24(b), 154.4, 153.8.
(a)(5)	107.305(t)	71.65–5(c)(6), 167.20–25 (b) and (c), 189.55–5(c)(4), 91.55–5(c)(4), 168.05–5, 31.10–5(a), 33 CFR 157.24(b), 154.4, 153.8.
(a)(6)	107.305(u)	71.65–5(c)(7), 167.20–25 (b) and (c), 189.55–5(c)(5), 91.55–5(c)(5), 168.05–5, 31.10–5(a), 33 CFR 157.24(b), 154.4, 153.8.
(b)	177.05–1	
170.080	107.305(ii)	177.05–3(b), 191.30–1(b), 168.05–5, 31.10–5(b), 74.20–1(b), 93.10–1(a).
170.085	108.337	93.05–5 (a) and (b), 74.05–5 (a) and (b), 191.15–5(a), 153.806, 154.205(a), 167.20–25(b), 168.05–5, 31.10–30(b)(2).
170.090		177.05–3 (b), (d), and (e), 71.65–5(c) (3) and (4), 167.20–25(b), 168.05–5, 31.10–5(a), 107.305(u–1), 191.20–15(b)(8), 108.329, 108.313, 91.55–5(c), 33 CFR 157.24(b).
170.095	MMTN 3–69	
170.098		31.10–33(a), 93.20–10(b), 74.10–12.
170.100	107.317	71.65–15, 177.05–1(a), 177.05–3(a), 189.55–15, 91.55–20, 167.20–25(c), 168.05–5.
170.105	179.01–1	
* 170.110:		
(a)	109.121(a)	74.20–1(a), 74.20–15 (a) and (b), 93.10–1(a), 154.1809(a), 153.806(b), 191.30–1(a), 154.205(a), 153.806(a), 168.05–5, 31.10–30(b)(4), 167.20–20, 191.30–15.
(b)	109.121(b)	74.20–1(b), 93.10–1(a), 191.30–1(b), 154.205(a), 31.10–30(b)(4), 168.05–5, 167.20–20, 153.806(a).
(c)	109.121(d)	74.20–1(a), 74.20–15(a), 154.1809(b), 191.30–15(a), 154.205(a), 168.05–5, 31.10–30(b)(4), 167.20–20, 153.806(a), 74.20–5, 93.10–1 (a) and (b), 154.1809(c), 191.30–1(a), 153.806(b), 74.20–10, 191.30–10.
(d)	New	
170.120:		
(a)	74.25–1	31.10–(b)(5), 179.20 (a) and (b), 191.35–1, 191.35–5, 154.205(a), 31.10–30(b)(4), 168.05–5, 153.806(a), 167.20–20, 93.15–1, 93.15–5.
* (b)	New	
170.125	MMTN 3–69	
170.130:		
(a)	109.121(d)(6)	
(b)	109.121(d)(6)	
170.160		31.10–30(a)(1), 74.01–1, 179.01–1, 93–01–1, 93.07–1, 153.806, 154.205(a), 167.20–20, 168.05–5, 191.20–5, MMTN 3–69.
170.170:		
(a)	74.10–5	31.10–30(b)(3), 93.07–10, 153.806(a), 154.205(a), 167.20–20, 168.05–5, 179.10–5, 191.20–5.
(b)	74.10–5	31.10–30(b)(3), 93.07–10, 153.806(a), 154.205(a), 167.20–20, 168.05–5, 179.10–5, 191.20–5.
(c)	MMTN 3–68	
(d)	74.10–11	31.10–30(b)(3), 93.07–15, 153.806(a), 167.20–20, 168.05–5, 179.10–5, 191.20–10.
* 170.173	New	NVC 3–73, IMCO document DE XXII/13, Annex 4.
170.174		93.05–1(a), 74.05–1(a), 167.20–20, 31.10–30(b)(1), 168.05–5, 179.05–1, 191.15–1, 154.205(a), 153.806, 93.01–1, 108.335.
170.175:		
(a)	108.335(a)	93.05–1(a), 74.05–1(a), 191.15–1(a), 153.806, 154.205(a), 167.20–20, 168.05–5, 31.10–30(b)(1), 179.10–3.
(b)	108.335(b)	93.05–1(a), 74.05–1(a), 191.15–1(a), 153.806, 154.205(a), 167.20–20, 168.05–5, 31.10–30(b)(1), 179.10–3.
(c)	108.338(c)	93.05–1(b), 74.05–1(b), 191.15–1(b), 153.806, 154.205(a), 167.20–20, 168.05–5, 31.10–30(b)(1), 179.10–3.
(d)	93.05–1	

TABLE I—Continued

Proposed regulation	Existing regulation	Other existing regulations containing the same or similar requirement
170.180	74.05-(a) and (b)	93.05-5(a) and (b), 108.337, 153.806, 191.15-5(a), 154.205(a), 168.05-5, 167.20-25(a), 31.10-30(b)(1), 179.10-3, 179.10-5, 189.55-5(c).
170.185:		
(a)	108.339(a)	93.05-5(c)(3), 74.05-5(c)(3), 191.15-5(b)(3), 153.806, 154.205(a), 167.20-20, 168.05-5, 31.10-30(b)(2), 179.10-3, 179.10-5.
(b)	108.339(b)	93.05-5(c)(2), 74.05-5(c)(2), 191.15-5(b)(2), 153.806, 154.205(a), 167.20-20, 168.05-5, 31.10-30(b)(2), 179.10-3, 179.10-5.
(c)	108.339(c)	93.05-5(c)(4), 74.05-5(c)(4), 191.15(b)(4), 153.806, 154.205(a), 167.20-20, 168.05-5, 31.10-30(b)(2), 179.10-3, 179.10-5.
(d)	108.339(d)	93.05-5(c)(5), 74.05-5(c)(5), 191.15-5(b)(5), 153.806, 154.205(a), 167.20-20, 168.05-5, 31.10-30(b)(2), 179.10-3.
(e)	108.339(e)	93.05-5(c)(5), 74.05-5(c)(5), 191.15-5(b)(5), 153.806, 154.205(a), 167.20-20, 168.05-5, 31.10-30(b)(2), 179.10-3.
(f)	108.339(f)	
(g)	108.339(g)	
170.190	108.341	93.05-5(c)(1), 74.05-5(c)(1), 191.15-5(b)(1), 153.806, 154.205(a), 167.20-20, 168.05-5, 31.10-30(b)(2), 179.10-3, 179.10-5.
170.200		31.10-30 (c) through (f).
170.235	74.15-5	168.05-5, 191.25-5, 93.13-5, 109.581, 153.806(a), 154.205(a), 167.20-30.
170.245	MMTN 4-67	178.10-1.
* 170.248	New	
170.250:		
(a)	73.35-1(a)	167.20-5, 168.05-5, 191.10-25(b).
(b)	73.35-1(a)	167.20-5, 168.05-5, 191.10-25(b).
(c)	73.35-1(b)	167.20-5, 168.05-5.
(d)	73.35-17	
170.255:		
(a)	73.35-5(a)	167.20-5, 168.05-5, 191.10-25(c).
(b)	73.35-5(b)	167.20-5, 168.05-5.
(c)	73.35-5(b)	167.20-5, 168.05-5.
170.260:		
(a)	73.35-10(a)	167.20-5, 168.05-5, 191.10-25(d)(1).
(b)	73.35-10(b), 73.35-10(c).	167.20-5, 168.05-5, 191.10-25(d)(2).
(c)	73.35-10(b)	167.20-5, 168.05-5, 191.10-25(d)(2).
170.265:		
(a)	73.35-15(a)	167.20-5, 168.05-5.
(b)	73.35-15(b)	167.20-5, 168.05-5, 191.10-25(e).
(c)	73.35-15(c)	167.20-5, 168.05-5, 191.10-25(e).
(d)	73.35-15(d)	167.20-5, 168.05-5.

TABLE I—Continued

Proposed regulation	Existing regulation	Other existing regulations containing the same or similar requirement
170.270:		
(a)	73.35-20(a)	167.20-5, 168.05-5.
(b)	73.35-30(b)	167.20-5, 168.05-5, 191.10-25(f)(2).
(c)	73.35-30(c)	167.20-5, 168.05-5, 191.10-25(f)(3).
(d)	73.35-25(a)	167.20-5, 168.05-5, 191.10-25(f)(3).
170.275:		
(a)	73.35-17(a)	167.20-5, 168.05-5.
(b)	73.35-17(b)	167.20-5, 168.05-5.
(c)	73.35-17(a)	167.20-5, 168.05-5.
170.285:		
170.285	154.225	31.10-30(b)(3), 151.10-15(b), 153.31, 74.10-1, 167.20-20, 168.05-5, 191.20-1, 93.07-5, 33 CFR 157, App. B, paragraph 4(d), 93.20-05(c).
170.290	154.225	31.10-30(b)(3), 151.10-15(b), 153.31, 74.10-1, 167.20-20, 168.05-5, 191.20-1, 93.07-5, 33 CFR 157, App. B, paragraph 4(e), 93.20-05(c).
170.295	MMTN 2-69	
171.001	New	
171.010:		
(a)	178.05-9	
(b)	73.05-2	191.05-2.
* (c)	New	
(d)		70.10-15, 175.10-9.
(e)	73.05-12	
(f)	178.05-7	
(g)	70.05-10	
(h)	73.05-10	
(i)	178.05-13	
(j)	73.05-11	
* (k)	New	
(l)	70.10-43	
* (m)	New	
(n)	178.05-11	
* 171.015:		
(a)	73.05-6(a)	167.20-5, 168.05-5, 191.05-6(b).
(b)	73.05-6(b)	167.20-5, 168.05-5, 191.05-6(a).
(c)	73.05-6(a)	167.20-5, 168.05-5, 191.05-6(a).
(d)	73.05-6(a)	167.20-5, 168.05-5, 191.05-6(a).
171.017	178.10-1	
171.020		175.05-5(a), 178.01-1, 178.10-1, 178.10-5, 178.10-10, 179.01-1.
171.030:		
(a)		179.05, 179.10-3(a).
(b)		179.10-1(a), 179.10-1(b), 179.10-1(c).
(c)		179.10-1(d), 179.10-1(e).
(d)		179.10-1(f), 179.10-1(g).
(e)	179.10-1(f)-(g)	
(f)	179.10-1(f)	
* (g)	179.10-1(h)	
(h)	179.10-1(f)	
171.035	MMTN 3-68	
171.040:		
(a)		178.10-1(a), 178.10-1(b), 178.20-1(b).
(b)		178.10-5(a), 178.10-5(b), 178.10-10.
(c)	178.25-1(b)	
(d)	178.15-5	
171.043:		
(a)	178.20-1(a)	
(b)	178.20-1(a)	
171.045		175.05-5 (a) and (b), 178.01-1, 178.10-1, 178.20-5, 179.01-1, 70.05-1(a), 73.01-1, 74.01-1, 73.10-1.

TABLE I—Continued

Proposed regulation	Existing regulation	Other existing regulations containing the same or similar requirement
171.050	74.10-10	179.10-5.
171.055	MMTN 3-68	
171.057	MMTN 1-69	
171.060:		
(a)		73.10-1(a).
(b)		178.20-5, 73.15 (title).
(c)		73.20-1(a), 178.10-1(a).
(d)	73.20-1(a)	178.15-15.
171.065:		
(a)		73.10-10, 73.10-15, 73.10-20.
(b)	73.10-23	73.10-15, 73.10-20.
(c)	73.10-30(a)	
(d)	73.10-35	
(e)	73.10-55	
(f)	73.10-60	
(g)	73.10-60	
(h)	73.10-60	
* (i)	New	
* (j)	New	
171.066:		
(a)		73.10-5(a), 73.10-5(b)(1), 73.10-5(c)(1), 73.10-30(b).
(b)	73.10-5(b)(2)	
(c)	73.10-5(d)	
(d)	73.10-5(e)	
171.067:		
(a)	New	
(b)	73.10-40	
(c)	73.10-45	
(d)	73.10-45	
(e)	73.10-55	
(f)	73.10-50	
171.068:		
(a)		73.10-65(a), 73.10-65(b) (1) and (2), 73.10-1(b).
(b)		73.10-65(b)(2)(i).
(c)		73.10-65(b)(2)(ii).
171.070:		
(a)	73.15-5(b)-(f)	
(b)	73.15-10(a)-(c)	
(c)	73.15-10(a)	
(d)	73.15-10(a)	
* (e)	73.15-15, new	178.20-5(b).
* (f)	73.15-15	178.20-5(b).
171.072	73.15-1	
171.073:		
* (a)	73.15-20	
(b)		73.15-25 (a) and (b).
(c)	73.15-30	
171.080:		
(a)		74.10-15 (a) and (b), 179.10-5.
(b)	74.10-15(c)(4)	179.10-5.
(c)	74.10-15(c)(3)	179.10-5.
(d)	74.10-15(c)(7)	179.10-5.
(e)	74.10-15(c)(5)	179.10-5.
171.085:		
(a)	New	
(b)	73.20-1(a)	
(c)	73.20-1(a)	
(d)	73.20-1(a)	
(e)	73.20-1(b)	
(f)	73.20-1(b)	
(g)	73.20-1(c)	73.30-15(a)(1).
(h)	178.15-3	
(i)	178.15-3	
(j)	178.15-1	
171.090		73.20-10, 178.15-5.
171.095	73.20-5	
171.100:		
(a)	73.20-15	
(b)	73.30-25(b)	
(c)	73.30-25(b)	
(d)	73.30-25(b)	
171.105:		
(a)	73.25-1	
(b)	73.25-5(b)	
(c)	73.25-5(c)	
(d)	73.25-5(d)	
(e)	73.25-5(e)	
(f)	73.25-5(e)	
(g)	73.25-5(f)	
(h)	73.25-5(g)	
171.106	73.25-10	
171.108	73.25-15	

TABLE I—Continued

Proposed regulation	Existing regulation	Other existing regulations containing the same or similar requirement
171.109	73.25-20	
171.110	New	
171.111:		
(a)	73.30-1	
(b)	73.30-35	
(c)	73.30-1	
(d)	73.30-10	
(e)	73.30-5	
(f)	73.30-40	
(g)	73.30-40	
(h)	73.30-15(a)(2)	
171.112:		
(a)	73.30-25(a)	
(b)	73.30-25(b)	
171.113:		
(a)	New	
(b)	73.30-30(b)	
(c)	73.30-30(a)	
171.114:		
(a)	178.25-1(c)	
(b)	178.25-1(d)	
(c)	178.25-1(b)	
171.115	New	
171.116:		
(a)	73.40-5(a)	
(b)	73.40-5(b)(1)	
(c)	73.40-5(b)(3)	
(d)	73.40-5(b)(4)	
(e)		73.40-5(b)(2), 73.40-5(b)(5)
171.117:		
(a)	73.40-5(c)(1)	
(b)	73.40-5(c)(1)	
(c)	73.40-5(c)(2)	
171.118:		
(a)	73.40-10	
(b)	73.40-15	
(c)	73.40-15	
171.119:		
(a)		178.40-1 (b) and (c).
(b)	178.40-1(d)	
(c)	178.40-1(e)	
(d)	178.40-1(e)	
(e)	178.40-1(d)	
(f)	178.40-1(d)	
171.120	New	
171.122:		
(a)	New	
(b)	73.45-5(a)	
(c)	73.45-1(a)	
(d)	73.45-1(b)	
(e)	73.45-1(b)	
(f)	73.45-5(b)	
(g)	73.45-10(a)	
(h)	73.45-10(b)	
171.124:		
(a)		178.35-1 (a), (b), and (c).
(b)	178.35-1(d)	
(c)	178.35-1(e)	
(d)	178.35-1(f)	
(e)	178.35-1(f)(1)	
171.130	New	
171.135	73.45-5(c)	
171.140	178.30-1	
171.145:		
(a)	178.30-3(a)	
(b)	178.30-3(b)	
(c)	178.30-3(b)	
(d)	178.30-3(c)	
(e)	178.30-3(d)	
(f)	178.30-3(d)	
171.150:		
(a)	178.30-5(a)	
(b)		178.30-5 (b), (c), and (d).
(c)	178.30-5(b)	
(d)	178.30-5(b)	
171.155	178.30-7	
172.005		93.20-01, 30.25-1, 151.01-10(b), 153.5, 154.2, 153.806(a), 154.205(a).
172.010	93.20-01	31.10-33(d), 74.10-12, 153.806(a), 154.205(a).

TABLE I—Continued

Proposed regulation	Existing regulation	Other existing regulations containing the same or similar requirement
172.015:		
(a)	93.20-10(a)	31.10-33(d), 74.10-12, 153.806(a), 154.205(a).
(b)	93.20-10(b)	31.10-33(d), 74.10-12, 153.806(a), 154.205(a).
172.020:		
(a)	New	
(b)	93.20-05(a)	31.10-33(a).
172.030:		
(a)	93.20-15(a)	33.10-33(c), 74.10-12, 153.806(a), 154.205(a).
(b)		93.20-10(a), 93.20-20(b), 74.10-12, 153.806(a), 154.205(a).
(c)	93.20-20(b)	74.10-12, 153.806(a), 154.205(a).
(d)	Table 93.17-15	
(e)	Table 93.17-15	31.10-33(c), 74.10-12, 153.806(a), 154.205(a).
(f)	93.20-15(b)	31.10-33(c), 74.10-12, 153.806(a), 154.205(a).
172.040:		
(a)	31.10-33(a)	
(b)		31.10-33(a) (1) and (2), 74.10-12.
172.047	30.25-1	
172.060:		
(a)		33 CFR 157.01, 157.08, 157.21.
(b)	33 CFR 157.03(a)	
(c)	33 CFR 157.21	
(d)		33 CFR 157—Appendix B—para. (2).
(e)		33 CFR 157—Appendix B—para. (3)(a), para. (3)(c), and para. (3)(d).
(f)		33 CFR 157—Appendix B—para. (3)(b).
(g)		33 CFR 157—Appendix B—para. (4)(a)–(b).
(h)(1)	33 CFR 157.21(a)	
(h)(2)	33 CFR 157.21(b)	
(h)(3)	33 CFR 157.21(c)	
(h)(4)		33 CFR 157—Appendix B—para. (3)(e).
(i)		33 CFR 157—Appendix B—para. (4)(c).
172.070:		
(a)	32.63-1	
(b)	32.63-5	
(c)	32.63-15(b)	
(d)	32.63-15(b)	
(e)	32.63-15(b)	
* (f)	32.63-15, New	
* (g)	New	
172.080	151.01-10	
172.085	New	
172.087	151.10-15(b)	
172.090:		
(a)	151.10-5(a)	
(b)	151.10-5(b)	
(c)	151.10-5(b)	
(d)	151.10-5(a)	
172.095	151.10-6	
172.100:		
(a)		151.10-10(a)(1).
* (b)		151.10-10(a)(1).
(c)		151.10-10(a)(1).
172.103	New	
172.104:		
(a)		151.10-10(a)(2).
(b)		151.10-10(a)(2).
(c)		151.10-10(a)(3).
172.105:		
(a)(1)		151.10-10(b)(2).
(a)(2)		151.10-10(b)(1).
(a)(3)	New	
(b)		151.10-(b)(3).

TABLE I—Continued

Proposed regulation	Existing regulation	Other existing regulations containing the same or similar requirement
172.110:		
(a)	New	
(b)	New	
(c)		151.10-10(c)(1).
(d)		151.10-10(c)(1).
(e)		151.10-10(c)(2).
(f)		151.10-10(c)(2).
(g)		151.10-10(c)(2).
(h)		151.10-10(c)(2).
(i)		151.10-10(c)(2).
172.125	153.1	
172.127	153.2	
172.130:		
(a)		153.15, 153.16, 153.20 through 22.
(b)	153.5	
172.133:		
(a)	153.20	
(b)	153.21	
(c)	153.22	
(d)	153.32(c)	
172.135:		
(a)	153.32(a)	
(b)	153.32(a)	
172.140:		
(a)	153.30(b)	
(b)	153.30(b)	
(c)	153.30(c)	
172.150:		
(a)	153.34(b)	
(b)	153.34(a)	
(c)	153.34(c)	
(d)	153.34(f)	
(e)	153.34(e)	
(f)	153.34(d)	
(g)	153.34(g)	
(h)	153.34(h)	
172.155		154.1, 154.2.
172.160:		
(a)	154.3	
(b)	154.3	
172.165	154.205(b)	
172.170:		
(a)	154.210(a)	
(b)	154.210(b)	
172.175:		
(a)	154.215(a)	
(b)	154.215(b)	
(c)	154.215(c)	
(d)	154.215(d)	
(e)	154.215(e)	
(f)	154.215(e)	
172.180:		
(a)	154.220(a)	
(b)	154.220(b)	
172.185:		
(a)	154.225(d)	
(b)	154.225(c)	
(c)	154.225(e)	
172.195:		
(a)	154.230(b)	
(b)	154.230(a)	
(c)	154.230(c)	
(d)	154.230(h)	
(e)	154.230(e)	
(f)	154.230(d)	
(g)	154.230(g)	
(h)	154.230(h)	
172.205	154.230(f)	
173.001	New	
173.005 through 173.025.	MMTN 3-69	
173.050	167.20-5	
173.055	167.20-5	
173.060	168.20-5	
173.070		191.01-1, 188.05-1.
172.075:		
(a)		191.10-1, 191.10-5, 191.10-10, 191.10-13.
(b)	191.10-15	
173.080		191.20-15 (a), (b)(1)(7), and (c).
173.085:		
(a)		191.10-15(a), 191.10-20(e).
(b)	191.10-16	
(c)	191.10-17	

TABLE I—Continued

Proposed regulation	Existing regulation	Other existing regulations containing the same or similar requirement
(d)	191.10–18	
(e)	191.10–19	
(f)		191.10–20(a)–(c) and (f).
(g)	191.10–20(g)	
(h)		191.10–20(b)(2).
(i)	191.10–30(b)	
(j)		191.10–30(c)(2).
(k)		191.10–30(c)(1).
(l)	191.10–30(d)	
(m)	191.10–35	
(n)		191.10–35(b)(2).
(o)	191.10–20(d)	
173.090	65–4–C MSM	
173.095	65–4–C MSM	
174.005		93.07–15, 107.01.
174.010 through 174.020.	MMTN 3–69	
174.030	107.01	
174.035:		
(a)	107.111	
(b)	108.301	
174.040	108.303	
174.045:		
(a)	108.305(a)	
(b)	108.305(b)	
(c)	108.305(c)	
(d)	108.305(d)	
174.050	108.309	
174.055:		
(a)	108.311(a)	
(b)	108.311(b)	
(c)	108.311(c)	
174.065:		
(a)	108.315(a)	
(b)	108.315(b)	
174.070:		
(a)	108.317(a)	
(b)	108.317(b)	
74.075	108.319	
174.080:		
(a)	108.321(a)	
(b)	108.321(b)	
174.085:		
(a)	108.323(a)	
(b)	108.823(b)	
174.090	108.325	
174.100		108.114, 108.115.
174.110	79.01–1	37.01–1, 99.01–1.
174.115	79.05–5(a)	37.05–5(a), 99.05–5(a).
174.120	79.05–5(a)	37.05–5(a), 99.05(a).
174.125	79.05–5(a)–(b)	37.05–5(a)–(b), 99.05–5(a)–(b).
174.140	65–4–C MSM	
174.145	65–4–C MSM	

NOTE.—Regulations that contain changes are designated by an asterisk (*) in the extreme left column of Table I.

(14) The following table lists rules that are to be deleted because they are the same as other rules in other parts of Title 46, CFR.

TABLE II

Deleted rule	Rule repeated in—
73.35–20(b)	163.001–4 (a) and (b).
73.35–20(c)(1)	163.001–5(b).
73.35–20(c)(2)	163.001–5(c)(1), 163.001–5(f), 163.001–5(b)(4), 58.30–10.
73.35–20(c)(3)	163.001–5(b).
73.35–20(d)	163.001–5(b)(4) 163.001–6(a)(5).
73.35–25(b)	163.001–5(d).

(15) The following table shows where in Title 46, CFR certain existing stability rules not contained in the proposed Subchapter S would be transferred:

TABLE III

Existing rule	Proposed new location in CFR
73.35–20(c)(2):	
(first sentence)	163.001–5(a).
(sixth sentence)	163.001–5.
73.35–25(a) (second sentence).	163.001–4.
73.40–5(b)(4)	Part 78.
74.15–10	Part 78.
74.20–15(a) (first sentence)	Part 78.
74.25–1(a) (first sentence)	Part 78.
93.10–1(a) (fourth line)	Part 97.
93.13–10	Part 97.
93.15–1	Part 97.
151.10–15(c)	151.10–20.
179.20–1	Part 185.
191.25–10	Part 196.

(16) The following Table lists existing regulations in chronological order and the proposed regulations that correspond to them. References are to Title 46, CFR, unless otherwise noted.

TABLE IV

Existing regulation	Proposed regulation
31.10–30:	
(a)(1)	170.160, 170.001.
(a)(2)	170.001.
(b)(1)	170.175, 170.174.
(b)(2)	170.085, 170,185, and 170.190.
(b)(3)	170.170.
(b)(4)	170.110, 170.120.
(b)(5)	170.120.
(c)	170.200.
(d)	170.200.
(e)	170.200.
(f)(1)	170.055(i).
(f)(2)	170.200.
31.10–33:	
(a)	172.040, 170.098, and 172.020.
(b)	Deleted—unnecessary.
(c)	172.030.
(d)	172.015
32.63–1	172.070.
32.63–15	172.070.
37.05–5	174.110–174.125.
71.65–5	170.075, 170.090.
73.01–1	170.001, 171.045.
73.05–1	Deleted—unnecessary.
73.05–2	171.010(b).
73.05–3	170.055(h)(1).
73.05–4	170.055(c).
73.05–5	170.055(d).
73.05–6	171.015.
73.05–7	171.055(g).
73.05–8	170.055(j).
73.05–9	Deleted—unnecessary.
73.05–10	171.010(h).
73.05–11	171.010(j).
73.05–12	171.010(e).
73.10–1:	
(a)	171.045, 171.060.
(b)	171.068.
73.10–3	Deleted—unnecessary.
73.10–5	171.066.
73.10–10	171.065(a).
73.10–15	171.065(a) and (b).
73.10–20	171.065(a) and (b).
73.10–23	171.065(b).
73.10–25	171.015(d).
73.10–30:	
(a)	171.065(c).
(b)	171.066(a).
73.10–35	171.065(d).
73.10–40	171.067(b).
73.10–45	171.067 (b) and (c).
73.10–50	171.067(f).
73.10–55	171.065(e), 171.067(e).
73.10–60	171.065(f).
73.10–65	171.068.
73.15–1	171.072.

TABLE IV—Continued

Existing regulation	Proposed regulation
73.15–5:	
(a)	Deleted—unnecessary.
(b)–(f)	171.070(a).
73.15–10	171.070(b)–(d).
73.15–15	171.070(e).
73.15–20	171.073(a).
73.15–25	171.073(b).
73.15–30	171.073(c).
73.20–1	171.085.
73.20–5	171.095.
73.20–10	171.090.
73.20–15	171.100(a).
73.25–1	171.105(a).
73.25–5:	
(a)	Deleted—unnecessary.
(b)	171.105(b).
(c)	171.105(c).
(d)	171.105(d).
(e)	171.105 (e) and (f).
(f)	171.105(g).
(g)	171.105(h).
73.25–10	171.106.
73.25–15	171.108.
73.25–20	171.109.
73.30–1	171.111(c).
73.30–5	171.111(e).
73.30–10	171.111(d).
73.30–15	171.111(h), 171.085(g).
73.30–20	Deleted—unnecessary.
73.30–25:	
(a)	171.112(a).
(b)	171.112(b).
73.30–30	171.113 (b) and (c).
73.30–35	171.111(b).
73.30–40	171.111 (f) and (g).
73.35–1	170.250.
73.35–5	170.255.
73.35–10	170.260.
73.35–15	170.265.
73.35–17	170.275.
73.35–20(a)	170.270(a).
73.35–20 (b)–(d)	Deleted—repetitious (see tables II and III.
73.35–25(a)	170.270(d).
73.35–25(b)	Deleted—repetitious (see tables II and III).
73.35–30(a)	Deleted—unnecessary.
73.35–30 (b) and (c)	170.270.
73.40–1	Deleted—unnecessary.
73.40–5:	
(a) and (b)	171.116.
(c)	171.117.
73.40–10	171.118(a).
73.40–15	171.118 (b) and (c).
73.40–20	Deleted—unnecessary.
73.45–1	171.122 (c)–(e).
73.45–5:	
(a)	171.122(b).
(b)	171.122(f).
(c)	171.135.
73.45–10	171.122 (g) and (h).
73.90	170.001(b).
74.01–1	170.001, 171.045.
74.05–1	170.175.
74.05–5:	
(a) and (b)	170.180, 170.085.
(c)	170.185, 170.190.
74.10–1	170.020.
74.10–5	170.170.
74.10–10	171.050.
74.10–11	170.170(d).
74.10–12	Deleted—unnecessary.
74.10–15:	
(a)	171.080(a).
(b)(1)	171.080(a).
(b)(2)	Deleted—unnecessary.
(c)(1)	Deleted—unnecessary.
(c)(2)	Deleted—unnecessary.
(c)(3)	171.080(c).
(c)(4)	171.080(b).
(c)(5)	171.080(e).
(c)(6)	171.080(d).
(c)(7)	171.080(d).
(c)(8)	171.080(d).
(c)(9)	171.080(d).
(d)(1)	Deleted—unnecessary.
(d)(2)	Deleted—unnecessary.
74.10–20	Deleted—unnecessary.
74.15–1	Deleted—unnecessary.
74.15–5	170.235.
74.20–1	170.110.
74.20–5	170.110.

TABLE IV—Continued

Existing regulation	Proposed regulation
74.20-10	170.110.
74.20-15	170.110.
74.25-1	170.120.
74.90-1	170.001(b).
79.05-5	174.110-174.125.
91.55-5(c)	170.075.
93.01-1	170.001.
93.05-1	170.175.
93.05-5	170.180, 170.185.
93.07-1	170.160.
93.07-5	170.020.
93.07-10	170.170.
93.07-15	170.170.
93.07-90	170.001(b).
93.10-1	170.110.
93.13-1	Deleted—unnecessary.
93.13-5	170.235.
93.15-1	170.120.
93.15-5	170.120.
93.20-01	170.050(d), 172.005, and 172.010.
93.20-05(a)	172.020(b).
93.20-05(b)	Deleted—unnecessary.
93.20-05(c)	170.285, 170.290.
93.20-10	172.015.
93.20-15	172.030.
93.20-20	172.030.
Table 93.17-15	172.030.
99.05-5	174.110-174.125.
107.305	170.075, 170.090.
108.114	174.100.
108.115	174.100.
108.301	174.035(b), 170.055(c)-(d).
108.303	174.040.
108.305	174.045.
108.309	174.050.
108.311	174.055.
108.313	170.090.
108.315	174.065.
108.317	174.070.
108.319	174.075.
108.321	174.080.
108.323	174.085.
108.325	174.090.
108.329	170.090.
108.335	170.174, 170.175.
108.337	170.180.
108.339	170.185.
108.341	170.190.
108.343	170.005.
109.121	170.110, 170.130.
109.581	170.235.
151.10-5	172.090.
151.10-6	172.095.
151.10-10:	
(a)	172.100, 172.104.
(b)	172.105.
(c)	172.110.
151.10-15:	
(a)	Deleted—unnecessary.
(b)	172.087.
153.20	172.130, 172.133(a).
153.21	172.130, 172.133(b).
153.22	172.130, 172.133(c).
153.30	170.055(j), 172.140.
153.31	170.285, 170.290.
153.32(a)	172.135.
153.32(b)	Deleted—unnecessary.
153.32(c)	172.133(d).
153.34	172.150.
153.35	Deleted—unnecessary.
153.806(a)	170.001, 170.085, 170.110, 170.120, 170.160, 170.170, 170.175, 170.180, 170.185, 170.235, 172.005, 172.010, 172.015, and 172.030.
153.806(b)	170.110.
154.200	170.020.
154.205(a)	170.001, 170.085, 170.110, 170.120, 170.160, 170.170, 170.175, 170.180, 170.185, 170.235, 172.005, 172.010, 172.015, and 172.030.
154.205(b)	172.165.
154.210	172.170.
154.215	172.175.
154.220	172.180.
154.225:	
(a) and (b)	170.285.
(c)-(e)	172.185.
154.230	172.195.
154.1809	170.110.
167.20-5	173.050, 173.055.

TABLE IV—Continued

Existing regulation	Proposed regulation
167.20-20	170.110, 170.120, 170.170, 170.160, 170.174, 170.175, 170.185, and 170.190.
167.20-25(a)	170.180.
167.20-25 (b) and (c)	170.070, 170.075, 170.080, 170.065, 170.090, and 170.100.
167.20-30	170.235.
167.20-35	Deleted—unnecessary.
168.05-5	173.060, 170.070, 170.075, 170.080, 170.085, 170.090, 170.100, 170.110, 170.120, 170.160, 170.170, 170.174, 170.175, 170.180, 170.185, 170.190, 170.235, 170.250, 170.255, 170.260, 170.265, 170.270, 170.285, and 170.290
175.05-5	171.020, 171.045.
177.05-3	170.075, 170.090.
178.10-1	171.017, 171.045, 171.040, and 170.300.
178.10-5	171.040.
178.10-10	171.040.
178.15-1	171.085.
178.15-3(a)-(b)	171.085.
178.15-5	171.090.
178.20-1	171.040, 171.043.
178.20-5	171.060.
178.25-1	171.114.
178.30-1	171.140.
178.30-3	171.145.
178.30-5	171.150.
178.30-7	171.155.
178.35	171.124.
178.40-1	171.119.
179.05-1	170.174, 171.030.
179.10-1	171.030.
179.10-3	171.030, 170.175, 170.180, 170.185, and 170.190.
179.10-5	170.170, 170.180, 170.185, 170.190, 171.050, and 171.080.
179.15-1	170.005.
179.20-1	170.120.
179.20-5	170.120.
189.55-5(c)	170.180.
191.01-1	173.070.
191.05-1	Deleted—unnecessary.
191.05-2	171.010(b).
191.05-3	170.055(h).
191.05-4	170.055(c).
191.05-5	170.055(d).
191.05-6	171.015.
191.05-7	171.055(g).
191.05-8	170.055(i).
191.10-1	173.075.
191.10-5	173.075.
191.10-10	173.075.
191.10-13	173.075.
191.10-15	173.075, 173.080 and 173.085.
191.10-16	173.085(b).
191.10-17	173.085(c).
191.10-18	173.085(d).
191.10-19	173.085(e).
191.10-20	173.085(f)-(h).
191.10-25	170.250, 170.255, 170.260, 170.265, and 170.270.
191.10-30	173.085(i)-(l).
191.10-35	173.085 (m) and (n).
191.15-1	170.174, 170.175.
191.15-5(a)	170.180.
191.15-5(b)	170.185.
191.20-1	170.020.
191.20-5	170.160, 170.170.
191.20-10	170.170(d).
191.20-15	173.060.
191.20-20	Deleted—unnecessary.
191.25-1	Deleted—unnecessary.
191.25-5	170.235.
191.30-1	170.110.
191.30-5	170.110.
191.30-10	170.110.
191.30-15	170.110.
191.35-1	170.120.
191.35-5	170.120.
33 CFR	
157.21(a)	172.060.
157.24(b)	170.090.
157.24(d)	170.075.
Appendix B	172.060.

Discussion of Specific Regulations

(17) *General.* As illustrated in the tables above, most of the regulations in this proposal are in substance the same as the old regulations. However, some changes have been made in the rewrite and, in certain instances, the rewritten regulations clarify or explain the old regulations so extensively that they have the effect of being new regulations. These clarifications, and the few changes that have been made, are discussed in the following paragraphs.

(18) *§ 170.110 Stability booklet.* Each vessel subchapter in Title 46, CFR, contains a regulation that requires a stability booklet to be placed on board each vessel, with a few exceptions. However, none of the regulations, except in Subchapter IA, contain detailed information concerning the necessary contents of the booklet. This lack of guidance has caused confusion. Proposed § 170.110 lists specific items of information to be included. The Coast Guard, as a matter of practice, has required this information on most vessels. However, the regulation also provides that any particular item, or even the booklet itself, can be dispensed with if the Coast Guard determines that information of an equivalent nature is provided or that the necessary information is of such a simple nature that it can be more easily placed in the stability letter, load line certificate, or certificate of inspection.

(19) *§ 170.120 Stability letter.* This proposed section has been modified slightly from its counterparts in existing regulations. With a few exceptions, existing regulations require each vessel to have a stability letter, issued by the Coast Guard, posted in the vessel's pilothouse. The proposal would allow the Officer in Charge, Marine Inspection or the Commander, Merchant Marine Technical Field Office to dispense with the requirement for a stability letter if the necessary information can be placed on either the load line certificate or the certificate of inspection.

(20) *§ 170.173 Criteria for vessels of unusual proportion and form.* The basic intact stability standard for most vessel types is the "Weather Criteria". However, as stated in the existing regulation (46 CFR 93.07-15(a)), this criteria is "generally limited in application to flush deck mechanically powered vessels of ordinary proportions and form which carry cargo below the main deck." The regulation further states, "[f]or other vessels, additional calculations showing that the vessel has a safety level equivalent to that achieved by § 93.07-10 must be

submitted. The extent of such calculations will be determined by the Commandant." The additional calculations in proposed § 170.173 for vessels of unusual proportion and form are acceptable to the Coast Guard as "showing that the vessel has a safety level equivalent to that achieved by § 93.07–10". The proposal requires these vessels to have minimum amounts of righting energy through various heel angles in order to investigate their full range of stability and any unusual stability characteristics involved. The proposal has been derived from the International Maritime Organization (IMO) Guidelines for the Design and Construction of Offshore Supply Vessels (Resolution A.469(XII)).

(21) *§ 170.248 Watertight bulkhead doors.* Currently, many types of vessels are required to meet damage stability standards that result in their having watertight bulkheads in order to comply with the standards. Access through these bulkheads by means of doors is sometimes necessary; yet, the watertight integrity of the bulkheads must be maintained. Since several of the vessel subchapters do not have specific watertight door requirements, it has been Coast Guard policy to apply the watertight door regulations in Subchapter H when doors are necessary in other types of vessels. Proposed § 170.248 would extend the applicability of the watertight door regulations to all vessels.

(22) *§ 171.010 (c), (k), and (m) Equivalent plane bulkhead, recessed bulkhead, and stepped bulkhead.* These terms are not defined in existing regulations and some confusion has resulted. Explanatory definitions are proposed. Their text is derived from Chapter III of the Society of Naval Architects and Marine Engineers' 1967 printing of *Principles of Naval Architecture.*

(23) *§ 171.015 Location of margin line.* This section contains all of the current regulations on margin lines in 46 CFR, Subchapter H, plus additional amplifying discussion and figures. The existing regulations are not clear and additional discussion has been added to make them more understandable. The amplifying discussion and figures are based primarily on material from the Society of Naval Architects and Marine Engineers' 1967 printing of *Principles of Naval Architecture.*

(24) *§ 171.030(g) Additional testing of ferries.* This paragraph contains revised testing requirements for ferry vessels. The existing regulation in 46 CFR 179.10–1(h) requires a vessel that carries vehicular loads to be tested to determine "that maximum trim or list during loading or unloading will not be excessive". The proposal clarifies the term "excessive" by providing that the deck edge may not be submerged during the test. Reserve stability declines rapidly as the deck edge is submerged.

(25) *§ 171.065(i) Maximum separation of bulkheads.*

§ 171.065(j) Minimum bulkhead spacing.

§ 171.070(f) Minimum bulkhead spacing between collision bulkheads on a ferry. These paragraphs contain provisions for determining bulkhead spacing and separation. The existing requirements are confusing in that they do not clearly indicate how spacing for the forwardmost and aftermost bulkheads in a vessel is determined. These proposals include additional guidance to clarify the existing requirements.

(26) *§ 171.067(b)(2) & § 171.073(a) Stepped bulkheads.* These paragraphs clarify existing regulations that require additional subdivision to be provided "in way of stepped bulkheads". The amplifying discussion and figures are based primarily on material from the Society of Naval Architects and Marine Engineers' 1967 printing of Principles of Naval Architecture.

(27) *§ 171.070(e)(2) Bulkhead spacing on a passenger vessel less than 43.5 meters in length.* This proposal permits reduced bulkhead spacing for all passenger vessels under 43.5 meters in length not engaged in international voyages, regardless of gross tonnage. Current regulations in Title 46, CFR, allow reduced bulkhead spacing for these vessels only if they are under 100 gross tons. There is no good reason for prohibiting the reduction on vessels with larger gross tonnages.

(28) *§ 171.122(f) Coaming heights on a passenger vessel greater than 100 gross tons.* This proposal clarifies the existing requirement in 46 CFR 73.45–5(b) for coamings of "ample" height by proposing the specific coaming height requirements from Subchapter T (Small Passenger Vessels). There are, however, additional coaming height requirements in Subchapter E (Load Lines) for vessels of 150 gross tons or over, and for vessels greater than 24 meters in length on international voyages. These two categories of vessels have to comply with both sets of requirements.

(29) *§ 172.070(f) and § 172.100(b) Minimum GM after flooding or damage.* These paragraphs require a barge to have at least 50 mm of metacentric height (GM) after specified flooding or damage. This is the Coast Guard interpretation of the existing requirements in 46 CFR 32.63–15(b) and 46 CFR 151.10–10 that the barge maintain "positive buoyancy and stability". Fifty millimeters is used in international codes and standards as the minimum determinable value that demonstrates positive stability.

(30) *§ 172.070(g) Extent of damage on a Type I or II tank barge inspected under Subchapter D.* The existing regulations in 46 CFR 32.63–15 require that damage to a barge be assumed in specified locations but do not give any limits regarding the parameters of damage to be assumed for calculation purposes. This lack of specific information has caused confusion and could result in non-uniform application of the regulations. Since the products carried in these barges are hazardous in nature, as are those regulated by 46 CFR, Subchapter O, the assumed damage specified in this proposed section has been taken from the requirements in 46 CFR 151.10–10(b) for Type I and Type II barges carrying cargoes regulated under 46 CFR, Subchapter O.

List of Subjects

46 CFR Part 170

Marine safety, Subdivision, Stability, Vessels, Tank vessels, Cargo vessels, Nuclear vessels, Passenger vessels, Oceanographic vessels, Sailing vessels, Nautical schools, Tugboats, Towboats, Mobile offshore drilling units, Barges, Grain, Oil and gas exploration, Hazardous materials transportation, Gases, and Natural gas.

46 CFR Part 171

Marine safety, Subdivision, Stability, Vessels, Passenger vessels, Sailing vessels, and Barges.

46 CFR Part 172

Marine safety, Subdivision, Stability, Vessels, Tank vessels, Cargo vessels, Passenger vessels, Sailing vessels, Barges, Grain, Hazardous materials transportation, Gases, and Natural gas.

46 CFR Part 173

Marine safety, Subdivision, Stability, Vessels, Cargo vessels, Oceanographic vessels, Nautical schools, Tugboats, Towboats, Barges.

46 CFR Part 174

Marine safety, Subdivision, Stability, Vessels, Cargo vessels, Nuclear vessels, Tugboats, Towboats, Mobile offshore drilling units, Barges, Oil and gas exploration.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter 1 of Title 46 of the Code of Federal Regulations by adding a new Subchapter S to read as set forth below.

SUBCHAPTER S—SUBDIVISION AND STABILITY

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

Subpart A—General Provisions

Sec.

Subpart B—Definitions

Subpart C—Plan Approval

Subpart D—Stability Instructions for Operating Personnel

Subpart E—Weather Criteria

Subpart F—Determination of Lightweight Displacement and Centers of Gravity

Subpart G—Special Installations

Subpart H—Watertight Bulkhead Doors

Subpart I—Free Surface

Authority: Sec. 2, 87 Stat. 418 (46 U.S.C. 86); Sec. 2, 49 Stat. 888 as amended (46 U.S.C. 88a); Sec. 5, 49 Stat. 1384 as amended (46 U.S.C. 369); R.S. 4405, as amended (46 U.S.C. 375); Sec. 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Sec. 5, Pub. L. 95–474, 92 Stat. 1480 as amended (46 U.S.C. 391a); Sec. 1, Pub. L. 85–739, 72 Stat. 833, as amended (46 U.S.C. 404); R.S. 4462, as amended (46 U.S.C. 416); Sec. 2, Pub. L. 96–453, 94 Stat. 207 (46 U.S.C. 1295f(c)(2)); Sec. 4, 67 Stat. 462 (43 U.S.C. 1333(d)); Sec. 3, 68 Stat. 675 (50 U.S.C. 198); Sec. 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—General Provisions

§ 170.001 Applicability.

(a) This subchapter applies to each vessel contracted for on or after (the effective date of these regulations) that is—

(1) Inspected under another subchapter of this chapter; or

(2) A foreign vessel that must comply with the requirements in Subchapter O of this chapter.

(b) Each vessel contracted for before these regulations become effective may be constructed in accordance with the regulations in effect at that time. However, any alterations or repairs must be done in accordance with § 170.005.

(c) Certain regulations in this subchapter apply only to limited categories of vessels. Specific applicability statements are provided at the beginning of those regulations.

§ 170.005 Vessel alteration or repair.

(a) Alterations and repairs to inspected vessels must be done—

(1) Under the direction of the OCMI; and

(2) Except as provided in paragraph (b) of this section, in accordance with the regulations in this subchapter to the extent practicable.

(b) Minor alterations and repairs may be done in accordance with regulations in effect at the time the vessel was contracted for.

§ 170.010 Equivalents.

(a) Substitutions for fittings, equipment, arrangements, calculations, information, or tests required in this subchapter may be approved by the Commandant, the Commander, Merchant Marine Technical Field Office, or the Officer in Charge, Marine Inspection, if the substitution provides an equivalent level of safety.

§ 170.015 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found the date of the edition approved, citations to the particular sections of this subchapter where the material is incorporated, addresses where the material is available, and the date of the approval by the Director of the Federal Register. To enforce any edition other than the one listed in the table, notice of the change must be published in the Federal Register and the material made available. All approved material is on file at the Office of the Federal Register, Washington, D.C. 20408 and at the Office of Merchant Marine Safety (G–MTH–5/13), Room 1308, U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C. 20593.

(b) The materials approved for incorporation by reference in this subchapter are:

Military Specification MIL–P–21929B
International Convention for the Safety of Life at Sea, 1974 (SOLAS 74)

Subpart B—Definitions

§ 170. 050 General terms.

(a) "Commander, Merchant Marine Technical Field Office (Commander (mmt))" means a district commander described in 33 CFR Part 3 whose command includes a merchant marine technical field office of an authorized representative of the district commander.

(b) "Commandant" means the Commandant of the Coast Guard or an authorized representative of the Commandant.

(c) "Exposed waters" means waters more than 32 kilometers from the mouth of a harbor of safe refuge or other waters determined by the Officer in Charge, Marine Inspection to be hazardous.

(d) "Great Lakes" includes both the waters of the Great Lakes and of the St. Lawrence River as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, and west of a line along the 63rd meridian from Anticosti Island to the north shore of the St. Lawrence River.

(e) "Lakes, Bays, and Sounds" includes the waters of any lake, bay, or sound, except the Great Lakes.

(f) "Oceans" includes the waters of—

(1) any ocean;

(2) the Gulf of Mexico;
(3) the Caribbean Sea;
(4) the Gulf of Alaska; and
(5) any other waters designated as "oceans" by the Commandant.

(g) "Officer in Charge Marine Inspection (OCMI)" means an officer of the Coast Guard who commands a Marine Inspection Zone described in 33 CFR Part 3 or an authorized representative of that officer.

(h) "Oil" means oil of any kind or in any form, and includes but is not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(i) "Partially protected waters" means waters within 32 kilometers of a harbor of safe refuge, except waters determined by the OCMI to be exposed waters.

(j) "Protected waters" means the waters of a river, harbor, or sheltered lake not determined to be partially protected waters by the OCMI.

(k) "Rivers" means any river, canal, or any other similar body of water designated by the OCMI.

§ 170.055 Definitions concerning a vessel.

(a) "Auxiliary sailing vessel" means a vessel capable of being propelled both by mechanical means and by sails.

(b) "Barge" means a vessel not equipped with a means of self-propulsion.

(c) "Beam" or "B" means the maximum width of a vessel from—
(1) Outside of planking to outside of planking on wooden vessels; and
(2) Outside of frame to outside of frame on all other vessels.

(d) "Bulkhead deck" means the uppermost deck to which watertight bulkheads and the watertight shell extend.

(e) "Downflooding" means, except as provided in § 174.035(b), the entry of seawater through any opening into the hull or superstructure of an undamaged vessel due to heel, trim, or submergence of the vessel.

(f) "Downflooding angle" means, except as specified in § 171.055(f), § 172.090(d), § 173.095(e), § 174.015(b), and § 174.035(b), the static angle from the intersection of the vessel's centerline and waterline in calm water to the first opening that cannot be closed weathertight and through which downflooding can occur.

(g) "Draft" means the vertical distance from the molded baseline amidships to the waterline.

(h) "Length" means the distance between fore and aft points on a vessel. The following specific terms are used and correspond to specific fore and aft points:

(1) "Length between perpendiculars (LBP)" means the horizontal distance measured between perpendiculars taken at the forward-most and after-most points on the waterline corresponding to the deepest operating draft.

(2) "Length overall (LOA)" means the horizontal distance between the forward-most and after-most points on the hull.

(3) "Length on the waterline (LWL)" means the horizontal distance between the forward-most and after-most points on a vessel's waterline.

(4) "Length on deck (LOD)" means the length between the forward-most and after-most points on a specified deck measured along the deck, excluding sheer.

(5) "Load line length (LLL)" has the same meaning that is provided for the term "length" in § 42.13–15(a) of this chapter.

(i) "Lightweight" means with machinery liquids at operating levels but without any cargo, stores, consumable liquids, ballast, or persons and their effects.

(j) "Permeability" is the percentage of the volume of a space that can be occupied by water.

(k) "Sailing vessel" means a vessel propelled only by sails.

(l) "Ship" means a self-propelled vessel.

(m) "Tank vessel" means a vessel that is specifically constructed or converted to carry liquid bulk cargo in tanks.

(n) "Tank barge" means a tank vessel not equipped with a means of self-propulsion.

(o) "Tank ship" means a tank vessel propelled by mechanical means or sails.

(p) "Vessel" means any vessel and includes both ships and barges.

(q) "Weather deck" means the uppermost deck exposed to the weather.

Subpart C—Plan Approval

§ 170.070 Applicability.

This subpart applies to each vessel except a passenger vessel, other than a vessel the stability of which is questioned by the OCMI, that—

(a) Is less than 100 gross tons;

(b) Is less than 19.8 meters LOD measured over the weather deck; and

(c) Carries 49 or less passengers.

§ 170.075 Plans.

(a) Exept as provided in paragraph (b) of this section, each applicant for an original certificate of inspection and approval of plan must also submit three copies of each of the following plans:

(1) General arrangement plan of decks, holds, and inner bottoms including inboard and outboard profiles.

(2) Lines.

(3) Curves of form.

(4) Capacity plan showing capacities and vertical, longitudinal, and transverse centers of gravity of stowage spaces and tanks.

(5) Tank sounding tables.

(6) Draft mark locations.

(b) Each small passenger vessel that is designed to comply with the alternate intact stability requirements in § 171.030(b)(2) of this subchapter and the simplified method of spacing main transverse watertight bulkheads in § 171.043 of this subchapter does not have to submit the plans required by paragraph (a) of this section.

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2115–0131, 2130–0186, and 2130–0188)

§ 170.080 Stability booklet.

Before issuing an orginal certificate of inspection, three copies of the stability booklet required by § 170.110 must be submitted for approval to the Commander (mmt).

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2130–0186, 2115–0131, and 2130–0188)

§ 170.085 Information required before a stability test.

If a stability test is to be performed, a stability test procedure that contains the information prescribed in § 170.185(g) must be submitted to the Commander (mmt) at least two weeks before the test.

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2115–0131, 2130–0186, and 2130–0188)

§ 170.090 Calculations.

(a) Except as provided in § 170.096, all calculations required by this subchapter must be submitted with the plans required by § 170.075.

(b) If it is necessary to compute and plot any of the following curves as part of the calculations required in this subchapter, these plots must also be submitted:

(1) Righting arm or moment curves.
(2) Heeling arm or moment curves.
(3) Cross curves of stability.
(4) Floodable length curves.

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2115–0131, 2130–0186, and 2130–0188)

§ 170.093 Specific approvals.

Certain rules in this subchapter require specific approval of equipment or arrangements by the Commandant, Commander (mmt), or OCMI. These

approval determinations will be made as a part of the plan review process.

§ 170.095 Data submittal for a vessel equipped to lift.

The following data must be submitted with the plans required by § 170.075 if the vessel is engaged in lifting and is required to comply with Subpart B of Part 173 of this chapter:

(a) A graph of maximum hook load versus maximum crane radius.

(b) A table of crane radius versus the maximum distance above the main deck to which the hook load can be raised.

(c) A table showing maximum vertical and transverse moments at which the crane is to operate.

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2115–0131, 2130–0186, and 2130–0188)

§ 170.098 Submittal of calculations for the carriage of bulk grain.

Calculations performed to show compliance with the requirements in Subpart B of Part 172 for the carriage of bulk grain must be submitted to the National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, N.Y. 10048.

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2115–0131, 2130–0186, and 2130–0188)

§ 170.100 Addresses for submittal of plans and calculations.

Except as provided in § 170.098 and § 170.300, the plans, information, and calculations required by this subpart must be submitted to one of the following:

(a) The Marine Inspection Office, in the zone where the vessel is to be built or altered.

(b) One of the following Merchant Marine Technical field offices:

(1) Commander(mmt), 3rd Coast Guard District, Governors Island, New York, NY 10004, for the geographical area covered by the 1st, 3rd, and 5th Coast Guard Districts.

(2) Commander(mmt), 8th Coast Guard District, Hale Boggs Federal Bldg., 500 Camp St., New Orleans, La. 70130, for the geographical area covered by the 2nd, 7th, and 8th Coast Guard Districts.

(3) Commander(mmt), 9th Coast Guard District, 1240 East 9th St., Cleveland, OH. 44199 for the geographical area covered by the 9th Coast Guard District.

(4) Commander(mmt), 12th Coast Guard District, 630 Sansome St., San Francisco, Ca. 94126, for the geographical area covered by the 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2115–0131, 2130–0186, and 2130–0188)

Subpart D—Stability Instructions for Operating Personnel

§ 170.105 Applicability.

This subpart applies to each vessel except a passenger vessel, other than a vessel the stability of which is questioned by the OCMI, that—

(a) Is less than 100 gross tons;

(b) Is less than 19.8 meters LOD measured over the weather deck; and

(c) Carries 49 or less passengers.

§ 170.110 Stability Booklet.

(a) Except as provided in paragraph (d) of this section, a stability booklet must be prepared for each vessel. On a mobile offshore drilling unit, the stability booklet is commonly referred to as an operating manual.

(b) Each stability booklet must be approved by the Commander (mmt).

(c) Each stability booklet must contain the following information:

(1) A general description of the vessel, including lightweight data.

(2) General arrangement showing watertight compartments, closures, vents, permanent ballast, and allowable deck loadings.

(3) Hydrostatic curves or equivalents.

(4) Capacity plan showing capacities of tanks, centers of gravity, free surface corrections, and instructions for applying them.

(5) Information on loading restrictions, such as a maximum KG or minimum GM curve that can be used to determine compliance with applicable intact and damage stability criteria.

(6) Examples of loading conditions.

(7) A rapid and simple means for evaluating other loading conditions.

(8) A brief description of the stability calculations done including assumptions.

(9) General precautions for preventing unintentional flooding.

(10) A table of contents and index for the booklet.

(11) Each ship condition which, if damage occurs, may require cross-flooding for survival and information concerning the use of any special cross-flooding fittings.

(12) The amount and location of permanent ballast.

(13) Any other necessary guidance for the safe operation of the vessel under normal and emergency conditions.

(d) A stability booklet or specific items in the booklet are not required if the information listed in paragraph (c) of this section or its equivalent can be placed on the Certificate of Inspection, Load Line Certificate, or in the stability letter required in § 170.120.

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2115–0131, 2130–0186, and 2130–0188)

§ 170.120 Stability letter.

(a) Except as provided in paragraph (b) of this section, each vessel must have a stability letter issued by the Coast Guard before the vessel is placed in service. This letter sets forth conditions of operation.

(b) A stability letter is not required if the information can be placed on the Certificate of Inspection or the Load Line Certificate.

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2115–0131, 2130–0186, and 2130–0188)

§ 170.125 Operating information for a vessel engaged in lifting.

In addition to the information required in § 170.110, the following information must be included in the stability booklet of a vessel that is required to comply with § 173.005 of this subchapter:

(a) *Non-counterballasted vessel.* If a vessel is not counterballasted, stability information setting forth hook load limits corresponding to boom radii based on the intact stability criteria in § 173.020 must be provided.

(b) *Counterballasted vessel.* If a vessel is counterballasted, the following information must be provided:

(1) Instructions on the effect of the free surface of the counterballast water.

(2) Instructions on the amounts of counterballast needed to compensate for hook load heeling moments.

(3) If a vessel has fixed counterballast, a table of draft versus maximum vertical moment of deck cargo and hook load combined.

(4) If a vessel has variable counterballast, a table of draft versus maximum vertical moment of deck and hook load combined for each counterballasted condition.

(Approved by the Office of Management and Budget under OMB control numbers 2115–0095, 2115–0114, 2115–0130, 2115–0131, 2130–0186, and 2130–0188)

§ 170.130 Operating information for a mobile offshore drilling unit.

In addition to the information required in § 170.110, the following instructions must be included in the operating manual for a mobile offshore drilling unit:

(a) Instructions for operating the unit while preparing for the passage of a severe storm, including the specific actions and approximate length of time necessary to attain each level of preparedness.

(b) Instructions for operating the unit while changing its operating condition including preparations for making a move.

(Approved by the Office of Management and Budget under OMB control numbers 2115-0095, 2115-0114, 2115-0130, 2115-0131, 2130-0186, and 2130-0188)

Subpart E—Weather Criteria

§ 170.160 Specific applicability.

This subpart applies to each vessel except—

(a) A passenger vessel, other than a vessel the stability of which is questioned by the OCMI, that—

(1) Is less than 100 gross tons;

(2) Is less than 19.8 meters LOD measured over the weather deck; and

(3) Carries 49 or less passengers.

(b) A tank vessel, other than a vessel the stability of which is questioned by the OCMI, that only carries a product listed in § 30.25-1 of this chapter and that is—

(1) Less than 150 gross tons; or

(2) A tank barge that operates only in river or lakes, bays, and sounds service.

(c) A tank barge that carries a product listed in Table 151.01-10(b) of this chapter.

(d) A mobile offshore drilling unit.

(e) A vessel that performs the test required by § 171.030(c) of this subchapter.

(f) A barge that complies with the requirements in § 174.020 of this subchapter.

§ 170.170 Calculations required.

(a) Each vessel must be shown by design calculations to have a metacentric height (GM) that is equal to or greater than the following in each condition of loading and operation:

$$GM > \frac{PAH}{W \tan (T)}$$

where—

P=.055+(L/1309)² metric tons/m² . . . for ocean service, Great Lakes winter service, or service on exposed waters.

P=.036+(L/1309)² metric tons/m² . . . for Great Lakes summer service or service on partially protected waters.

P=.028+(L/1309)² metric tons/² . . . for service on protected waters.

L=LBP in meters.

A=projected lateral area in square meters of the portion of the vessel above the waterline.

H=the vertical distance in meters from the center of A to the center of the underwater lateral area or approximately to the one-half draft point.

W=displacement in metric tons.

T=14 degrees or the angle of heel at which one-half the freeboard to the deck edge is immersed, whichever is less.

(b) If approved by the Commander (mmt), a larger value of T may be used for a vessel with a discontinuous weather deck of abnormal sheer.

(c) When doing the calculations required by paragraph (a) of this section for a sailing vessel or auxiliary sailing vessel, the vessel must be assumed—

(1) To be under bare poles; or

(2) If the vessel has no auxiliary propulsion, to have storm sails set and trimmed flat.

(d) The criteria specified in this section are generally limited in application to flush deck, mechanically powered vessels of ordinary proportions and form that carry cargo below the main deck. On other types of vessels, the Commander (mmt) requires calculations in addition to those in paragraph (a) of this section. On a vessel under 100 meters in length, other than a tugboat or a towboat, the requirements in § 170.173 are applied. Additional intact stability requirements for tugboats and towboats are included in Part 174 of this subchapter.

§ 170.173 Criteria for vessels of unusual proportion and form.

(a) If required by the Commander (mmt), each vessel less than 100 meters LLL, other than a tugboat or towboat, must be shown by design calculations to comply with—

(1) Paragraph (b) or (c) of this section if the maximum righting arm occurs at an angle of heel less than or equal to 30 degrees; or

(2) Paragraph (b) of this section if the maximum righting arm occurs at an angle of heel greater than 30 degrees.

(b) Each vessel must have—

(1) An initial metacentric height (GM) of at least 0.15 meters;

(2) A maximum righting arm (GZ) of at least 0.20 meters at an angle of heel equal to or greater than 30 degrees;

(3) A maximum righting arm that occurs at an angle of heel not less than 25 degrees;

(4) An area under each righting arm curve of at least 3.15 meter-degrees up to an angle of heel of 30 degrees;

(5) An area under each righting arm curve of at least 5.15 meter-degrees up to an angle of heel of 40 degrees or the downflooding angle, whichever is less; and

(6) An area under each righting arm curve between the angles of 30 degrees and 40 degrees, or between 30 degrees and the downflooding angle if this angle is less than 40 degrees, of not less than 1.72 meter-degrees.

(c) Each vessel must have—

(1) An initial metacentric height (GM) of at least 0.15 meters;

(2) A maximum righting arm that occurs at an angle of heel not less than 15 degrees;

(3) An area under each righting arm curve of at least 5.15 meter-degrees up to an angle of heel of 40 degrees or the downflooding angle, whichever is less;

(4) An area under each righting arm curve between the angles of 30 degrees and 40 degrees, or between 30 degrees and the downflooding angle if this angle is less than 40 degrees, of not less than 1.72 meter-degrees; and

(5) An area under each righting arm curve up to the angle of maximum righting arm of not less than the area determined by the following equation:

$$A = K1 + K2\,(X - Y)$$

where—

A=area in meter-degrees.

K1=3.15 meter-degrees.

K2=0.001 meter degrees/degree.

X=30 degrees.

Y=angle of maximum righting arm, degrees.

(d) For the purpose of demonstrating compliance with paragraphs (b) and (c) of this section, at each angle of heel a vessel's righting arm is calculated after the vessel is permitted to trim free until the trimming moment is zero.

Subpart F—Determination of Lightweight Displacement and Centers of Gravity

§ 170.174 Specific applicability.

This subpart applies to each vessel for which the lightweight displacement and centers of gravity must be determined in order to do the calculations required in this subchapter.

§ 170.175 Stability test: general.

(a) Except as provided in paragraphs (c) and (d) of this section and in § 170.200, the owner of a vessel must conduct a stability test of the vessel and calculate its vertical and longitudinal centers of gravity and its lightweight displacement.

(b) An Authorized Coast Guard representative must be present at each stability test conducted under this section.

(c) The stability test may be dispensed with or a deadweight survey may be substituted for the stability test if the Coast Guard has a record of, or is provided with, the approved results of a stability test of a sister vessel.

(d) The stability test of a barge may be dispensed with if the Coast Guard determines that, due to the barge's

proportions, and arrangements, locating the precise position of the barge's vertical center of gravity is not necessary to insure that the barge has adequate stability in all probable loading conditions.

§ 170.180 Plans and information required at the stability test.

The owner of a vessel must provide the following Coast Guard approved plans and information to the authorized Coast Guard representative at the time of the stability test:

(a) Lines.

(b) Curves of form.

(c) Capacity plans showing capacities and vertical and longitudinal centers of gravity of stowage spaces and tanks.

(d) Tank sounding tables.

(e) Draft mark locations.

(f) General arrangement plan of decks, holds, and inner bottoms.

(g) Inboard and outboard profiles.

(h) The stability test procedure described in § 170.185(g).

§ 170.185 Stability test preparations.

The following preparations must be made before conducting a stability test:

(a) The vessel must be as complete as practicable at the time of the test.

(b) Each tank must be empty and dry, except that a tank may be partially filled or full if the Commander (mmt) determines that empty and dry tanks are impracticable and that the effect of filling or partial filling on the location of the center of gravity and on the displacement can be accurately determined.

(c) All dunnage, tools, and other items extraneous to the vessel must be removed.

(d) The water depth at the mooring site must provide ample clearance against grounding.

(e) Each mooring line must be arranged so that it does not interfere with the inclination of the unit during the test.

(f) The draft and axis of rotation selected for testing a mobile offshore drilling unit must be those that result in the greatest accuracy in calculating the center of gravity and displacement of the unit.

(g) The stability test procedure required by § 170.085 must include the following:

(1) Identification of the vessel to be tested.

(2) Date and location of the test.

(3) Inclining weight data.

(4) Pendulum locations and lengths.

(5) Approximate draft and trim of the vessel.

(6) Condition of each tank.

(7) Estimated items to be installed, removed, or relocated after the test, including the weight and location of each item.

(8) Schedule of events.

(9) Person or persons responsible for conducting the test.

§ 170.190 Stability test procedure modifications.

The authorized Coast Guard representative present at a stability test may allow a deviation from the requirements of § 170.180 and § 170.185 if he determines that the deviation would not affect the accuracy of the test results.

§ 170.200 Estimated lightweight vertical center of gravity.

(a) Each tank vessel that does not carry a material listed in either Table 1 of section 153 or Table 4 of section 154 of this chapter may comply with this section in lieu of § 170.175 if it—

(1) Is 150 gross tons or greater;

(2) Is of ordinary proportions and form;

(3) Has a flush weather deck, one or more longitudinal bulkheads, and no independent tanks; and

(4) Is designed not to carry cargo above the freeboard deck.

(b) When doing the calculations required by § 170.170 and § 172.060, the vertical center of gravity of a tank vessel in the lightweight condition must be assumed to be equal to the following percentage of the molded depth of the vessel measured from the keel amidships:

(1) For a tank ship—70%.

(2) For a tank barge—60%.

(c) As used in this section, "molded depth" has the same meaning that is provided for the term in § 42.13–15(e) of this chapter.

Subpart G—Special Installations

§ 170.235 Solid ballast.

(a) Solid ballast, if used, must be—

(1) Installed under the supervision of the OCMI; and

(2) Stowed in a manner that prevents shifting of position.

(b) Solid ballast may not be removed from a vessel or relocated unless approved by the Commander (mmt). However, ballast may be temporarily moved for vessel examination or repair if done under the supervision of the OCMI.

§ 170.245 Foam flotation material.

(a) Installation of foam must be approved by the OCMI.

(b) If foam is used to comply with § 171.040(a)(2) or § 171.070(d) of this subchapter, the following applies:

(1) Foam may be installed only in void spaces that are free of ignition sources.

(2) The foam must comply with MIL–P–21929B including the requirements for fire resistance.

(3) A submergence test must be conducted for a period of at least 7 days to demonstrate whether the foam has adequate strength to withstand a hydrostatic head equivalent to that which would be imposed if the vessel were submerged to its margin line.

(4) The effective buoyancy at the end of the submergence test must be used as the bouyancy credit; however, in no case will a credit greater than 4282 kilograms per cubic meter be allowed.

(5) The structure enclosing the foam must be strong enough to accommodate the bouyancy of the foam.

(6) Piping and cables must not pass through foamed spaces unless they are within piping and cable trunks accessible from both ends.

(7) Sample specimens must be prepared during installation and the density of the installed foam must be determined.

(8) Foam may be installed adjacent to fuel tanks if the boundary between the tank and space has double continuous fillet welds.

(9) MIL–P–21929B is incorporated by reference into this part.

(10) The results of all tests and calculations must be submitted to the OCMI.

(11) Blocked foam must—

(i) Be used in each area that may be exposed to water; and

(ii) Have a protective cover approved by the OCMI.

Subpart H—Watertight Bulkhead Doors

§ 170.248 Applicability.

(a) Except as provided in paragraph (b) of this section, this subpart applies to vessels with watertight doors in bulkheads that have been made watertight to comply with the flooding or damage stability regulations in this subchapter.

(b) A watertight door on a MODU must comply with § 174.100 of this subchapter.

§ 170.250 Types and classes.

(a) Watertight doors, except doors between cargo spaces, are classed as follows:

(1) Class 1—Hinged door.

(2) Class 2—Sliding door, operated by hand gear only.

(3) Class 3—Sliding door, operated by power and by hand gear.

(b) The following types of watertight doors are not permitted:

(1) A plate door secured only by bolts; and

(2) A door required to be closed by dropping or by the action of dropping weights.

(c) Whenever a door of a particular class is prescribed by these regulations, a door of a class bearing a higher number may be used.

§ 170.255 Class 1 doors; permissible locations.

(a) Except as provided in paragraph (b) of this section, Class 1 doors within passenger, crew, and working spaces are permitted only above a deck, the molded line of which, at its lowest point at side, is at least 2.14 meters above the deepest load line.

(b) Class 1 doors are permitted within passenger, crew, and working spaces, wherever located, if—

(1) In the judgment of the OCMI, the door is in a location where it will be closed at all times except when actually in use; and

(2) The vessel is between 100 and 150 gross tons and will not proceed more than 32 kilometers from shore, or;

(3) The vessel is in rivers or lakes, bays, and sounds service.

§ 170.260 Class 2 doors; permissible locations.

(a) Except as provided in paragraphs (b) and (c) of this section, a Class 2 door is permitted only if—

(1) Its sill is above the deepest load line; and

(2) It is not a door described in § 170.265(d).

(b) If passenger spaces are located below the bulkhead deck, Class 2 doors with sills below the deepest load line may be used if—

(1) The number of watertight doors located below the deepest load line that are used intermittently during operation of the vessel does not exceed two, and;

(2) The doors provide access to or are within spaces containing machinery.

(c) If no passenger spaces are located below the bulkhead deck, Class 2 doors may be used if the number of watertight doors located below the deepest load line that are used intermittently during operation of the vessel does not exceed five.

(d) In determining whether Class 2 doors are allowed under paragraph (c) of this section, the watertight doors at the entrance to shaft tunnels need not be counted. If Class 2 doors are allowed under paragraph (c) of this section, the doors at the entrance to shaft tunnels may also be Class 2.

§ 170.265 Class 3 doors; required locations.

The following doors must always be Class 3:

(a) Doors in all locations not addressed in §§ 170.255 and 170.260.

(b) Doors between coal bunkers below the bulkhead deck that must be opened at sea.

(c) Doors into trunkways that pass through more than one main transverse watertight bulkhead if the door sills are less than 2.14 meters above the deepest load line.

(d) Doors below a deck, the molded line of which, at its lowest point at side, is not at least 2.14 meters above the deepest load line if—

(1) The vessel is engaged on a short international voyage as defined in § 171.010 of this subchapter; and

(2) The vessel is required by § 171.065 of this subchapter to have a factor of subdivision of 0.50 or less.

§ 170.270 Door design, operation, installation, and testing.

(a) Each Class 1 door must have a quick action closing device operative from both sides of the door.

(b) Each Class 1 door on a vessel in ocean service must be designed to withstand a head of water equivalent to the depth from the sill of the door to the margin line but in no case less than 10 feet.

(c) Each Class 2 and Class 3 door must be designed, tested, and installed in accordance with Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

(d) For each watertight door, an indicator must be installed at each vessel operating station from which the door is not visible. The indicator must show whether the door is open or closed.

§ 170.275 Special requirements for cargo space watertight doors.

(a) A door between cargo spaces—

(1) Must not be designed for remote operation;

(2) Must be located as high as practicable; and

(3) Must be located as far inboard of the side shell as practicable but in no case closer to the side shell than one-fifth of the beam of the vessel where the beam is measured at right angles to the centerline of the vessel at the level of the deepest load line.

(b) If the door is accessible while the ship is in operation, it must have installed a lock or other device that prevents unauthorized opening.

(c) Before installing a watertight door in a cargo space, approval must be obtained from the Commandant.

Subpart I—Free Surface

§ 170.285 Free surface correction for tanks containing free liquids.

When doing the intact and damage stability calculations required by this subchapter, the virtual increase in the vertical center of gravity due to a liquid in a space must be determined by calculating either—

(a) The free surface effect of the liquid with the vessel assumed heeled five degrees from the vertical; or

(b) The shift of the center of gravity of the liquid by the moment of transference method.

§ 170.290 Assumptions for tanks containing consumable liquids.

In calculating the free surface effect of consumable liquids, it must be assumed that, for each type of liquid, at least one transverse pair of wing tanks or a single centerline tank has a free surface. The tank or combination of tanks selected must be those having the greatest free surface effect.

§ 170.295 Special considerations for free surface of passive roll stabilization tanks.

(a) The virtual increase in the vertical center of gravity due to a liquid in a roll stabilization tank may be calculated in accordance with paragraph (b) of this section if—

(1) The virtual increase in the vertical center of gravity of the vessel is calculated in accordance with § 170.285(a); and

(2) The slack surface in the roll stabilization tank is reduced during vessel motions because of the shape of the tank or the amount of liquid in the tank.

(b) The virtual rise in the vertical center of gravity calculated in accordance with § 170.285(a) for a stabilization tank may be reduced in accordance with the following equation:

$$E.F.S. = (K)(F.F.S.)$$

where—

E.F.S. = the effective free surface.

F.F.S. = the full free surface calculated in accordance with § 170.285(a).

K = the reduction factor calculated in accordance with paragraph (c) of this section.

(c) The factor (K) must be calculated as follows:

(1) Plot (I/d)tan T on Graph 170.295 where—

(i) (I) is the moment of inertia of the free surface in the roll tank;

(ii) (d) is the density of the liquid in the roll tank; and

(iii) (T) is the angle of heel.

(2) Plot the moments of transference of the liquid in the roll tank on Graph 170.295.

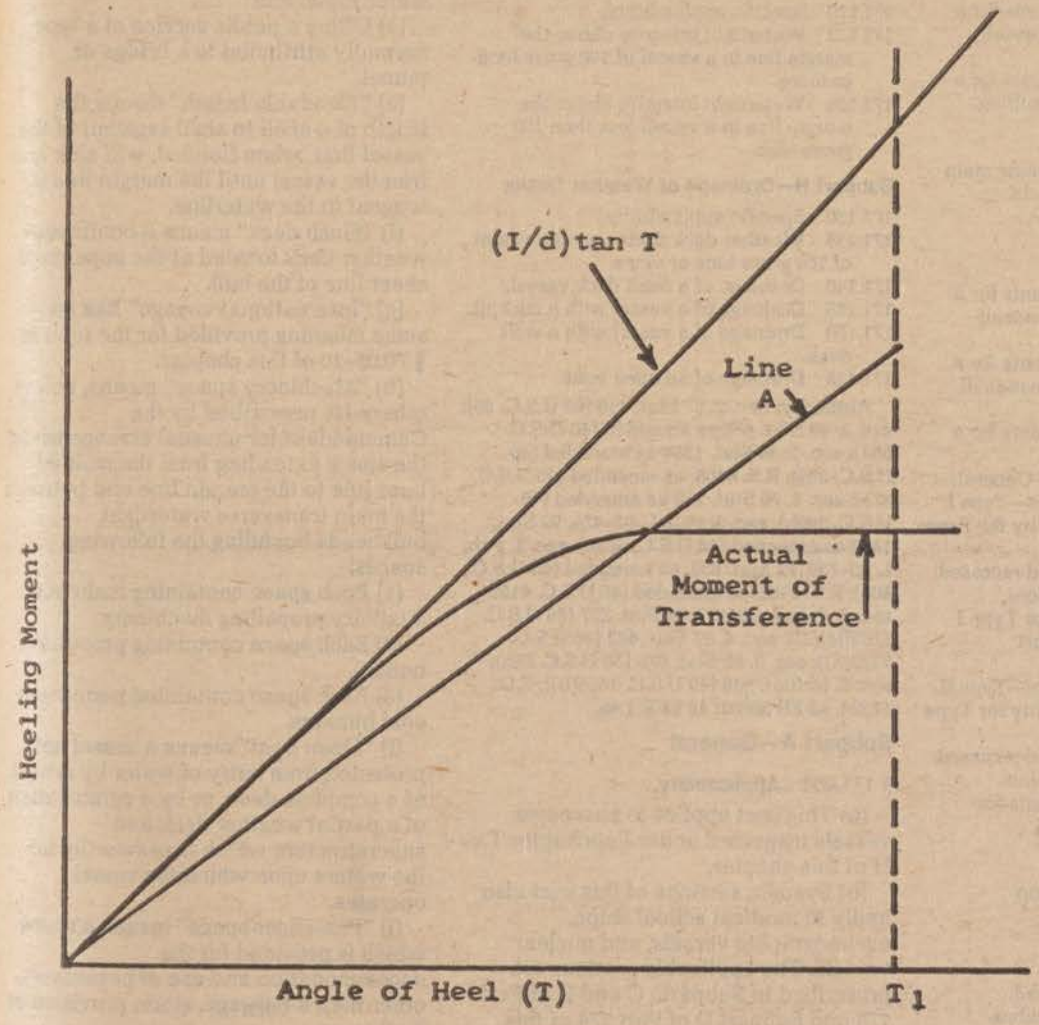
(3) Construct a line A on Graph 170.295 so that the area under line A between T=O and the angle at which the deck edge is immersed or 28 degrees, whichever is smaller, is equal to the area under the curve of actual moments of transference between the same angles.

(4) The factor (K) is calculated by determining the ratio of the ordinate of line A to the ordinate of the curve of (I/d)tan T, both measured at the angle at which the deck edge is immersed or 28 degrees, whichever is smaller.

BILLING CODE 4910-14-M

GRAPH 170.295

Special Free Surface Correction
for
Stabilization Tanks



T_1 = the angle at which the deck edge is immersed or 28 degrees, whichever is smaller.

BILLING CODE 4910-14-C

PART 171—SPECIAL RULES PERTAINING TO VESSELS CARRYING PASSENGERS

Subpart A—General

Subpart B—Small Vessels

Subpart C—Large Vessels

Subpart D—Additional Subdivision Requirements

Subpart E—Penetrations and Openings in Watertight Bulkheads

Subpart F—Openings in the Side of a Vessel Below the Bulkhead or Weather Deck

Subpart G—Watertight Integrity Above the Margin Line

Subpart H—Drainage of Weather Decks

Authority: Sec. 2, 87 Stat. 418 (46 U.S.C. 86); sec. 2, 49 Stat. 888 as amended (46 U.S.C. 88a); sec. 5, 49 Stat. 1384 as amended (46 U.S.C. 369); R.S. 4405, as amended (46 U.S.C. 375); sec. 3, 70 Stat. 152 as amended (46 U.S.C. 390b); sec. 5, Pub. L. 95–474, 92 Stat. 1480 as amended (46 U.S.C. 391a); sec. 1, Pub. L. 85–739, 72 Stat. 833, as amended (46 U.S.C. 404); R.S. 4462, as amended (46 U.S.C. 416); sec. 2, Pub. L. 96–453, 94 Stat. 207 (46 U.S.C. 1295f(c)(2)); sec. 4, 67 Stat. 462 (43 U.S.C. 1333(d)); sec. 3, 68 Stat. 675 (50 U.S.C. 198); sec. 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—General

§ 171.001 Applicability.

(a) This part applies to passenger vessels inspected under Subchapter T or H of this chapter.

(b) Specific sections of this part also apply to nautical school ships, oceanographic vessels, and nuclear vessels. The applicable sections are prescribed in Subparts C and D of Part 173 and Subpart D of Part 174 of this subchapter.

§ 171.010 Definitions.

(a) "Cockpit" means an exposed recess in the weather deck extending no more than one-half of the length of the vessel (LOD) measured over the weather deck.

(b) "Deepest subdivision load line" means the waterline that corresponds to the deepest draft permitted by the applicable subdivision requirements in this part.

(c) "Equivalent plane bulkhead" means a bulkhead that is—

(1) Used in lieu of a stepped or recessed bulkhead when doing the subdivision calculations required in this part; and

(2) Located as shown in Figure 171.010(a).

(d) "Ferry" means a vessel that—

(1) Operates in rivers or lakes, bays, and sounds service only;

(2) Has provisions only for deck passengers or vehicles, or both;

(3) Operates on a frequent schedule between two points over the most direct water route; and

(4) Offers a public service of a type normally attributed to a bridge or tunnel.

(e) "Floodable length" means the length of a shell to shell segment of the vessel that, when flooded, will sink and trim the vessel until the margin line is tangent to the waterline.

(f) "Flush deck" means a continuous weather deck located at the uppermost sheer line of the hull.

(g) "International voyage" has the same meaning provided for the term in § 70.05–10 of this chapter.

(h) "Machinery space" means, unless otherwise prescribed by the Commandant for unusual arrangements, the space extending from the molded base line to the margin line and between the main transverse watertight bulkheads bounding the following spaces:

(1) Each space containing main and auxiliary propelling machinery.

(2) Each space containing propulsion boilers.

(3) Each space containing permanent coal bunkers.

(i) "Open boat" means a vessel not protected from entry of water by means of a complete deck, or by a combination of a partial weather deck and superstructure which is seaworthy for the waters upon which the vessel operates.

(j) "Passenger space" means a space which is provided for the accommodation and use of passengers, other than a baggage, store, provision or mail room.

(k) "Recessed bulkhead" means a bulkhead that is recessed as shown by bulkhead B in Figure 171.010(b).

(l) "Short international voyage" means an international voyage where—

(1) A vessel is not more than 322 kilometers from a port or place in which the passengers and crew could be placed in safety; and

(2) The total distance between the last port of call in the country in which the voyage began and the final port of destination does not exceed 965 kilometers.

(m) "Stepped bulkhead" means a bulkhead that is stepped as shown by bulkhead A in Figure 171.010(b).

(n) "Well deck" means a weather deck fitted with solid bulwarks that impede the drainage of water over the sides or an exposed recess in the weather deck extending one-half or more of the length of the vessel (LOD) measured over the weather deck.

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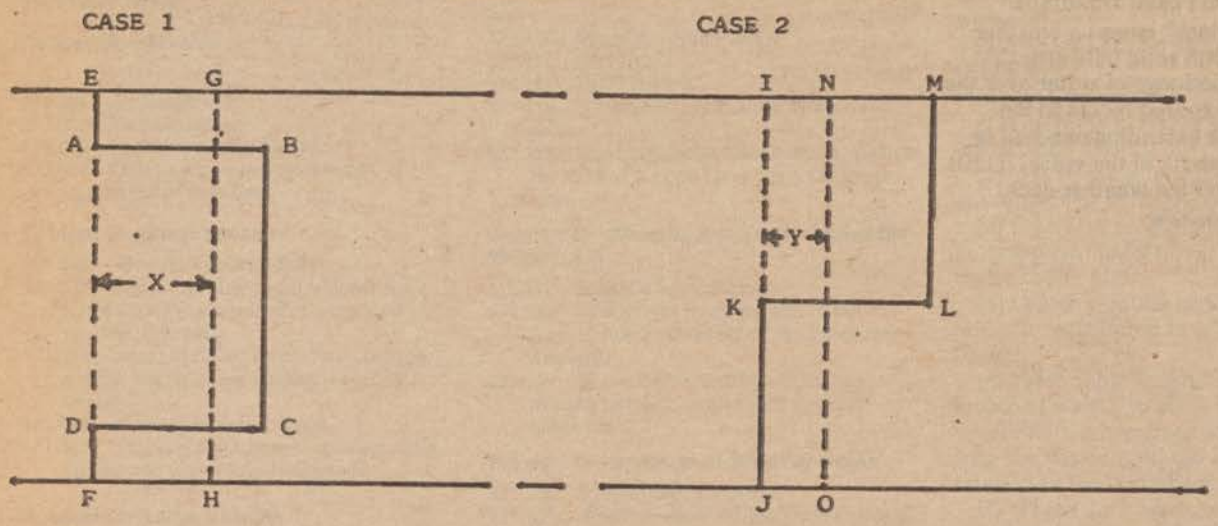
Figure 171.010(a)



Case 1: X = V/A

where–

X = Distance between EF and the equivalent plane bulkhead GH.

V = Volume of the space directly below ABCD and extending to the shell.

A = Sectional area midway between EF and GH.

Case 2: Y = V/A

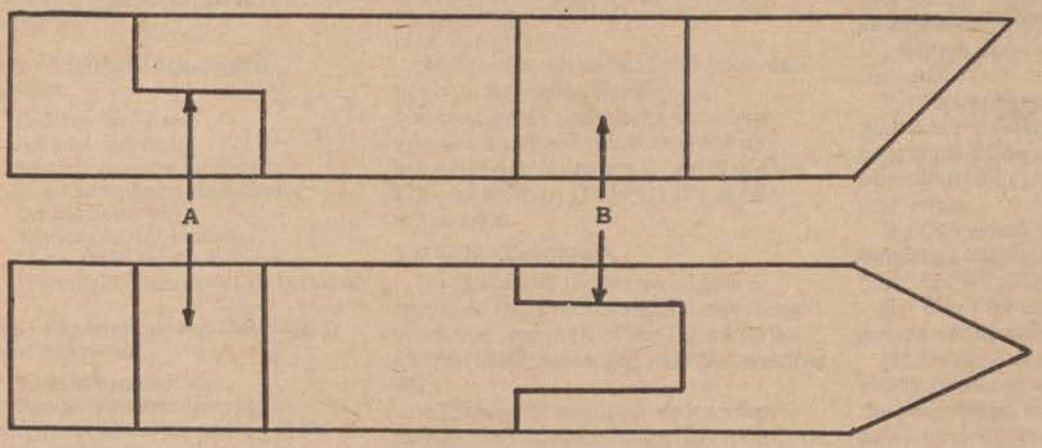
where–

Y = Distance between IJ and the equivalent plane bulkhead NO.

V = Volume of the space directly below IKLM and extending to the shell.

A = Sectional area midway between IJ and NO.

Figure 171.010(b)



BILLING CODE 4910-14-C

§ 171.015 Location of margin line.

(a) *A vessel with a continuous bulkhead deck and sufficient sheer.* If the average value of the sheer at the forward perpendicular (FP) and the after perpendicular AP) is at least 30.5 cm, the margin line must be located no less than 7.6 cm below the upper surface of the bulkhead deck at side as illustrated in Figure 171.015(a).

(b) *A vessel with a continuous bulkhead deck and insufficient sheer.* If the average value of the sheer at the forward perpendicular (FP) and the after perpendicular (AP) is less than 30.5 cm, the marginl ine must be a parabolic curve with the following characteristics:

(1) The parabolic curve must be at least 7.6 cm below the upper surface of the bulkhead deck at the FP and AP.

(2) The parabolic curve must be at least the distance given in Table 171.015 below the surface of the bulkhead deck amidships.

(3) Intermediate values not shown in Table 171.015 must be interpolated.

(4) Figure 171.015(b) illustrates a margin line drawn in this manner.

(c) *A vessel with a discontinuous bulkhead deck.* A continuous margin line must be drawn that is no more than 7.6 cm below the upper surface of the bulkhead deck at side as illustrated in Figure 171.015(c).

(d) *A vessel with a discontinuous bulkhead deck where the side shell is carried watertight to a higher deck.* A continuous margin line must be drawn as illustrated in Figure 171.015(d).

BILLING CODE 4910-14-M

Table 171.015

Average value of sheer at FP and AP (cm)	Required position of margin line below top of deck amidships (cm)
30	7.6
15	15
0	23

Figure 171.015(a)

Margin Line for a Vessel With a Continuous Bulkhead Deck and With an Average Value of Sheer at the FP and AP of at Least 30.5 cm

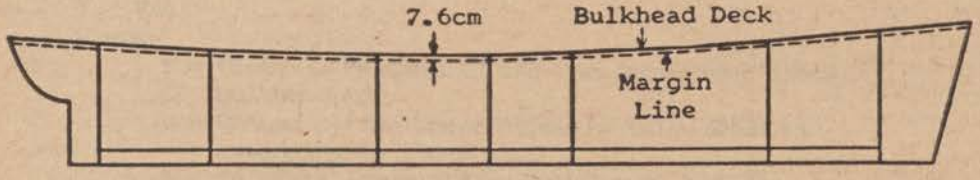


Figure 171.015(b)

Margin Line for a Vessel With a Continuous Bulkhead Deck and With an Average Value of Sheer at the FP and AP Less Than 30.5 cm

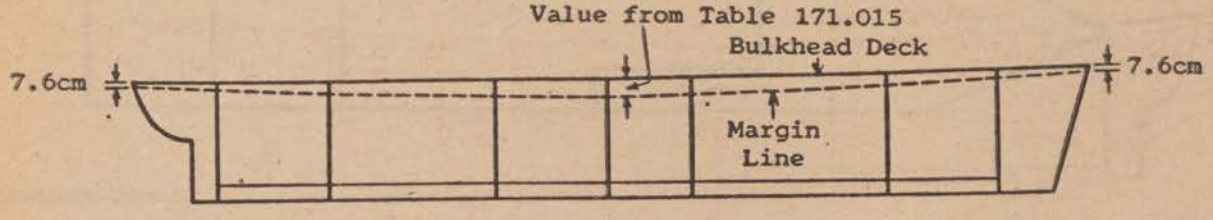


Figure 171.015(c)

Margin Line for a Vessel With a Discontinuous Bulkhead Deck

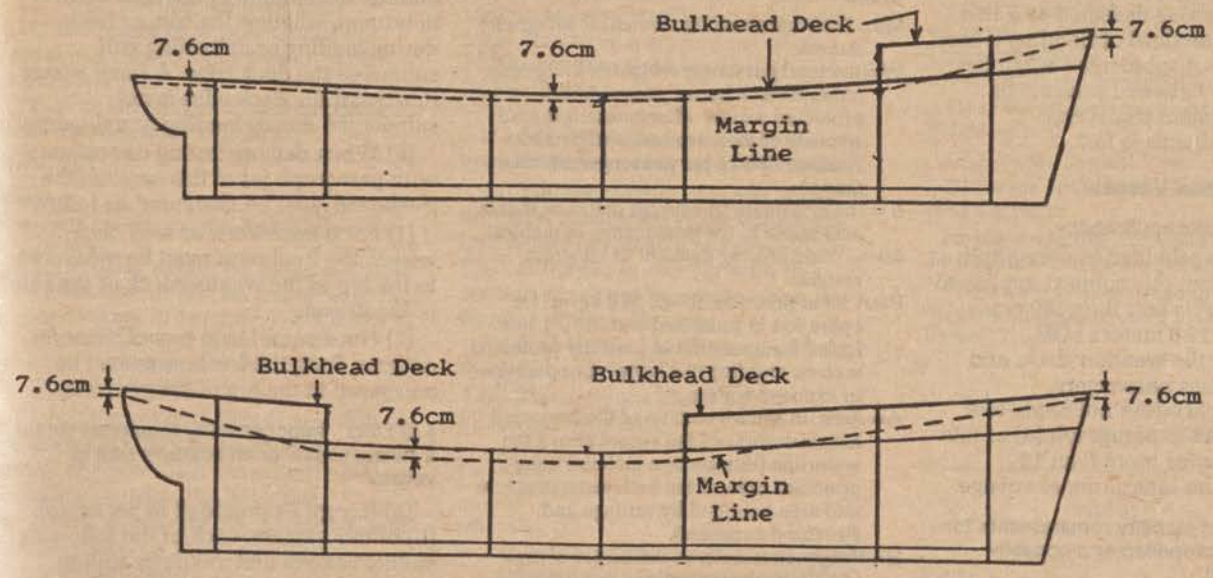
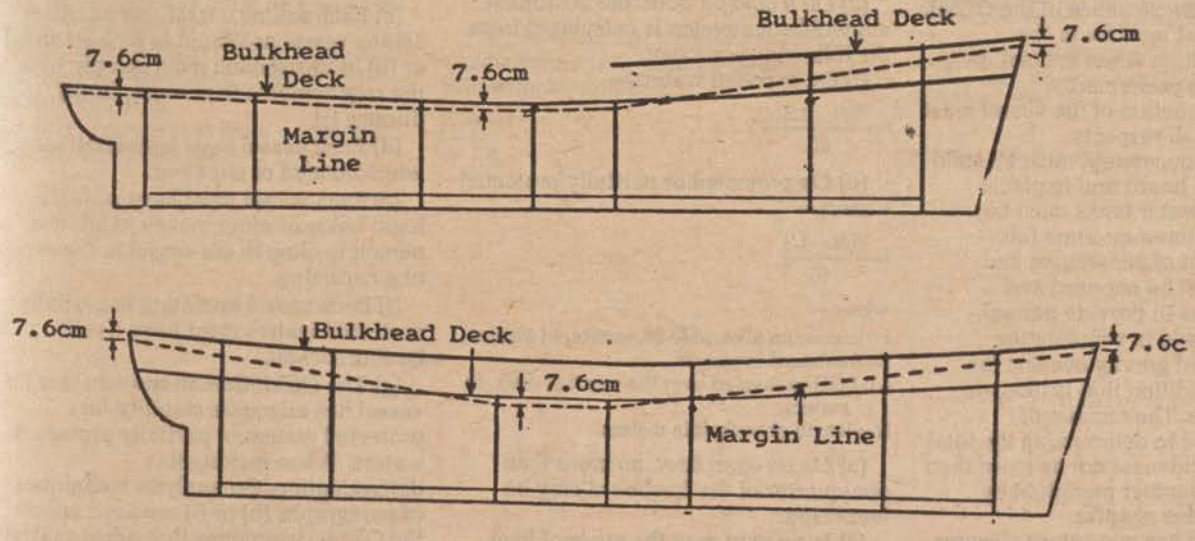


Figure 171.015(d)

Margin Line for a Vessel With a Discontinuous Bulkhead Deck and With Side Shell Watertight to a Higher Deck



BILLING CODE 4910-14-C

§ 171.017 One and two compartment standards of flooding.

(a) *One compartment standard of flooding.* A vessel is designed to a one compartment standard of flooding if the margin line is not submerged when the total buoyancy between each set of two adjacent main transverse watertight bulkheads is lost.

(b) *Two compartment standard of flooding.* A vessel is designed to a two compartment standard of flooding if the margin line is not submerged when the total buoyancy between each set of three adjacent main transverse watertight bulkheads is lost.

Subpart B—Small Vessels

§ 171.020 Specific applicability.

(a) Except as provided in paragraph (b) of this section, this subpart applies to each vessel that is less than 100 gross tons, less than 19.8 meters LOD measured over the weather deck, and carries 150 or less passengers.

(b) This subpart does not apply to a vessel described in paragraph (a) of this section that carries more than 12 passengers on an international voyage.

§ 171.030 Intact stability requirements for a mechanically propelled or a nonself-propelled vessel.

(a) This section applies to each vessel, except a sailing vessel or an auxiliary sailing vessel, that—

(1) Carries more than 49 passengers;

(2) The stability of which is questioned by the OCMI; or

(3) Is permitted an increased passenger allowance by § 176.01–25(b) of this chapter.

(b) Each vessel must—

(1) Comply with § 171.050 and § 170.170 of this subchapter; or

(2) Perform the test in paragraph (d) of this section in the presence of the OCMI.

(c) Each vessel must be in the following condition when the test in paragraph (d) is performed:

(1) The construction of the vessel must be complete in all respects.

(2) Ballast, if necessary, must be solid and must be on board and in place.

(3) Fuel and water tanks must be approximately three-quarters full.

(4) The weight of passengers and other loads must be onboard and distributed so as to provide normal operating trim and to simulate the vertical center of gravity causing the least stable condition that is likely to occur in service. The number of passengers used in determining the total passenger weight must not be more than the maximum number permitted by § 176.01–25 of this chapter.

(5) If a vessel has non-return closures on cockpit scuppers or on weather deck drains, the closures must be kept open during the test.

(d) Each vessel must not exceed the limitations in paragraph (e) of this section, when subjected to the greater of the following heeling moments:

$Mp = WB/6$

or

$Mw = PAH$

where—

Mp = Passenger heeling moment in kilogram-meters.

W = the total passenger weight in kilograms. (Assume 63.5 kg per passenger on protected waters when passenger load consists of men, women, and children. Assume 72.6 kg per passenger all other times.)

B = The maximum transverse distance that is accessible to the passengers, in meters.

Mw = Wind heeling moment in kilogram-meters.

P = A wind pressure of—(i) 36.6 kg/m² for operation in protected waters; (ii) 48.8 kg/m² for operation in partially protected waters; and (iii) 73.2 kg/m² for operation in exposed waters.

A = Area, in square meters, of the projected lateral surface of the vessel above the waterline (this surface includes each projected area of the hull, superstructure and area bounded by railings and structural canopies).

H = Height, in meters, to the center of area (A) above the waterline.

(e) Each vessel must not exceed the following limits of heel when doing the test in paragraph (d) of this section:

(1) *On a flush deck or well deck vessel,* no more than one half the freeboard may be immersed, except that, on a well deck vessel that operates on protected waters and has scuppers, the full freeboard may be immersed if the full freeboard is not more than one quarter of the distance from the waterline to the gunwale.

(2) *On a cockpit boat,* the maximum allowable immersion is calculated from the following equation:

(i) On exposed waters—

$$i = \frac{f(2L - 1.5L')}{4L}$$

(ii) On protected or partially protected waters—

$$i = \frac{f(2L - L')}{4L}$$

where—

i = maximum allowable immersion in meters.

f = freeboard in meters.

L = LOD, measured over the weather deck, in meters.

L' = length of cockpit in meters.

(3) *On an open boat,* no more than one-quarter of the freeboard may be immersed.

(4) In no case may the angle of heel exceed 14 degrees.

(f) The limits of heel must be measured at—

(1) the point of minimum freeboard, or;

(2) at a point three quarters of the vessel's length from the bow if the point of minimum freeboard is aft of this point.

(g) Each ferry must also be tested in a manner acceptable to the OCMI to determine whether the trim or heel during loading or unloading will submerge the deck edge. A ferry passes this test if the deck edge is not submerged during loading or unloading.

(h) When demonstrating compliance with paragraph (e) of this section, the freeboard must be measured as follows:

(1) *For a flush deck or well deck vessel,* the freeboard must be measured to the top of the weatherdeck at the side of the vessel.

(2) *For a vessel with a cockpit or for an open boat,* the freeboard must be measured to the top of the gunwale.

§ 171.035 Intact stability requirements for a sailing vessel or an auxiliary sailing vessel.

(a) Except as provided in paragraph (b) of this section, each of the following sailing vessels and auxiliary sailing vessels must meet the intact stability standards of § 171.055 and § 170.170 of this subchapter:

(1) A vessel to be operated in exposed waters.

(2) A vessel to be operated during non-daylight hours.

(3) A vessel of unusual type or rig.

(4) A vessel that carries more than 49 passengers.

(b) A catamaran must meet the intact stability requirements of § 171.057 and § 170.170 of this subchapter.

(c) Each sailing vessel and auxiliary sailing vessel not listed in paragraph (a) or (b) of this section must comply with the requirements in paragraphs (d) through (j).

(d) Each vessel must remain afloat when flooded or capsized.

(e) Each vessel must have suitable hand holds or other means to allow a person to cling to the vessel in the event of a capsizing.

(f) Each vessel operating in partially protected waters must have a self-bailing cockpit.

(g) The OCMI determines whether the vessel has adequate stability for protected waters or partially protected waters. When making this determination, the analysis techniques of paragraphs (h) or (i) are used unless the OCMI determines that other analysis techniques are more appropriate.

(h) Operational tests may be performed to assure that the vessel shows satisfactory handling characteristics under sail.

(i) The simplified stability test of § 171.030 may be used. The heeling moment used for this test must be the greater of the following:

(1) Passenger heeling moment from § 171.030.

(2) Wind heeling moment from § 171.030 under bare poles, or, if the vessel has no auxiliary power, with storm sails set.

(3) Wind heeling moment calculated from the following equation:

$Mw = PAH$

where—

Mw = wind heeling moment in kilogram-meters.

A = the windage area of the vessel in square meters with all sail set and trimmed flat.

H = the distance in meters from the center of the windage area to the waterline.

P = 4.9 for both protected and partially protected waters.

(j) Additional or different stability requirements may be needed for a broad, shallow draft vessel with little or no ballast outside the hull. The additional requirements, if needed, will be prescribed by the appropriate Commander (mmt).

§ 171.040 Watertight subdivision.

(a) Each vessel that carries more than 49 passengers must comply with the following:

(1) Each vessel must have a collision bulkhead.

(2) If the vessel is designed to comply with § 171.030(b)(1), it must also meet the subdivision and damage stability rquirements in § 171.070 and § 171.080.

(3) If the vessel is designed to comply with § 171.030(b)(2), its main transverse watertight bulkheads must be spaced in accordance with § 171.043.

(b) Each vessel that does not carry more than 49 passengers must comply with the following:

(1) Each vessel must have a collision bulkhead unless it is—

(i) Less than 12 meters in length and operated on partially protected waters; or

(ii) Operated on other than ocean waters.

(c) Insofar as practicable, watertight bulkheads must be installed in one plane without steps or recesses.

(d) Each double-ended ferry that is required by paragraph (a) or (b) of this section to have a collision bulkhead must also have a second collision bulkhead. One collision bulkhead must be located in each end of the vessel.

§ 171.043 Simplified method of spacing main transverse watertight bulkheads.

(a) The maximum distance between adjacent main transverse watertight bulkheads on vessels required by § 171.040(a)(3) to comply with this section, must not be greater than the smaller of the following:

(1) One-third of LOD measured over the bulkhead deck; or

(2) The distance given by the following equation:

$$1 = \frac{(F)(f)(L)}{D}$$

where—

1 = the maximum distance in meters between adjacent main transverse watertight bulkheads.

f = the effective freeboard in meters calculated for each pair of adjacent bulkheads in accordance with paragraph (b) of this section.

L = LOD measured over the bulkhead deck.

F = the floodable length factor from Table 171.043.

D = the distance from the inside of the shell plating or planking to the point of intersection of the bulkhead deck and side shell when measured amidships at a point one-quarter of the maximum beam, amidships, from the centerline as shown in Figure 171.043(a).

(b) The effective freeboard for each compartment is calculated by the following equation:

$$f = \frac{a + b}{2}$$

where—

f = the effective freeboard in meters.

a = the freeboard measured—

(1) at the forward main transverse watertight bulkhead; and

(2) from the deepest load line to—

(i) the top of the bulkhead deck on a flush deck vessel; or

(ii) if a vessel has a stepped bulkhead deck, the line shown in Figure 171.043(b); or

(iii) if a vessel has an opening port light below the bulkhead deck, the line shown in Figure 171.043(c).

b = the freeboard measured—

(1) at the aft main transverse watertight bulkhead; and

(2) from the deepest load line to—

(i) the top of the bulkhead deck on a flush deck vessel; or

(ii) if a vessel has a stepped bulkhead deck, the line shown in Figure 171.043(b); or

(iii) if a vessel has an opening port light below the bulkhead deck, the line shown in Figure 171.043(c).

TABLE 171.043.—TABLE OF FLOODABLE LENGTH FACTORS

(1/L)X100 [1]	Floodable length factor [2]
0 to 10	0.33
15	.33
20	.34
25	.36
30	.38
35	.43
40	.48
45	.54
50	.61
55	.63
60	.58
65	.53
70	.48
75	.44
80	.40
85	.37
90 to 100	.34

[1] Where—

1 = the distance from the midpoint of the compartment to the forward most point of the bulkhead deck excluding sheer; and

L = the length of the vessel (LOD) measured over the bulkhead deck.

[2] Intermediate values of floodable length factor can be obtained by interpolation.

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Figure 171.043(a)

Transverse Location for Measuring Depth (D)

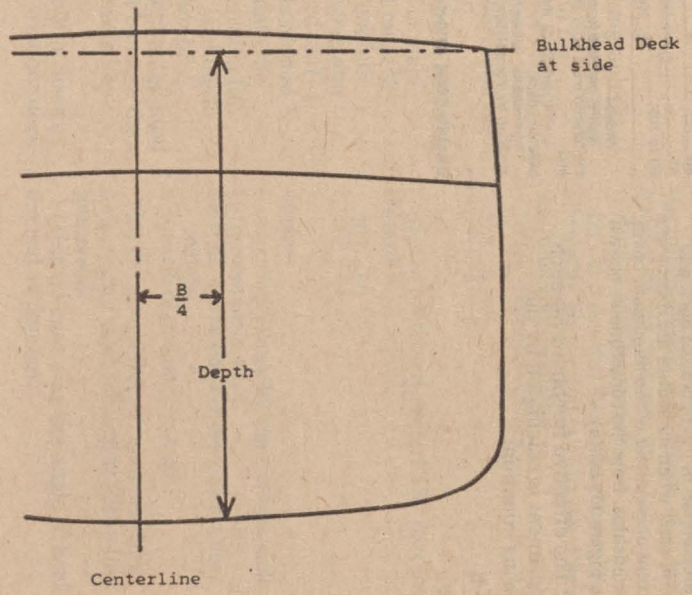

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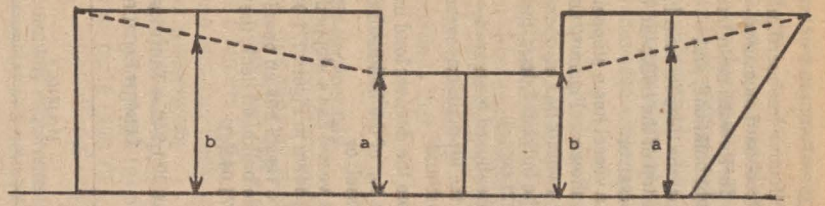
Figure 171.043(b)

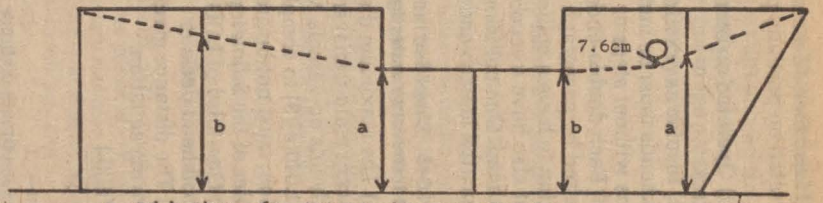
Freeboard Measurement-
Vessel With a Stepped Bulkhead Deck



a and b shown for two sample compartments

Figure 171.043(c)

Freeboard Measurement-
Vessel With a Stepped Bulkhead Deck and
a Port Light Below the Bulkhead Deck



a and b shown for two sample compartments

Subpart C—Large Vessels

§ 171.045 Specific applicability.

This subpart applies to each vessel that fits into any one of the following categories:

(a) Greater than 100 gross tons.

(b) Greater than 19.8 meters in length.

(c) Carries more than 12 passengers on an international voyage.

(d) Carries more than 150 passengers.

(e) The stability of which is questioned by the OCMI.

§ 171.050 Intact stability requirements for a mechanically propelled or nonself-propelled vessel.

Each vessel must be shown by design calculations to have a metacentric height (GM) in meters in each condition of loading and operation, that is not less than the value given by the following equation:

$$GM = \frac{Nb}{23.6\ W \tan(T)}$$

where—

N = number of passengers.

W = displacement of the vessel in metric tons.

T = 14 degrees or the angle of heel at which the deck edge is first submerged, whichever is less.

b = distance in meters from the centerline of the vessel to the geometric center of the passenger deck on one side of the centerline.

§ 171.055 Intact stability requirements for a monohull sailing vessel or a monohull auxiliary sailing vessel.

(a) Except as specified in paragraph (b) of this section, each monohull sailing vessel and auxiliary sailing vessel must be shown by design calculations to meet the stability requirements in this section.

(b) Additional or different stability requirements may be needed for a vessel of unusual form, proportion, or rig. The additional requirements, if needed, will be prescribed by the Commandant.

(c) Each vessel must have positive righting arms in each condition of loading and operation from—

(1) 0 to at least 70 degrees of heel for service on protected or partially protected waters; and

(2) 0 to at least 90 degrees of heel for service on exposed waters.

(d) Each vessel must be designed to satisfy the following equations:

(1) For a vessel in service on protected or partially protected waters—

$$\frac{1000(W)HZA}{(A)(H)}$$

>10.9 (metric tons/sq. meter)

$$\frac{1000(W)HZB}{(A)(H)}$$

>12.0 (metric tons/sq. meter)

$$\frac{1000(W)HZC}{(A)(H)}$$

>13.7 (metric tons/sq. meter)

(2) For a vessel on exposed waters—

$$\frac{1000(W)HZA}{(A)(H)}$$

>16.4 (metric tons/sq. meter)

$$\frac{1000(W)HZB}{(A)(H)}$$

>18.6 (metric tons/sq. meter)

$$\frac{1000(W)HZC}{(A)(H)}$$

>20.8 (metric tons/sq. meter)

where—

HZA, HZB and HZC are calculated in the manner specified in paragraph (e) or (f) of this section.

A = the projected lateral area in square meters of the portion of the vessel above the waterline computed with all sail set and trimmed flat, except that 100% of the fore triangle area may be used in lieu of the area of the individual headsails when determining A if the total area of the headsails exceeds the fore triangle area.

H = the vertical distance in meters from the center of A to the center of the underwater lateral area or approximately to the one-half draft point.

W = the displacement of the vessel in metric tons.

(e) Except as provided in paragraph (f) of this section, HZA, HZB, and HZC must be determined as follows for each condition of loading and operation:

(1) Plot the righting arm curve on Graphs 171.055 (b), (c), and (d) or (e).

(2) If the angle at which the maximum righting arm occurs is less than 35 degrees, the righting arm curve must be truncated as shown on Graph 171.055(a).

(3) Plot an assumed heeling arm curve on Graph 171.055(b) that satisfies the followings:

(i) The assumed heeling arm curve must be defined by the equation—

$$HZ = HZA \cos^2(T)$$

where—

HZ = heeling arm.

HZA = heeling arm at 0 degrees of heel.

T = angle of heel.

(ii) The first intercept shown on Graph 171.055(b) must occur at the angle of heel corresponding to the angle at which deck edge immersion first occurs.

(4) Plot an assumed heeling arm curve on Graph 171.055(c) that satisfies the following conditions:

(i) The assumed heeling arm curve must be defined by the equation—

$$HZ = HZB \cos^{2(T)}$$

where—

HZ = heeling arm.

HZA = heeling arm at 0 degrees of heel.

T = angle of heel.

(ii) The area under the assumed heeling arm curve between O degrees and the downflooding angle or 60 degrees, whichever is less, must be equal to the area under the righting arm curve between the same limiting angles.

(5) Plot an assumed heeling arm curve on Graph 171.055(d) or (e) that satisfies the following conditions:

(i) The assumed heeling arm curve must be defined by—

$$HZ = HZC \cos^{2(T)}$$

where—

HZ = heeling arm.

HZA = heeling arm at 0 degrees of heel.

T = angle of heel.

(ii) The area under the assumed heeling arm curve between the angles of 0 and 90 degrees must be equal to the area under the righting arm curve between 0 degrees and—

(A) 90 degrees if the righting arms are positive to an angle less than or equal to 90 degrees; or

(B) the largest angle corresponding to a positive righting arm but no more than 120 degrees if the righting arms are positive to an angle greater than 90 degrees.

(6) The values of HZA, HZB, and HZC are read directly from Graphs 171.055(b), (c), and (d) or (e).

(f) For the purpose of this section, the downflooding angle means the static angle from the intersection of the vessel's centerline and waterline in calm water to the first opening that cannot be rapidly closed watertight.

(g) HZB and, if the righting arms are positive to an angle of 90 degrees or greater, HZC may be computed from the following equation:

$$HZB \text{ (or } HZC) = \frac{I}{((T/2) + 14.3 \sin 2T)}$$

where—

I = the area under the righting arm curve to—
(1) the downflooding angle or 60 degrees, whichever is less, when computing HZB; or (2) 90 degrees when computing HZC.

T = the downflooding angle or 60 degrees, whichever is less, when computing HZB or 90 degrees when computing HZC.

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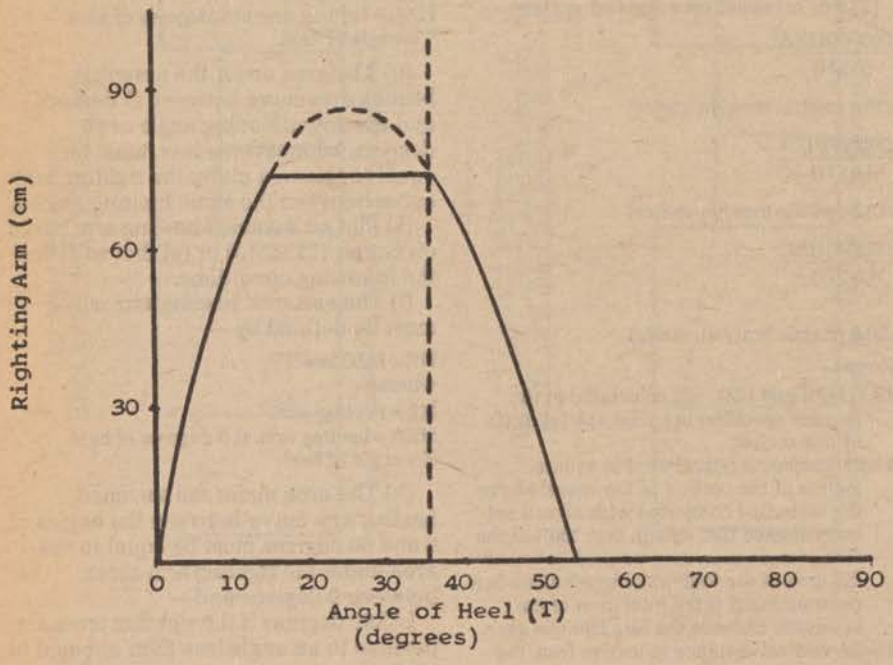
GRAPH 171.055(a)

Truncation of Righting Arm Curve if Maximum Righting Arm Occurs at an Angle of Heel Less Than 35 Degrees



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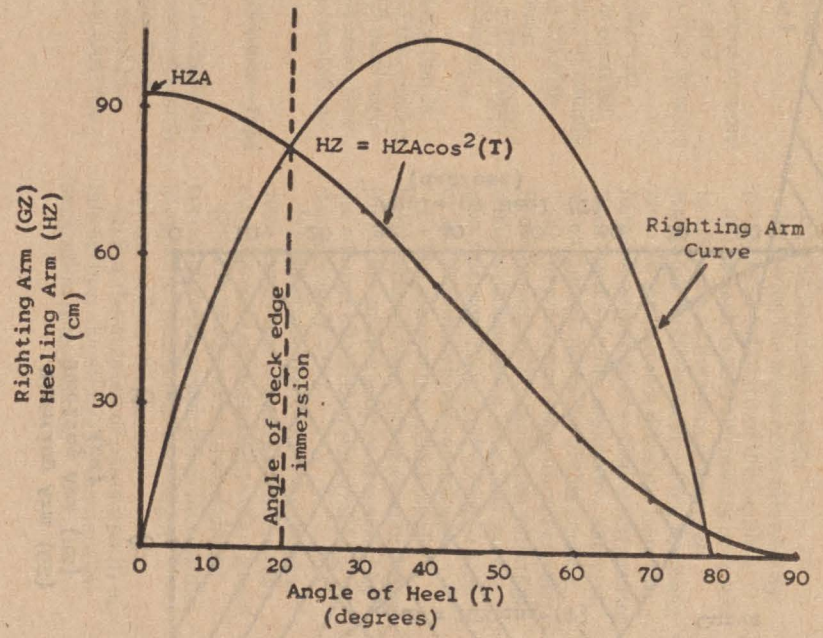
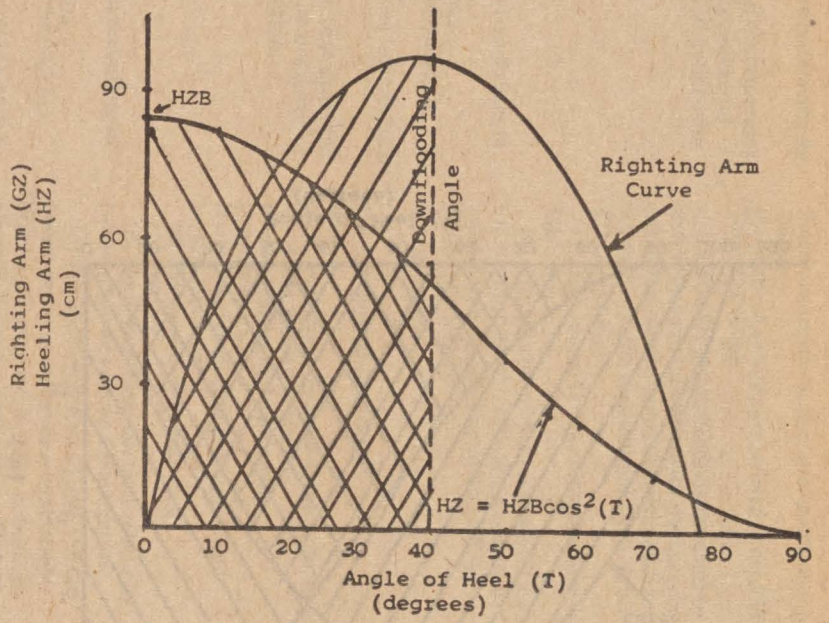
GRAPH 171.055(b)

First Intercept Occurs at the Angle at Which Deck Edge Immersion First Occurs



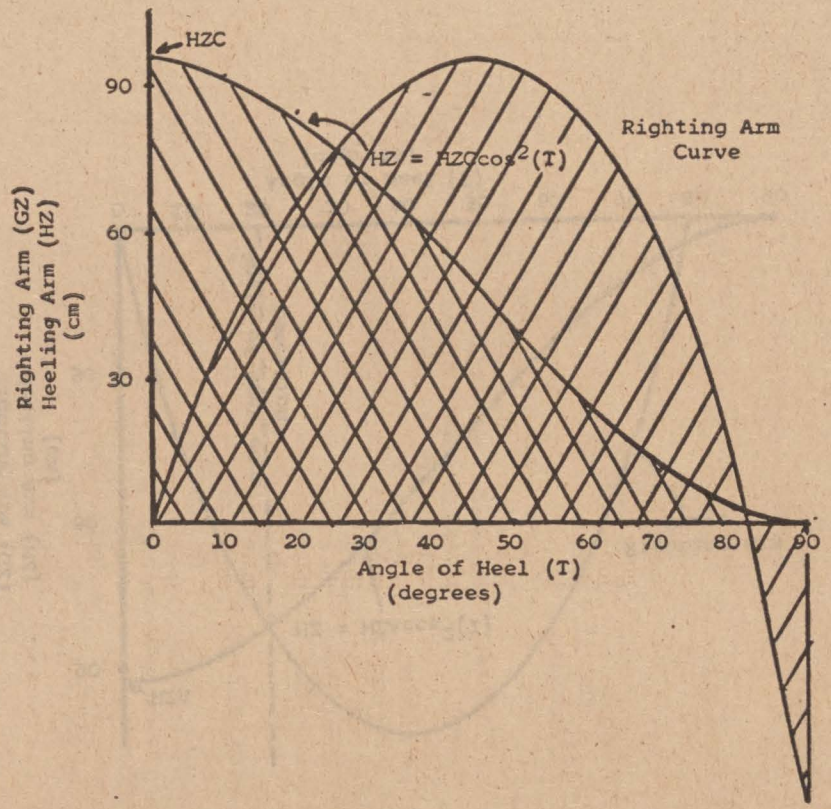
GRAPH 171.055(c)

Shaded Areas are Balanced to the Downflooding Angle



GRAPH 171.055(d)

Righting Arm Curve is not Positive to 90 Degrees and Negative Area is Included



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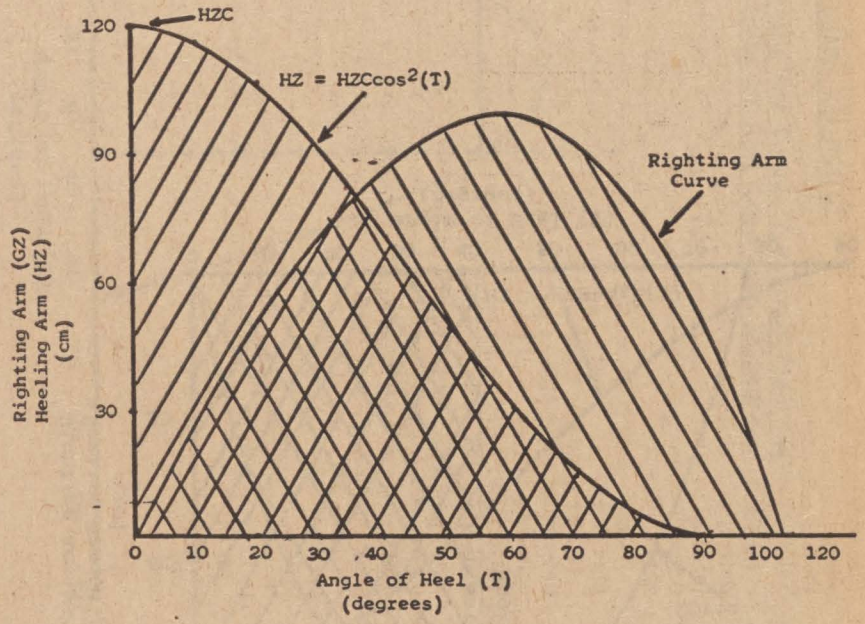
GRAPH 171.055(e)

Righting Arm Curve is Positive Beyond 90 Degrees



§ 171.057 Intact stability requirements for a sailing catamaran.

(a) A sailing catamaran that operates on protected and partially protected waters must be designed to satisfy the following:

$$\frac{0.6(W)B}{2(As)(Hm)}$$

>10.9 metric tons/m².

where—
B = the distance between hull centerlines in meters.
As = sail area in square meters.
Hm = the mast height above the deck in meters.
W = the combined displacement of both hulls in metric tons.

(b) A sailing catamaran that operates on exposed waters must be designed to satisfy the following equation:

$$\frac{0.6(W)B}{2(As)(Hm)}$$

>16.4 metric tons/m².

where—
B = the distance between hull centerlines in meters.
As = sail area in square meters.
Hm = the mast height above the deck in meters.
W = the combined displacement of both hulls in metric tons.

§171.060 Watertight subdivision: general.

(a) Each of the following vessels must be shown by design calculations to comply with the requirements in §§ 171.065–171.068 for Type I subdivision:

(1) Each vessel 100 gross tons or more on an international voyage; and

(2) Each vessel 150 gross tons or more in ocean service.

(b) Each vessel not described in paragraph (a) of this section must be shown by design calculations to comply with the requirements in §§ 171.070–171.073 for Type II subdivision.

(c) Except as allowed in § 171.070(c), each vessel must have a collision bulkhead.

(d) Each double-ended ferry that is required by paragraph (c) of this section to have a collision bulkhead must also have a second collision bulkhead. One collision bulkhead must be located in each end of the vessel.

§ 171.065 Subdivision requirements—Type I.

(a) Except as provided in paragraphs (c) and (f), the separation between main transverse watertight bulkheads on a vessel, other than one described in paragraph (b) of this section, must not exceed—

(floodable length) × (factor of subdivision)

where—
the factor of subdivision is listed under FS in Table 171.065(a).

(b) The factor of subdivision used to determine compliance with paragraph (a) of this section must be the smaller of 0.5 or the value determined from Table 171.065(a) if—

(1) The vessel is 131 meters or more in LBP; and

(2) The greater of the values of Y as determined by the following equations equals or exceeds the value of X in Table 171.065(b):

$$Y = (M + 2P)/V$$

or

$$Y = (M + 2P1)/(V + P1 - P)$$

where—
M, V, and P have the same value as listed in Table 171.065(a); and
P1 = the smaller of the following:
(i) 0.056LN where—
N = the total number of passengers; and
L = LBP in meters.
(ii) The greater of the following:
(A) 0.037LN.
(B) The sum of P and the total volume of passenger spaces above the margin line.

(c) The distance A in Figure 171.065 between main transverse watertight bulkheads may exceed the maximum allowed by paragraphs (a) or (b) of this section if each of the distances B and C between adjacent main transverse watertight bulkheads in Figure 171.065 does not exceed the smaller of the following:

(1) The floodable length.

(2) Twice the separation allowed by paragraphs (a) or (b) of this section.

(d) In each vessel 100 meters or more in LBP, one of the main transverse watertight bulkheads aft of the forepeak must be located at a distance from the forward perpendicular that is not greater than the maximum separation allowed by paragraph (a) or (b) of this section.

(e) The minimum separation between two adjacent main transverse watertight bulkheads must be a least 3.05 meters plus 3 percent of the LBP of the vessel, or 10.7 meters, whichever is less.

(f) The maximum separation of bulkheads allowed by paragraphs (a) or (b) of this section may be increased by the amount allowed in paragraph (g) of this section if—

(1) The space between two adjacent main transverse watertight bulkheads contains internal watertight volume; and

(2) After the assumed side damage specified in paragraph (h) of this section is applied, the internal watertight volume will not be flooded.

(g) For the purpose of paragraph (f) of this section, the allowable increase in separation is as follows:

$$\text{Increase in separation} = \frac{\text{"total volume of allowed local subdivision"}}{\text{"transverse sectional area at center of compartment"}}$$

where—
"Total volume of allowed local subdivision" is determined by calculating the unflooded volume on each side of the centerline and multiplying the smaller volume by two.

(h) The assumed extents of side damage are as follows:

(1) *The longitudinal extent of damage* must be assumed to extend over a length equal to the minimum spacing of bulkheads specified in paragraph (e) of this section.

(2) *The transverse extent of damage* must be assumed to penetrate a distance from the shell plating equal to one-fifth the maximum beam of the vessel and at right angles to the centerline at the level of the deepest subdivision load line.

(3) *The vertical extent of damage* must be assumed to extend vertically from the baseline to the margin line.

(i) The maximum separation between the following bulkheads must not exceed the maximum separation between main transverse watertight bulkheads;

(1) The collision bulkhead and the first main transverse watertight bulkhead aft of the collision bulkhead; and

(2) The last main transverse watertight bulkhead and the aftermost point on the bulkhead deck.

(j) The minimum separation between the following bulkheads must not be less than the minimum separation between main transverse watertight bulkheads:

(1) The collision bulkhead and the first main transverse watertight bulkhead aft of the collision bulkhead; and

(2) The last main transverse watertight bulkhead and the aftermost point on the bulkhead deck.

Figure 171.065

Combined Separation of Bulkheads

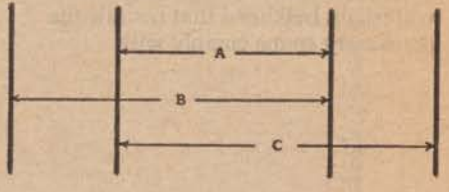


TABLE 171.065(A)

Vessel length (LBP)	Criterion numeral (CN)	FS
Vessel length greater than 120 meters.	CN less than or equal to 23.	A.
	CN greater than 23 and less than 123.	F1.
	CN greater than or equal to 123.	B.
Vessel length greater than or equal to 61 meters and less than or equal to 120 meters.	CN less than or equal to S.	1.
	CN greater than S and less than 123.	F2.
	CN greater than or equal to 123.	B.
Vessel length less than 61 meters.	.....	1.

Where—
FS = the factor of subdivision.
$N = 60((M+2P)/V) + 2787\ (N/L^2)$
$A = (58/(L-49)) + 0.18$
$B = (29/(L-26)) + 0.18$
$F1 = A - ((A-B)(CN-23)/100)$
$S = (3323.5 - 25L)/14.6$
$F2 = 1 - ((1-B)(CN-S)/(123-S))$
L = the length of the vessel (LBP) in meters.
M = the sum of the volume of the machinery space and the volumes of any fuel tanks which are located above the inner bottom forward or aft of the machinery space in cubic meters.
P = the volume of passenger spaces below the margin line.
V = the volume of the vessel below the margin line.
N = the number of the passengers that the vessel is to be certificated to carry.

TABLE 171.065(b).—TABLE OF X

Vessel LBP in meters	X[1]
131	1.336
134	1.285
137	1.230
140	1.174
143	1.117
146	1.060
149	1.002
152	0.944
155	0.885
158	0.826
162	0.766
165	0.706
168	0.645
171 and up	0.625

[1] Interpolate for intermediate values.

§ 171.066 Calculation of permeability for Type I subdivision.

(a) Except as prescribed in paragraph (b) of this section, the following permeabilities must be used when doing the calculations required to demonstrate compliance with §§ 171.065 (a), (b), and (c):

(1) When doing calculations required to demonstrate compliance with §§ 171.065 (a) and (b), the uniform average permeability given by the formulas in Table 171.066 must be used.

(2) When doing calculations required to demonstrate that compartments on opposite sides of a main transverse watertight bulkhead that bounds the machinery space comply with § 171.065(c), the mean of the uniform average permeabilities determined from Table 171.066 for the two compartments must be used.

(b) If an average permeability can be calculated that is less than that given by the formulas in Table 171.066, the lesser value may be substituted if approved by the Commander (mmt). When determining this lesser value, the following permeabilities must be used:

(1) 95% for passenger, crew, and all other spaces that, in the full load condition, normally contain no cargo, stores, provisions, or mail.

(2) 60% for cargo, stores, provisions, or mail spaces.

(3) 85% for spaces containing machinery.

(4) Values approved by the Commander (mmt) for double bottoms, oil fuel, and other tanks.

(c) In the case of unusual arrangements, the Commander (mmt) may require a detailed calculation of average permeability for the portions of the vessel forward or aft of the machinery spaces. When doing these calculations, the permeabilities specified in paragraph (b) of this section must be used.

(d) When calculating permeability, the total volume of the 'tween deck spaces between two adjacent main transverse watertight bulkheads that contains any passenger or crew space must be regarded as passenger space volume, except that the volume of any space that is completely enclosed in steel bulkheads and is not a crew or passenger space may be excluded.

TABLE 171.066.—TABLE OF UNIFORM AVERAGE PERMEABILITIES

Location	Uniform average permeability
Machinery Space	85+10((a-c)/v).
Volume Forward of Machinery Space	65+35(a/v).
Volume Aft of Machinery Space	65+35(a/v).

For each location specified in this table—
a = volume below the margin line of all spaces that, in the full load condition, normally contain no cargo, baggage, stores, provisions, or mail.
c = volume below the margin line of the cargo, stores, provisions, or mail spaces within the limits of the machinery space.
v = total volume below the margin line.

§ 171.067 Treatment of stepped and recessed bulkheads in Type I subdivision.

(a) For the purpose of this section—

(1) The main transverse watertight bulkhead immediately forward of a stepped bulkhead is referred to as bulkhead 1; and

(2) The main transverse watertight bulkhead immediately aft of the stepped bulkhead is referred to as bulkhead 3.

(b) If a main transverse watertight bulkhead is stepped, it and bulkheads 1 and 3 must meet one of the following conditions:

(1) The separation between bulkheads 1 and 3 must not exceed the following:

(i) If the factor of subdivision (FS) determined from § 171.065 (a) or (b) is greater than 0.9, the distance between bulkheads 1 and 3 must not exceed the maximum separation calculated to demonstrate compliance with § 171.065.

(ii) If the factor of subdivision is 0.9 or less, the distance between bulkheads 1 and 3 must not exceed 90% of the floodable length or twice the maximum bulkhead separation calculated to demonstrate compliance with § 171.065, whichever is smaller.

(2) Additional watertight bulkheads must be located as shown in Figure 171.067(a) so that distances A, B, C, and D, illustrated in Figure 171.067(a), satisfy the following:

(i) Distances A and B must not exceed the maximum spacing allowed by § 171.065.

(ii) Distances C and D must not be less than the minimum separation prescribed by § 171.065(e).

(3) The distance A, illustrated in Figure 171.067(b), must not exceed the maximum length determined in § 171.065 corresponding to a margin line taken 76 mm below the step.

(c) A main transverse bulkhead may not be recessed unless all parts of the recess are inboard from the shell of the vessel a distance A as illustrated in Figure 171.067(c).

(d) Any part of a recess that lies outside the limits defined in paragraph (c) of this section must be treated as a step in accordance with paragraph (b) of this section.

(e) The distance between a main transverse watertight bulkhead and the transverse plane passing through the nearest portion of a recessed bulkhead must be greater than the minimum separation specified by § 171.065(e).

(f) If a main transverse bulkhead is stepped or recessed, equivalent plane bulkheads must be used in the calculations required to demonstrate compliance with § 171.065.

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Figure 171.067(a)

Additional Subdivision

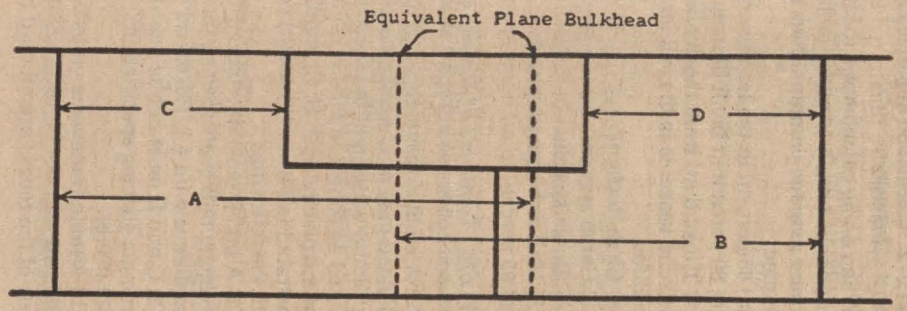

Figure 171.067(b)

Margin Line Below Step

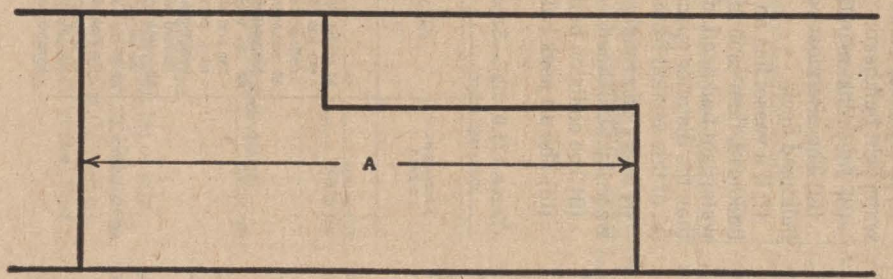

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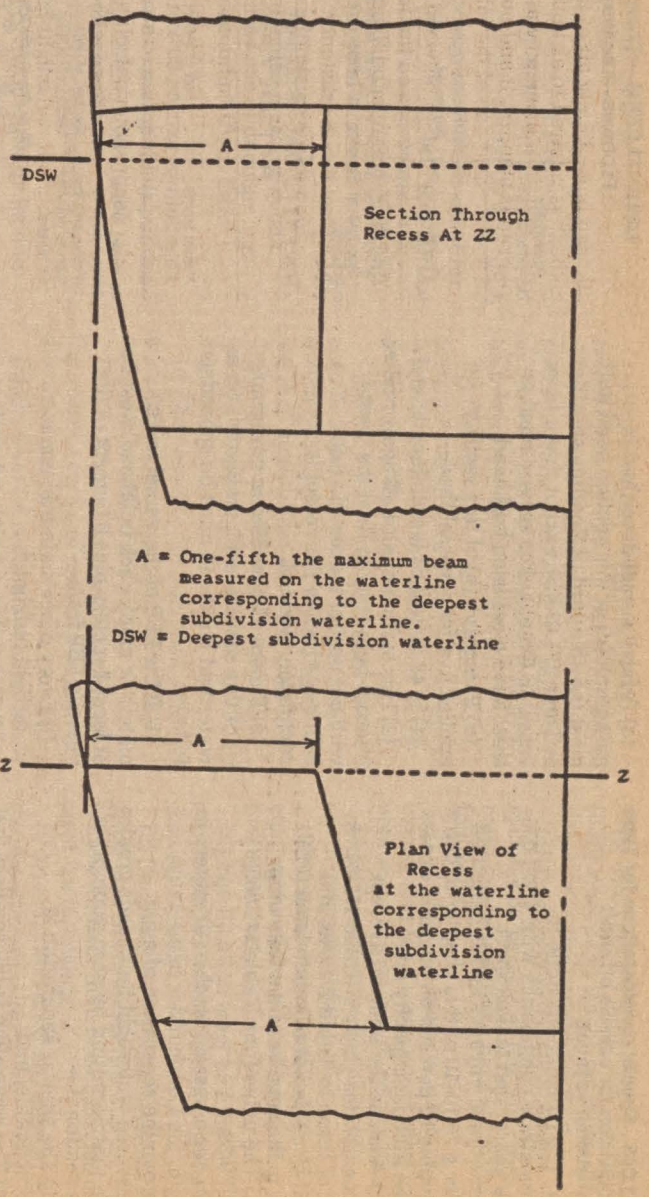
Figure 171.067(c)

Limits of a Recess



§ 171.068 Special considerations for Type I subdivision for vessels on short international voyages.

(a) The calculations done to demonstrate compliance with § 171.065 for a vessel that makes short international voyages and is permitted under § 75.10–10 of this chapter to carry a number of persons on board in excess of the lifeboat capacity must—

(1) Assume the uniform average permeabilities given in Table 171.068 in lieu of those in Table 171.066; and

(2) Use a factor of subdivision (FS) that is the smaller of the following:

(i) The value from Table 171.065(a).

(ii) 0.50.

(b) For a vessel less than 91 meters in length, the Commander (mmt) may approve the separation of main transverse watertight bulkheads greater than that permitted by paragraph (a) of this section if—

(1) The shorter separation is impracticable; and

(2) The separation is the smallest that is practicable.

(c) In the case of ships less than 55 meters in length, the Commander (mmt) may approve a further relaxation in the bulkhead spacing. However, in no case may the separation be more than would prevent the vessel from complying with the requirements for Type II subdivision in § 171.070.

TABLE 171.068.—TABLE OF UNIFORM AVERAGE PERMEABILITIES

Location	Uniform average permeability
Machinery space	85+10((a-c)/v).
Volume forward of machinery space.	65+35(b/v).
Volume aft of machinery space.	65+35(b/v).

For each location specified in this table—
a=volume below the margin line of all spaces that, in the full load condition, normally contain no cargo, baggage, stores, provisions, or mail.
b=volume below the margin line and above the tops of floors, inner bottoms, or peak tanks of coal or oil fuel bunkers, chain lockers, fresh water tanks, and of all spaces that, in the full load condition, normally contain no stores, baggage, mail, cargo, or provisions. If cargo holds are not occupied by cargo, no part of the cargo space is to be included in this volume.
c=volume below the margin line of the cargo, stores, provisions, or mail spaces within the limits of the machinery space.
v=total volume below the margin line.

§ 171.070 Subdivision requirements—Type II.

(a) Each vessel, except a ferry vessel, must be designed so that, while in each condition of loading and operation, it complies with the standard of flooding specified in Table 171.070(a).

(b) Except as provided in paragraph (c), each ferry vessel must be designed so that, while in each condition of loading and operation, it meets the standards of flooding specified in Table 171.070(b).

(c) A ferry vessel described in paragraph (d) of this section need not meet the standard of flooding specified in Table 171.070(b), except that a ferry vessel in Great Lakes service must at least have a collision bulkhead.

(d) Paragraph (c) of this section applies to a ferry vessel that—

(1) Is 46 meters or less in length; and

(2) Has sufficient air tankage, or other internal buoyancy to float the vessel with not part of the margin line submerged when the vessel is completely flooded.

(e) Except as specified in paragraph (f) of this section, each main transverse watertight bulkhead must be spaced as follows:

(1) If the LBP of the vessel is 43.5 meters or more, each bulkhead must be at least 3 meters plus 3 percent of the vessel's LBP from—

(i) Every other main transverse watertight bulkhead;

(ii) The collision bulkhead; and

(iii) The aftermost point on the bulkhead deck.

(2) If the LBP of the vessel is less than 43.5 meters and the vessel does not make international voyages, each bulkhead must be no less than 10 percent of the vessel's LBP of 1.8 meters, whichever is greater, from—

(i) Every other main transverse watertight bulkhead;

(ii) The collision bulkhead; and

(iii) The aftermost point on the bulkhead deck.

(f) If a vessel has an aft peak bulkhead, then each main transverse watertight bulkhead must be no less than the distance specified in paragraph (e) of this section from—

(i) Every other main transverse watertight bulkhead;

(ii) The collision bulkhead; and

(iii) The aft peak bulkhead.

TABLE 171.070(a).—STANDARD OF FLOODING

Passengers carried	Part of vessel	Standard of flooding (compartment)
400 or less	All	One.
401 to 600	All of the vessel forward of the first MTWB aft of the collision bulkhead.	Two.
	All remaining portions of the vessel.	One.
601 to 800	All the vessel forward of the first MTWB that is aft of a point 40% of the vessel's LBP aft of the forward perpendicular.	Two.
	All remaining portions of the vessel.	One.
801 to 1,000	All of the vessel forward of the first MTWB that is aft of a point 60% of the vessel's LBP aft of the forward perpendicular.	Two.
	All remaining portions of the vessel.	One.
More than 1,000	All	Two.

Where for this table—
"MTWB" means main transverse watertight bulkhead; and
"Standard of Flooding" is explained in § 171.017 of this subchapter.

TABLE 171.070(b).—STANDARD OF FLOODING FOR FERRY VESSELS

Vessel length	Part of vessel	Standard of flooding (compartment)
46 meters or less	All	One.
Greater than 46 meters and less than or equal to 61 meters.	All of the vessel forward of the first MTWB aft of the collision bulkhead.	Two.
	All of the vessel aft of the first MTWB forward of the aft peak bulkhead.	Two.
	All remaining portions of the vessel.	One.
Greater than 61 meters.	All	Two.

Where for this table—
"MTWB" means main transverse watertight bulkhead; and
"Standard of Flooding" is explained in § 171.017 of this subchapter.

§ 171.072 Calculation of permeability for Type II subdivision.

When doing calculations to show compliance with § 171.070, the following uniform average permeabilities must be assumed:

(a) 85 percent in the machinery space.

(b) 60 percent in the following spaces:

(1) Tanks that are normally filled when the vessel is in the full load condition.

(2) Chain lockers.

(3) Cargo spaces.

(4) Stores spaces.

(5) Mail or baggage spaces.

(c) 95 percent in all other spaces.

§ 171.073 Treatment of stepped and recessed bulkheads in Type II subdivision.

(a) A main transverse watertight bulkhead may not be stepped unless additional watertight bulkheads are located as shown in Figure 171.067(a) so that the distances A, B, C, and D illustrated in Figure 171.067(a) comply with the following:

(1) A and B must not exceed the maximum bulkhead spacing that permits compliance with § 171.070; and

(2) C and D must not be less than the minimum spacing specified in § 171.070(e).

(b) A main transverse watertight bulkhead may not be recessed unless all parts of the recess are inboard from the

shell of the vessel as illustrated in Figure 171.067(c).

(c) If a main transverse watertight bulkhead is recessed or stepped, an equivalent plane bulkhead must be used in the calculations required by § 171.070.

§ 171.080 Damage stability standards for vessels with Type I or Type II subdivision.

(a) *Calculations.* Each vessel with Type I or Type II subdivision must be shown by design calculations to meet the survival conditions in paragraph (d) of this section in each condition of loading and operation assuming the extent and character of damage specified in paragraph (b) of this section.

(b) *Extent and character of damage.* For the purpose of paragraph (a) of this section, design calculations must assume that the damage—

(1) Has the character specified in Table 171.080(a); and

(2) Consists of a penetration having the dimensions specified in Table 171.080(a) except that, if the most disabling penetration would be less than the penetration described in the table, the smaller penetration must be assumed.

(c) *Permeability.* When doing the calculations required in paragraph (a) of this section, the permeability of each space must be calculated in a manner approved by the Commander (mmt) or be taken from Table 171.080(c).

(d) *Damage survival.* A vessel is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(1) On a vessel required to survive assumed damage with a longitudinal extent of 3 meters +0.03L, the final angle of equilibrium must not exceed 7 degrees after equilization, except that the final angle may be as large as 15 degrees if—

(i) The vessel is not equipped with equilization or is equipped with fully automatic equilization; and

(ii) The Commander (mmt) approves the vessel's range of stability in the damaged condition.

(2) On a vessel required to survive assumed damage with a longitudinal extent of 6.1 meters +0.04L, the angle of equilibrium must not exceed 15 degrees after equalization.

(3) The margin line may not be submerged at any point.

(4) The vessel's metacentric height (GM) must be at least 5 cm when the vessel is in the upright position.

(e) *Equalization.* (1) Equilization systems on vessels of 150 gross tons or more in ocean service must meet the following:

(i) Equilization must be automatic except that the Commander (mmt) may approve other means of equalization if—

(A) It is impracticable to make equilization automatic; and

(B) Controls to cross-flooding equipment are located above the bulkhead deck.

(ii) Equalization must be fully accomplished within 15 minutes after damage occurs.

(2) Equalization on vessels under 150 gross tons in ocean service and on all vessels in other than ocean service must meet the following:

(i) Equalization must not depend on the operation of valves.

(ii) Equalization must be fully accomplished within 15 minutes after damage occurs.

(3) The estimated maximum angle of heel before equalization must be approved by the Commander (mmt).

TABLE 171.080(a).—EXTENT AND CHARACTER OF DAMAGE

Vessel designator [4]	Longitudinal penetration [1]	Transverse penetration [2,3]	Vertical penetration	Character of damage
Z	3 meters+0.03L or 10.7 meters whichever is less.[5]	B/5	From the baseline upward without limit	Assumes no damage to any main transverse watertight bulkhead.
Y	3 meters+0.03L or 10.7 meters whichever is less.	B/5	From the baseline upward without limit	Assumes damage to no more than one main transverse watertight bulkhead.
X	3 meters+0.03L or 10.7 meters whichever is less.	B/5	From the baseline upward without limit	Assumes damage to no more than one main transverse watertight bulkhead.
	6.1 meters+0.04L	B/5	From the top of the double bottom upward without limit.	Assumes damage to no more than one main transverse watertight bulkhead.
W	6.1 meters+0.04L	B/5	From the baseline upward without limit	Assumes damage to at least two main transverse watertight bulkheads.

[1] L=LBP of the vessel.
[2] B=the beam of the vessel measured at or below the deepest subdivision load line as defined in § 171.010(a) except that, when doing calculations for a vessel that operates only on inland waters or is a ferry vessel, B may be taken as the mean of the maximum beam on the bulkhead deck and the maximum beam at the deepest subdivision load line.
[3] The transverse penetration is applied inboard from the side of the vessel, at right angles to the centerline, at the level of the deepest subdivision load line.
[4] W,X,Y, and Z are determined from Table 171.080(b).
[5] .1L or 1.8 meters whichever is greater for vessels described in § 171.070(e)(2).

TABLE 171.080(B)

Vessel category	Vessel designator
Vessels with Type I subdivision and a factor of subdivision as determined from § 171.065(a) or (b) of 0.33 or less.	W.
Vessels with Type I subdivision and a factor of subdivision as determined from § 171.065(a) or (b) greater than 0.33 and less than or equal to 0.05.	X.
Vessels with Type II subdivision that are required to meet a two compartment standard of flooding.	Y.
All other vessels.	Z.

TABLE 171.080(C).—PERMEABILITY

Spaces and tanks	Permeability (percent)
Cargo, coal, stores	60.
Accommodations	95.
Machinery	85.
Tanks	0 or 95.[1]

[1] Whichever value results in the more disabling condition.

Subpart D—Additional Subdivision Requirements

§ 171.085 Collision bulkhead.

(a) Paragraphs (b) through (g) of this section apply to each vessel of 100 gross tons or more and paragraphs (h) and (i) of this section apply to each vessel that is less than 100 gross tons.

(b) The portion of the collision bulkhead that is below the bulkhead deck must be watertight.

(c) Each portion of the collision bulkhead must be at least—

(1) 5 percent of the LBP from the forward perpendicular in a motor vessel; and

(2) 1.5 meters from the forward perpendicular in a steam vessel.

(d) The collision bulkhead must be no more than 3 meters plus 5 percent of the LBP from the forward perpendicular.

(e) The collision bulkhead must extend to the deck above the bulkhead deck if the vessel—

(1) Is in ocean service; and

(2) Has a superstructure that extends from a point forward of the collision

bulkhead to a point at least 15% of the LBP aft of the collision bulkhead.

(f) The collision bulkhead required by paragraph (e) of this section must have the following characteristics:

(1) The portion of the collision bulkhead above the bulkhead deck must be weathertight.

(2) If the portion of the collision bulkhead above the bulkhead deck is not located directly above the collision bulkhead below the bulkhead deck, then the bulkhead deck between must be weathertight.

(g) Each opening in the collision bulkhead must—

(1) Be located above the bulkhead deck; and

(2) Have a watertight closure.

(h) Each collision bulkhead—

(1) Must extend to the weather deck;

(2) May not have watertight doors in it; and

(3) May have penetrations and openings that—

(i) Are located as high and as far inboard as practicable; and

(ii) Except as provided in paragraph (i) of this section, have means to make them watertight.

(i) Each vessel that is not required to comply with a one or two compartment standard of flooding may have an opening that cannot be made watertight in the collision bulkhead below the bulkhead deck if—

(1) The lowest edge of the opening is not more than 30.5 centimeters below the bulkhead deck; and

(2) There are at least 92 centimeters of intact collision bulkhead below the lower edge of the opening.

(j) Each portion of the collision bulkhead must be—

(1) At least 5 percent of the LBJ from the forward perpendicular; and

(2) No more than 15 percent of the LBP from the forward penpendicular.

§ 171.090 Aft peak bulkhead.

(a) Each of the following vessels must have an aft peak bulkhead:

(1) Each vessel 100 gross tons or more on an international voyage.

(2) Each other vessel of more than 150 gross tons.

(b) Except as specified in paragraph (c) of this section, each portion of the aft peak below the bulkhead deck must be watertight.

(c) A vessel may have an aft peak bulkhead that does not intersect the bulkhead deck if approved by the Commander (mmt).

§ 171.095 Machinery space bulkhead.

(a) Except as provided in paragraph (b) of this section, a vessel required to have Type I or II subdivision must have enough main transverse watertight bulkheads to separate the machinery space from the remainder of the vessel. All portions of these bulkheads must be watertight below the bulkhead deck.

(b) Compliance with paragraph (a) of this section is not required if the vessel has sufficient air tanks or other internal buoyancy to maintain the vessel afloat while in full load condition when all compartments and all other tanks are flooded.

§ 171.100 Shaft tunnels and stern tubes.

(a) Stern tubes in each of the following vessels must be enclosed in watertight spaces:

(1) Each vessel of 100 gross tons or more on an international voyage.

(2) Each other vessel over 150 gross tons in ocean or Great Lakes service.

(3) Each vessel under 100 gross tons that carries more than 12 passengers on an international voyage.

(b) The watertight seal in the bulkhead between the stern tube space and the machinery space must be located in a watertight shaft tunnel. The vessel must be designed so that the margin line will not be submerged when the watertight shaft tunnel is flooded.

(c) If a vessel has two or more shaft tunnels, they must be connected by a watertight passageway.

(d) If a vessel has two or less shaft tunnels, only one door is permitted between them and the machinery space. If a vessel has more than two shaft tunnels, only two doors are permitted between them and the machinery space.

§ 171.105 Double bottoms.

(a) This section applies to each vessel that carries more than 12 passengers on an international voyage and all other vessels that are—

(1) 100 gross tons or more; and

(2) In ocean or Great Lakes service.

(b) Each vessel over 50 meters and under 61 meters in LBP must have a double bottom that extends from the forward end of the machinery space to the fore peak bulkhead.

(c) Each vessel over 61 meters and under 76 meters in LBP must have a double bottom that extends from the fore peak bulkhead to the forward end of the machinery space and a double bottom that extends from the aft peak bulkhead to the aft end of the machinery space.

(d) Each vessel 76 meters in LBP and upward must have a double bottom that extends from the fore to the aft peak bulkhead.

(e) Each double bottom required by this section must be at least the depth at the centerline given by the following equation:

$$D=45.7+0.417(L).$$

where—

D = the depth at the centerline in millimeters.

L = LBP in meters.

(f) The line formed by the intersection of the margin plate and the bilge plating must be above the horizontal plane C, illustrated in Figure 171.105, at all points. The horizontal plane C is defined by point B, located, as shown in Figure 171.105, in the midships section.

(g) A double bottom is not required in a tank that is integral with the hull of a vessel if—

(1) The tank is used exclusively for the carriage of liquids; and

(2) It is approved by the Commander (mmt).

(h) A double bottom is not required in any part of a vessel where the separation of main transverse watertight bulkheads is governed by a factor of subdivision less than or equal to 0.50 if—

(1) The Commander (mmt) approves;

(2) The vessel makes short international voyages; and

(3) The vessel is permitted by § 75.10-10 of this chapter to carry a number of passengers in excess of the lifeboat capacity.

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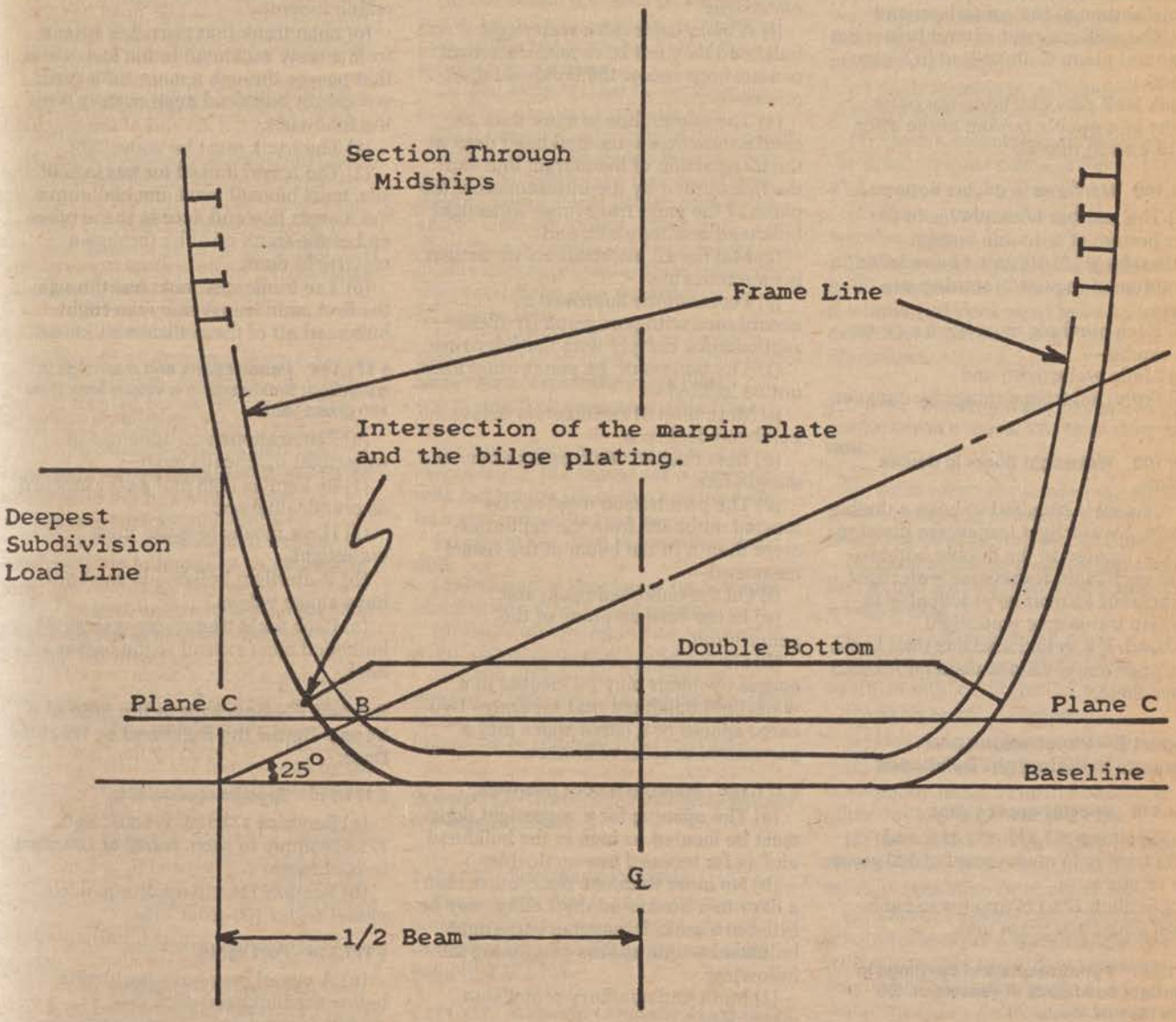
Figure 171.105

Lower Limit of the Intersection of Margin Plate and Bilge Plating



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§ 171.106 Wells in double bottoms.

(a) This section applies to each vessel that has a well installed in a double bottom required by § 171.105.

(b) Except as provided in paragraph (c) of this section—

(1) The depth of a well must be at least 46cm less than the depth of the double bottom at the centerline; and

(2) The well may not extend below the horizontal plane C illustrated in Figure 171.105.

(c) A well may extend to the outer bottom of a double bottom at the after end of a shaft tunnel.

§ 171.108 Manholes in double bottoms.

(a) The number of manholes in the inner bottom of a double bottom required by § 171.105 must be reduced to the minimum required for adequate access.

(b) Each manhole must have a cover that can be—

(1) Made watertight; and

(2) Protected from damage by cargo or coal.

§ 171.109 Watertight floors in double bottoms.

If a vessel is required to have a double bottom, a watertight transverse division must be located in the double bottom under each main transverse watertight bulkhead or as near as practicable to the main transverse watertight bulkhead. If a vessel also has duct keels, the transverse divisions need not extend across them.

Subpart E—Penetrations and Openings in Watertight Bulkheads

§ 171.110 Specific applicability.

(a) Sections 171.111, 171.112, and 171.113 apply to each vessel of 100 gross tons or more.

(b) Section 171.114 applies to each vessel under 100 gross tons.

§ 171.111 Penetrations and openings in watertight bulkheads in vessels of 100 gross tons or more.

(a) Except as provided in paragraph (f) of this section, each opening in a watertight bulkhead must have a means to close it watertight.

(b) Except in a machinery space, the means for closing each opening may not be bolted portable plates.

(c) If a main transverse watertight bulkhead is penetrated, the penetration must be made watertight. Lead or other heat sensitive materials must not be used in a system that penetrates a main transverse watertight bulkhead if fire damage to this system would reduce the watertight integrity of the bulkhead.

(d) A main transverse watertight bulkhead must not be penetrated by valves or cocks unless they are a part of a piping system.

(e) If a pipe, scupper, or electric cable passes through a main transverse watertight bulkhead, the opening through which it passes must be watertight.

(f) A main transverse watertight bulkhead may not have non-watertight penetrations below the bulkhead deck unless—

(1) The margin line is more than 23 centimeters below the bulkhead deck at the intersection of the margin line and the line formed by the intersection of the plane of the main transverse watertight bulkhead and the shell; and

(2) Making all penetrations watertight is impracticable.

(g) Penetrations approved in accordance with paragraph (f) of this section must comply with the following:

(1) The bottom of the penetration must not be located—

(i) More than 61 centimeters below the bulkhead deck; nor

(ii) Less than 23 centimeters above the margin line.

(2) The penetration must not be located outboard from the centerline more than ¼ of the beam of the vessel measured—

(i) On the bulkhead deck; and

(ii) In the vertical plane of the penetration.

(h) No doors, manholes, or other access openings may be located in a watertight bulkhead that separates two cargo spaces or a cargo space and a permanent or reserve bunker.

§ 171.112 Watertight door openings.

(a) The opening for a watertight door must be located as high in the bulkhead and as far inboard as practicable.

(b) No more than one door, other than a door to a bunker or shaft alley, may be fitted in a main transverse watertight bulkhead within spaces containing the following:

(1) Main and auxiliary propulsion machinery.

(2) Propulsion boilers.

(3) Permanent bunkers.

§ 171.113 Trunks.

(a) For the purpose of this section, "trunk" means a large enclosed passageway through any deck or bulkhead of a vessel.

(b) Each trunk, other than those specified in paragraph (c) of this section, must have a watertight door at each end except that a trunk may have a watertight door at one end if—

(1) The trunk does not pass through more than one main compartment;

(2) The sides of the trunk are not nearer to the shell than is permitted by § 171.067(c) for the sides of a recess in a bulkhead; and

(3) The vessel complies with the subdivision requirements in this part when the volume of the trunk is included with the volume of the compartment into which it opens.

(c) Each trunk that provides access from a crew accommodation space and that passes through a main transverse watertight bulkhead must comply with the following:

(1) The trunk must be watertight.

(2) The trunk, if used for passage at sea, must have at least one end above the margin line and access to the other end of the trunk must be through a watertight door.

(3) The trunk must not pass through the first main transverse watertight bulkhead aft of the collision bulkhead.

§ 171.114 Penetrations and openings in watertight bulkheads in a vessel less than 100 gross tons.

(a) Penetrations and openings in watertight bulkheads must—

(1) Be kept as high and as far inboard as practicable; and

(2) Have means to make them watertight.

(b) Watertight bulkheads must not have sluice valves.

(c) Each main transverse watertight bulkhead must extend to the bulkhead deck.

Subpart F—Openings in the Side of a Vessel Below the Bulkhead or Weather Deck

§ 171.115 Specific applicability.

(a) Sections 171.116, 171.117, and 171.118 apply to each vessel of 100 gross tons or more.

(b) Section 171.119 applies to each vessel under 100 gross tons.

§ 171.116 Port lights.

(a) A vessel may have port lights below the bulkhead deck if—

(1) It is greater than 150 gross tons; and

(2) It is in ocean service.

(b) Each port light must be non-opening if its sill is below a line that—

(1) Is drawn parallel to the line formed by the intersection of the bulkhead deck and the shell of the vessel; and

(2) Has its lowest point 2½ percent of the beam of the vessel, measured at or below the deepest subdivision load line, above the deepest load line.

(c) Except as provided in paragraph (d) of this section, no port light may be located in a space that is used

exclusively for the carriage of cargo, stores, or coal.

(d) A port light may be located in a space used alternately for the carriage of cargo or passengers.

(e) Each port light installed below the bulkhead deck must conform to the following requirements:

(1) The design of each port light must be approved by the Commander (mmt).

(2) Each non-opening port light must be watertight.

(3) Each opening port light must be constructed so that it can be secured watertight.

(4) Each opening port light must be installed with at least one bolt that is secured by a round slotted or recessed nut that requires a special wrench to remove. The nut must be protected by a sleeve or guard to prevent it from being removed with ordinary tools.

§ 171.117 Dead covers.

(a) Except as provided in paragraph (b) of this section, each port light with the sill located below the margin line must have a hinged, inside dead cover.

(b) The dead cover on a port light located in an accommodation space for passengers other than steerage passengers may be portable if—

(1) The apparatus for stowing the dead cover is adjacent to its respective port light;

(2) The port light is located above the deck that is immediately above the deepest load line;

(3) The port light is aft of a point one-eighth of the LBP of the vessel from the forward perpendicular; and

(4) The port light is above a line that—

(i) Is parallel to the line formed by the intersection of the bulkhead deck and the side of the vessel; and

(ii) Has its lowest point at a height of 3.6 meters plus 2½ percent of the beam of the vessel, measured at or below the deepest subdivision load line, above the deepest loan line.

(c) Each dead cover must be designed so that—

(1) It can be secured watertight; and

(2) It is not necessary to release any of the special nuts required in § 171.116(e)(4) in order to secure the dead cover.

§ 171.118 Automatic ventilators and side ports.

(a) An automatic ventilator must not be fitted in the side of a vessel below the bulkhead deck unless approved by the Commander (mmt).

(b) The design and construction of each gangway, cargo and coaling port, and similar opening in the side of a vessel must be approved by the Commander (mmt).

(c) In no case may the lowest point of any gangway, cargo and coaling port, or similar opening be below the deepest subdivision load line.

§ 171.119 Openings below the weather deck in the side of a vessel less than 100 gross tons.

(a) If a vessel operates on exposed or partially protected waters, an opening port light is not permited below the weather deck unless—

(1) The sil is at least 76 centimeters above the deepest load line; and

(2) It has an inside, hinged dead cover.

(b) Except for engine exhausts, each inlet or discharge pipe that penetrates the hull below a line drawn parallel to and at least six inches above the deepest subdivision load line must have means to prevent water from entering the vessel if the pipe fractures or otherwise fails.

(c) A positive action valve or cock that is located as close as possible to the hull is an acceptable means from complying with paragraph (b) of this section.

(d) If an inlet or discharge pipe is inaccessible, the means for complying with paragraph (b) of this section must be a shut-off valve that is—

(1) Operative from the weather deck; and

(2) Labeled at the operating point for identity and direction of closing.

(e) Any connecting device or valve in a hull penetration must not be cast iron.

(f) Each plug cock in an inlet or discharge pipe must have a means, other than a cotter pin, to prevent its loosening or removal from the body.

Subpart G—Watertight Integrity Above the Margin Line

§ 171.120 Specific applicability.

Each vessel that is 100 gross tons or more must comply with § 171.122 and each vessel under 100 gross tons must comply § 171.124.

§ 171.122 Watertight integrity above the margin line in a vessel of 100 gross tons or more.

(a) For the purpose of this section, a partial watertight bulkhead is one in which all portions are not watertight.

(b) Except as provided in paragraph (d) of this section, the bulkhead deck or a deck above it must be weathertight.

(c) Partial watertight bulkheads or web frames must be located in the immediate vicinity of main transverse watertight bulkheads to minimize as much as practicable the entry and spread of water above the bulkhead deck.

(d) If a partial watertight bulkhead or web frame is located on the bulkhead deck in order to comply with paragraph (c) of this section, the joint between it and the shell and bulkhead deck must be watertight.

(e) If a partial watertight bulkhead does not line up with a main transverse watertight bulkhead below the bulkhead deck, the bulkhead deck between them must be watertight.

(f) Each opening in an exposed weather deck must—

(1) Have a coaming that complies with the height requirements in Table 171.124; and

(2) Have a means for closing it weathertight.

(g) Each port light located between the bulkhead deck and the next deck above the bulkhead deck must have an inside dead cover that can be secured watertight.

§ 171.124 Watertight integrity above the margin line in a vessel less than 100 gross tons.

(a) Each hatch exposed to the weather must be watertight, except that the following hatches may be weathertight:

(1) Each hatch on a watertight trunk that extends at least 30.5 cm above the weather deck.

(2) Each hatch in a cabin top.

(3) Each hatch on a vessel that operates only on protected waters.

(b) Each hatch cover must—

(1) Have securing devices; and

(2) Be attached to the hatch frame or coaming by hinges, captive chains, or other devices to prevent its loss.

(c) Each hatch that provides access to crew or passenger accommodations must be operative from either side.

(d) Except as provided in paragraph (e) of this section, a weathertight door with permanent watertight coamings that comply with the height requirements in Table 171.124 must be provided for each opening located in a deck house or companionway that—

(1) Gives access into the hull; and

(2) Is located in—

(i) A cockpit;

(ii) A well; or

(iii) An exposed location on a flush deck vessel.

(e) If an opening in a location specified in paragraph (d) of this section is provided with a Class I watertight door, the height of the watertight coaming need only be sufficient to accommodate the door.

TABLE 171.124

Route	Height of coaming (centimeters)
Exposed or partially protected	15.0
Protected	7.5

Subpart H—Drainage of Weather Decks

§ 171.130 Specific applicability.

(a) Section 171.135 applies to each vessel that is 100 gross tons or more.

(b) Sections 171.140, 171.145, 171.150, and 171.155 apply to each vessel under 100 gross tons.

§ 171.135 Weather deck drainage on a vessel of 100 gross tons or more.

The weather deck must have freeing ports, open rails, and scuppers, as necessary, to allow rapid clearing of water under all weather conditions.

§ 171.140 Drainage of a flush deck vessel.

(a) Except as provided in paragraph (b) of this section, the weather deck on a flush deck vessel must be watertight and have no obstruction to overboard drainage.

(b) Each vessel with a flush deck may have solid bulwarks in the forward one-third length of the vessel if—

(1) The bulwarks do not form a well enclosed on all sides; and

(2) The foredeck of the vessel has sufficient sheer to insure drainage aft.

§ 171.145 Drainage of a vessel with a cockpit.

(a) Except as follows, the cockpit must be watertight:

(1) A cockpit may have companion on ways if they comply with § 171.124(d).

(2) A cockpit may have ventilation openings along its inner periphery if—

(i) The vessel operates only on protected or partially protected waters;

(ii) The ventilation openings are located as high as possible in the side of the cockpit; and

(iii) The height of the ventilation opening does not exceed 5 cm.

(b) The cockpit must be designed to be self-bailing.

(c) Scuppers installed in a cockpit must be located to allow rapid clearing of water in all probable conditions of list and trim.

(d) Scuppers must have a minimum combined area, in square centimeters, greater than that determined by multiplying the area of the cockpit, in square meters, by 6.94.

(e) The cockpit deck of a vessel that operates on exposed or partially protected waters must be at least 25.4 cm above the deepest subdivision load line unless the vessel complies with—

(1) The intact stability requirements of § 171.050;

(2) The Type II subdivision requirements in § 171.070; § 171.072, and § 171.073; and

(3) The damage stability requirements in § 171.080.

(f) The cockpit deck of all vessels that do not operate on exposed or partially protected waters must be located as high above the deepest subdivision load line as practicable.

§ 171.150 Drainage of a vessel with a well deck.

(a) Each well deck on a vessel must be watertight.

(b) Except as provided in paragraph (c) and (d) of this section, the area required for freeing ports in the bulwarks that form a well must be determined as follows:

(1) If a vessel operates on exposed or partially protected waters, it must have a least 100 percent of the freeing port area derived from Table 171.150.

(2) If a vessel operates only on protected or partially protected waters and complies with the requirements in the following sections for a vessel that operates on exposed waters, it must have at least 50 percent of the freeing port area derived from Table 171.150:

(i) The intact stability requirements of § 171.030 or § 171.050 and § 171.170 of this subchapter.

(ii) The subdivision requirements of § 171.040, § 171.043, or § 171.070.

(iii) The damage stability requirements of § 171.080.

(3) If a vessel operates only on protected waters, the freeing port area must be at least equal to the scupper area required by § 171.145(d) for a cockpit of the same size.

(c) The freeing ports must be located to allow rapid clearing of water in all probable conditions of list and trim.

(d) If a vessel that operates on exposed or partially protected waters does not have free drainage from the foredeck aft, then the freeing port area must be derived from Table 171.150 using the entire bulwark length rather than the bulwark length in the after ⅔ of the vessel as stated in the Table.

TABLE 171.150

Height of solid bulwark in centimeters	Freeing port area in square centimeters per meter of bulwark length in the after ⅔ of the vessel[1]
15	39
30	78
46	155
61	232
76	310
91	387

[1] Intermediate values of freeing port area can be obtained by interpolation.

§ 171.155 Drainage of an open boat.

The deck within the hull of an open boat must drain to the bilge. Overboard drainage of the deck is not permitted.

PART 172—SPECIAL RULES PERTAINING TO BULK CARGOES

Subpart A—General

Sec.

172.005 Applicability.

Subpart B—Bulk Grain

172.010 Applicability.
172.015 Document of Authorization.
172.020 Incorporation by reference.
172.030 Certificate of Loading.
172.040 Exemptions for certain vessels.

Subpart C—Special Rules Pertaining to a Vessel That Carries a Cargo Regulated Under Subchapter D of This Chapter

172.047 Specific applicability.
172.060 Damage stability—tank vessels that carry oil in bulk.
172.070 Damage stability—tank barges that do not carry oil in bulk.

Subpart D—Special Rules Pertaining to a Barge That Carries a Hazardous Liquid Regulated Under Subchapter O of this Chapter

172.080 Specific applicability.
172.085 Hull type.
172.087 Cargo loading assumptions.
172.090 Intact transverse stability.
172.095 Intact longitudinal stability.
172.100 Watertight integrity.
172.103 Damage stability.
172.104 Character of damage.
172.105 Extent of damage.
172.110 Survival conditions.

Subpart E—Special Rules Pertaining to a Ship That Carries a Hazardous Liquid Regulated Under Subchapter O of This Chapter

172.125 Specific applicability.
172.127 Definitions.
172.130 Calculations.
172.133 Character of damage.
172.135 Extent of damage.
172.140 Permeability of spaces.
172.150 Survival conditions.

Subpart F—Special Rules Pertaining to a Ship That Carries a Bulk Liquefied Gas Regulated Under Subchapter O of This Chapter

172.155 Specific applicability.
172.160 Definitions.

Sec.

Authority: Sec. 2, 87 Stat. 418 (46 U.S.C. 86); sec. 2, 49 Stat. 888 as amended (46 U.S.C. 88a); sec. 5, 49 Stat. 1384 as amended (46 U.S.C. 369); R.S. 4405, as amended (46 U.S.C. 375); sec. 3, 70 Stat. 152 as amended (46 U.S.C. 390b); sec. 5, Pub. L. 95–474, 92 Stat. 1480 as amended (46 U.S.C. 391a); sec. 1, Pub. L. 85–739, 72 Stat. 833, as amended (46 U.S.C. 404); R.S. 4462, as amended (46 U.S.C. 416); sec. 2, Pub. L. 96–453, 94 Stat. 207 (46 U.S.C. 1295f(c)(2)); sec. 4, 67 Stat. 462 (43 U.S.C. 1333(d)); sec. 3, 68 Stat. 675 (50 U.S.C. 198); sec. 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—General

§ 172.005 Applicability.

This Part applies to each vessel that carries one of the following cargoes in bulk:

(a) Grain

(b) A cargo listed in Table 30.25–1 of this chapter.

(c) A cargo listed in Table 151.01–10(b) of this chapter.

(d) A cargo listed in Table I of Part 153 of this chapter.

(e) A cargo listed in Table 4 of Part 154 of this chapter.

Subpart B—Bulk Grain

§ 172.010 Applicability.

This subpart applies to each vessel that loads grain in bulk, except vessels engaged solely on voyages on the Great Lakes, rivers, or lakes, bays, and sounds.

§ 172.015 Document of Authorization.

(a) Except as specified in § 172.040, each vessel that loads grain in bulk must have a Document of Authorization issued in accordance with one of the following:

(1) If the Document of Authorization is issued on or after September 19, 1975, Regulation 10, Part A of Chapter VI of the International Convention for the Safety of Life at Sea (SOLAS), 1974. As used in SOLAS, 1974, the term "Administration" means "U.S. Coast Guard".

(2) If the Document of Authorization was issued before September 19, 1975, 46 CFR 144.20–32, now deleted from the Code of Federal Regulations, or Navigation and Vessel Inspection Circular No. 10–69 dated November 20, 1969, now cancelled.

(b) The Commandant recognizes the National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, N.Y., 10048, for the purpose of issuing Documents of Authorization in accordance with paragraph (a)(1) of this section.

§ 172.020 Incorporation by reference.

The standards referred to in § 172.015(a)(1) are incorporated by reference.

§ 172.030 Certificate of Loading.

(a) Before it sails, each of the following vessels that carries grain in bulk must have a Certificate of Loading issued by an organization recognized by the Commandant:

(1) A vessel with a Document of Authorization.

(2) A vessel that complies with § 172.040 of this subpart.

(b) The Certificate of Loading states that the vessel as loaded complies with—

(1) Chapter VI of SOLAS, 1974;

(2) 46 CFR 144.20–32 or Navigation and Vessel Inspection Circular 10–69, dated November 20, 1969 if the Document of Authorization for the vessel was issued before September 19, 1975;

(3) Section 172.040 of this subpart; or

(4) Paragraph (c) of this section if the vessel is on a voyage between—

(i) United States ports along the East Coast as far south as Cape Henry.

(ii) Wilmington, N.C. and Miami, Florida.

(iii) United States ports in the Gulf of Mexico.

(iv) Puget Sound ports and Canadian west coast ports or Columbia River ports, or both.

(v) San Francisco, Los Angeles, and San Diego; or

(vi) Great Lakes ports.

(c) A vessel on a voyage described in paragraph (b)(3) of this section may obtain a Certificate of Loading upon compliance with the following:

(1) The Master must be satisfied that the longitudinal strength of the vessel is not imparied.

(2) The Master must ascertain the weather to be encountered on the voyage.

(3) Potential heeling moments must be reduced to a minimum by carrying as few slack holds as possible.

(4) Each slack surface must be leveled.

(5) The metacentric height (GM), in meters, of the vessel throughout the voyage, after correction for liquid free surface, must be shown by design calculations to be in excess of the required metacentric height (GM) in meters as obtained from the following equation:

$$GM = \frac{.213(L)(B^3)}{144720(W)}$$

where—

L = total length of slack surfaces in meters.

B = maximum breadth of slack surfaces in meters.

W = displacement of vessel in 1000 metric tons.

(d) If the ratio of available freeboard to beam is less than 0.268, the required GM must be calculated by multiplying the value of GM from paragraph (c) of this section by 0.268 and dividing by the actual ratio of freeboard to beam.

(e) The formula in paragraph (c)(5) of this section presumes a cargo of wheat. The GM calculated from the formula must be adjusted for other grains by multiplying by the following factors:

(1) For grain with a stowage factor of approximately 50 such as corn, rye, and soy beans, multiply by 0.9.

(2) For grain with a stowage factor of approximately 56 such as barley, multiply by 0.8.

(3) For grain with a storage factor of approximately 70 such as oats, multiply by 0.6.

(f) The Commandant recognizes the National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, N.Y. 10048, for the purpose of issuing Certificates of Loading.

§ 172.040 Exemptions for certain vessels.

Each tank vessel that is designed to carry bulk liquids and that complies with one of the following is not required to have a Document of Authorization:

(a) Each tank vessel that has two or more longitudinal divisions throughout the cargo tanks is not required to have a Document of Authorization to carry grain in bulk if each tank, other than one pair of wing tanks, is trimmed full.

(b) Each tank vessel is not required to have a Document of Authorization to carry grain in bulk if—

(1) It is shown by design calculations that, under the most unfavorable loading conditions, the vessel will not heel more than 5 degrees due to a grain shift having a resulting grain surface of 12 degrees to the horizontal; and

(2) The Master complies with Part C of Chapter VI of the International Convention for the Safety of Life at Sea (SOLAS), 1974, where applicable.

Subpart C—Special Rules Pertaining to a Vessel That Carries a Cargo Regulated Under Subchapter D of This Chapter

§ 172.047 Specific applicability.

This subpart applies to each tank vessel that carries a cargo listed in Table 30.25–1 of this chapter.

§ 172.060 Damage stability—tank vessels that carry oil in bulk.

(a) *Applicability.* This section applies to each tank vessel that is—

(1) Greater than 150 gross tons carrying oil in bulk;

(2) A U.S. vessel;

(3) Not a public vessel engaged in commercial service; and

(4) Seagoing or operates on the Great Lakes, except a barge constructed and certificated primarily for service on an inland route whose certificate is endorsed for a limited short protected route on the Great Lakes or oceans.

(b) *Definitions.* As used in this section, "Length" or "L" means load line length (LLL).

(c) *Calculations.* Each tank vessel must be shown by design calculations to meet the survival conditions in paragraph (h) of this section in each condition of loading and operation except as specified in paragrah (d) of this section, assuming the damage specified in paragraph (e) of this section.

(d) *Conditions of loading and operation.* The design calculations required by paragraph (c) of this section need not be done for ballast conditions if the vessel is not carrying oil, other than oily residues, in cargo tanks.

(e) *Character of damage.* (1) If a tank vessel is longer than 225 meters in length, design calculations must show that it can survive damage at any location.

(2) If a tank vessel is longer than 150 meters in length, but not longer than 225 meters, design calculations must show that it can survive damage at any location except the transverse bulkheads bounding an aft machinery space. The machinery space is calculated as a single floodable compartment.

(3) If a tank vessel is 150 meters or less in length, design calculations must show that it can survive damage—

(i) At any location between adjacent main transverse watertight bulkheads except to an aft machinery space;

(ii) To a main transverse watertight bulkhead spaced closer than the longitudinal extent of collision penetration specified in Table 172.060(a) from another main tranverse watertight bulkhead; and

(iii) To a main transverse watertight bulkhead or a transverse watertight bulkhead bounding a side tank or double bottom tank if there is a step or a recess in the transverse bulkhead that is longer than 3.05 meters and that is located within the extent of penetration of assumed damage. The step formed by the after peak bulkhead and after peak tank top is not a step for the purpose of this regulation.

(f) *Extent of damage.* For the purpose of paragraph (c) of this section—

(1) Design calculations must include both side and bottom damage, applied separately; and

(2) Damage must consist of the penetrations having the dimensions given in Table 172.060(a) except that, if the most disabling penetrations would be less than the penetrations described in this paragraph, the smaller penetration must be assumed.

(g) *Permeability of spaces.* When doing the calculations required in paragraph (c) of this section—

(1) The permeability of a floodable space, other than a machinery space, must be as listed in Table 172.060(b);

(2) Calculations in which a machinery space is treated as a floodable space must be based on an assumed machinery space permeability of 85%, unless the use of an assumed permeability of less than 85% is justified in detail; and

(3) If a cargo tank would be penetrated under the assumed damage, the cargo tank must be assumed to lose all cargo and refill with salt water, or fresh water if the vessel is certificated for service on the Great Lakes, up to the level of the tank vessel's final equilibrium waterline.

(h) *Survival conditions.* A vessel is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(1) *Final waterline.* The final waterline, in the final condition of sinkage, heel, and trim, must be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, or an opening that is closed by means of a weathertight door or hatch cover. This opening does not include an opening closed by a—

(i) Watertight manhole cover;

(ii) Flush scuttle;

(iii) Small watertight cargo tank hatch cover that maintains the high integrity of the deck;

(iv) A Class 1 door in a watertight bulkhead within the superstructure;

(v) Remotely operated sliding watertight door; or

(vi) A side scuttle of the non-opening type.

(2) *Heel angle.* The maximum angle of heel must not exceed 25 degrees, except that this angle may be increased to 30 degrees if no deck edge immersion occurs.

(3) *Range of stability.* Through an angle of 20 degrees beyond its position of equilibrium after flooding, a tank vessel must meet the following conditions:

(i) The righting arm curve must be positive.

(ii) The maximum righting arm must be at least 10 cm.

(iii) Each submerged opening must be weathertight.

(4) *Progressive flooding.* Pipes, ducts or tunnels within the assumed extent of damage must be either—

(i) Equipped with arrangements such as stop check valves to prevent progressive flooding to other spaces with which they connect; or

(ii) Assumed in the design calculations required in paragraph (c) of this section to permit progressive flooding to the spaces with which they connect.

(i) *Buoyance of superstructure.* For the purpose of paragraph (c) of this section, the buoyance of any superstructure directly above the side damage is to be disregarded. The unflooded parts of superstructures beyond the extent of damage may be taken into consideration if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place.

TABLE 172.060(A).—EXTENT OF DAMAGE

Collision Penetration	
Longitudinal extent	$(\frac{1}{3})L^{2/3}$ or 14.5m whichever is shorter.
Transverse extent [1]	B/5 or 11.5m
Vertical extent	From the baseline upward without limit.
Grounding Penetration at the Forward End but Excluding any Damage Aft of a Point 0.3L Aft of the Forward Perpendicular	
Longitudinal extent	$(\frac{1}{3})L^{2/3}$ or 14.5m whichever is shorter.
Transverse extent	B/6 or 10m
Vertical extent from	B/15 or 6m the baseline whichever is shorter.
Grounding Penetration at any Other Longitudinal Position	
Longitudinal	L/10 or 5m which ever is shorter.
Transverse	5m
Vertical extent from the baseline.	B/15 or 6m whichever is shorter.

[1] Damage applied inboard from the vessel's side at right angles to the centerline at the level of the summer load line assigned under Subchapter E of this chapter.

TABLE 172.060(b).—PERMEABILITY

Spaces and tanks	Permeability (percent)
Storeroom spaces	60.
Accommodation spaces	95.
Voids	95.
Consumable liquid tanks	95 or 0.[1]
Other liquid tanks	95 or 0.[2]

[1] Whichever results in the more disabling condition.
[2] If tanks are partially filled, the permeability must be determined from the actual density and amount of liquid carried.

172.070 Damage stability—tank barges that do not carry oil in bulk.

(a) This section applies to each tank barge that carries, in independent tanks

described in § 151.15–1(b) of this chapter, a cargo listed in Table 30.25–1 of this chapter that is a—

(1) Liquefied flammable gas; or

(2) Flammable liquid that has a Reid vapor pressure in excess of 172.4 KPa.

(b) Each tank barge is assigned a hull type number by the Commandant in accordance with § 32.63–5 of this chapter. The requirements in this section are specified according to the hull type number assigned.

(c) Except as provided in paragraph (d) of this section, each Type I and II barge hull must have a watertight weather deck.

(d) If a Type I or II barge hull has an open hopper, the fully loaded barge must be shown by design calculations to have at least 50mm of positive GM when the hopper space is flooded to the height of the weather deck.

(e) When demonstrating compliance with paragraph (d) of this section, credit may be given for the buoyancy of the immersed portion of cargo tanks if the tank securing devices are shown by design calculations to be strong enough to hold the tanks in place when they are subjected to the buoyant forces resulting from the water in the hopper.

(f) Each tank barge must be shown by design calculations to have at least 50 mm of positive GM in each condition of loading and operation after assuming the damage specified in paragraph (g) of this section is applied in the following locations:

(1) *Type I barge hull not in an integrated tow.* If a Type I hull is required and the barge is not a box barge designed for use in an integrated tow, design calculations must show that the barge hull can survive damage at any location including on the intersection of a transverse and longitudinal watertight bulkhead.

(2) *Type I barge hull in an integrated tow.* If a Type I hull is required and the barge is a box barge designed for operation in an integrated tow, design calculations must show that the barge can survive damage—

(i) To any location on the bottom of the tank barge except on a transverse watertight bulkhead; and

(ii) To any location on the side of the tank barge including on a transverse watertight bulkhead.

(3) *Type II hull.* If a Type II hull is required, design calculations must show that the barge can survive damage to any location except to a transverse watertight bulkhead.

(g) For the purpose of paragraph (f) of this section—

(1) Design calculations must include both side and bottom damage, applied separately; and

(2) Damage must consist of the most disabling penetration up to and including penetrations having the following dimensions:

(i) Side damage must be assumed to be as follows:

(A) Longitudinal extent—183 centimeters.

(B) Transverse extent—76 centimeters.

(C) Vertical extent—from the baseline upward without limit.

(ii) Bottom damage must be assumed to be 38 centimeters from the baseline upward.

Subpart D—Special Rules Pertaining to a Barge that Carriers a Hazardous Liquid Regulated Under Subchapter O of this Chapter

§ 172.080 Specific applicability.

This subpart applies to each tank barge that carries a cargo listed in Table 151.01–10(b) of this chapter.

§ 172.085 Hull type.

If a cargo listed in Table 151.05 of Part 151 of this chapter is to be carried, the tank barge must be at least the hull type specified in Table 151.05 of this chapter for that cargo.

§ 172.087 Cargo loading assumptions.

(a) The calculations required in this subpart must be done for cargo weights and densities up to and including the maximum that is to be endorsed on the Certificate of Inspection in accordance with § 151.04–1(c) of this chapter.

(b) For each condition of loading and operation, each cargo tank must be assumed to have its maximum free surface.

§ 172.090 Intact transverse stability.

(a) Except as provided in paragraph (b) of this section, each tank barge must be shown by design calculations to have a righting arm curve with the following characteristics:

(1) If the tank barge is in river service, the area under the righting arm curve must be at least 1.52 meter-degrees up to the smallest of the following angles:

(i) The angle of maximum righting arm.

(ii) The downflooding angle.

(2) If the tank barge is in lakes, bays and sounds or Great Lakes summer service, the area under the righting arm curve must be at least 3.05 meter-degrees up to the smallest of the following angles:

(i) The angle of maximum righting arm.

(ii) The downflooding angle.

(3) If the tank barge is in ocean or Great Lakes winter service, the area under the righing arm curve must be at least 4.57 meter-degrees up to the smallest of the following angles:

(i) The angle of maximum righting arm.

(ii) The downflooding angle.

(b) If the vertical center of gravity of the cargo is below the weather deck at the side of the tank barge amidships, it must be shown by design calculations that the barge has at least the following metacentric height (GM) in meters in each condition of loading and operation:

$$GM = \frac{(K)(B)}{fe}$$

where—

K=0.3 for river service.

K=0.4 for lakes, bays and sounds and Great Lakes summer service.

K=0.5 for ocean and Great Lakes winter service.

B=beam in meters.

fe=effective freeboard in meters.

(c) The effective freeboard is given by—

fe=f+fa; or

fe=d, whichever is less.

where—

f=the freeboard to the deck edge amidships in meters.

fa=(1.25)(a/L)((2b/B)−1)(h); or

fa=h, whichever is less.

where—

a=trunk length in meters.

L=LOA in meters.

b=breadth of a watertight trunk in meters.

B=beam of the barge in meters.

h=height of a watertight trunk in meters.

d=draft of the barge in meters.

(d) For the purpose of this section, downflooding angle means the static angle from the intersection of the vessel's centerline and waterline in calm water to the first opening that does not close watertight automatically.

§ 172.095 Intact longitudinal stability.

Each tank barge must be shown by design calculations to have a longitudinal metacentric height (GM) in meters in each condition of loading and operation, at least equal to the following:

$$GM = \frac{0.02(L)^2}{d}$$

where—

L=LOA in meters.

d=draft in meters.

§ 172.100 Watertight integrity.

(a) Except as provided in paragraph (b) of this section, each Type I or II hopper barge hull must have a weathertight weather deck.

(b) If a Type I or II barge hull has an open hopper, the fully loaded barge

must be shown by design calculations to have at least 50 mm of positive GM when the hopper space is flooded to the height of the weather deck.

(c) When doing the calculations required by this section, credit may be given for the buoyancy of the immersed portion of cargo tanks if the tank securing devices are shown by design calculations to be strong enough to hold the tanks in place when they are subjected to the buoyant forces resulting from the water in the hopper.

§ 172.103 Damage stability.

Each tank barge must be shown by design calculations to meet the survival conditions in § 172.110 assuming the damage specified in § 172.104 to the hull type specified in Table 151.05 of Part 151 of this chapter.

§ 172.104 Character of damage.

(a) *Type I barge hull not in an integrated tow.* If a Type I hull is required and the barge is not a box barge designed for use in an integrated tow, design calculations must show that the barge can survive damage at any location including the intersection of a transverse and a longitudinal bulkhead.

(b) *Type I barge hull in an integrated tow.* If a Type I barge hull is required and the barge is a box barge designed for operation in an integrated tow, design calculations must show that the barge can survive damage—

(1) At any location on the bottom of the tank barge except on a transverse watertight bulkhead; and

(2) At any location on the side of the tank barge including on a transverse watertight bulkhead.

(c) *Type II barge hull.* If a Type II hull is required, design calculations must show that a barge can survive damage at any location except on a transverse watertight bulkhead.

§ 172.105 Extent of damage.

For the purpose of § 172.103, design calculations must include both side and bottom damage, applied separately. Damage must consist of the most disabling penetration up to and including penetrations having the following dimensions:

(a) Side damage must be assumed to be as follows:

(1) Longitudinal extent—183 centimeters.

(2) Transverse extent—76 centimeters.

(3) Vertical extent—from the baseline upward without limit.

(b) Bottom damage must be assumed to be 38 centimeters from the baseline upward.

§ 172.110 Survival conditions.

(a) Paragraphs (c) and (d) of this section apply to a hopper barge and paragraphs (e) through (i) apply to all other tank barges.

(b) A barge is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(c) A hopper barge must not heel or trim beyond the angle at which—

(1) The deck edge is first submerged; or

(2) If the barge has a coaming that is at least 91.5 centimeters in height, the intersection of the deck and the coaming is first submerged, except as provided in paragraph (d) of this section.

(d) A hopper barge must not heel beyond the angle at which the deck edge is first submerged by more than fa as defined in § 172.090(c).

(e) Except as provided in paragraphs (h) and (i) of this section, each tank barge must not heel beyond the angle at which—

(1) The deck edge is first submerged; or

(2) If the barge has one or more watertight trunks, the deck edge is first submerged by more than fa as defined in § 172.090(c).

(f) Except as provided in paragraphs (h) and (i) of this section, a tank barge must not trim beyond the angle at which—

(1) The deck edge is first submerged; or

(2) If the barge has one or more watertight trunks, the intersection of the deck and the trunk is first submerged.

(g) If a tank barge experience simultaneous heel and trim, the trim requirements in paragraph (f) of this section apply only at the centerline.

(h) Except as provided in paragraph (i) of this section, in no case may any part of the actual cargo tank top be underwater in the final condition of equilibrium.

(i) If a barge has a "step-down" in hull depth on either or both ends and all cargo tank openings are located on the higher deck level, the deck edge and tank top in the stepped-down area may be submerged.

Subpart E—Special Rules Pertaining to a Ship That Carries a Hazardous Liquid Regulated Under Subchapter O of This Chapter

§ 172.125 Specific applicability.

This subpart applies to each tankship that carries a cargo listed in Table I of Part 153 of this chapter, except that it does not apply to a tankship whose cargo tanks are clean and gas free.

§ 172.127 Definitions.

(a) "Length" or "L" means load line length (LLL).

§ 172.130 Calculations.

(a) Each tankship must be shown by design calculations to meet the survival conditions in § 172.150 in each condition of loading and operation assuming the damage specified in § 172.133 for the hull type prescribed in Part 153 of this chapter.

(b) If a cargo listed in Table I of Part 153 of this chapter is to be carried, the vessel must be at least the hull type specified in Part 153 of this chapter for that cargo.

§ 172.133 Character of Damage.

(a) If a type I hull is required, design calculations must show that the vessel can survive damage at any location.

(b) If a type II hull is required, design calculations must show that a vessel—

(1) Longer than 150m in length can survive damage at any location; and

(2) Except as specified in paragraph (d) of this section, 150m or less in length can survive damage at any location.

(c) If a Type III hull is required, design calculations must show that a vessel—

(1) Except as specified in paragraph (d) of this section, 125m in length or longer can survive damage at any location; and

(2) Less than 125m in length can survive damage at any location except to an aft machinery space.

(d) A vessel described in paragraph (b)(2) or (c)(1) of this section need not be designed to survive damage to a main transverse watertight bulkhead bounding an aft machinery space. The machinery space is calculated as a single floodable compartment.

§ 172.135 Extent of damage.

For the purpose of § 172.133—

(a) Design calculations must include both side and bottom damage, applied separately; and

(b) Damage must consist of the penetrations having the dimensions given in Table 172.135 except that, if the most disabling penetrations would be less than the penetrations given in Table 172.135, the smaller penetration must be assumed.

TABLE 172.135.—EXTENT OF DAMAGE

	Collision Penetration
Longitudinal extent	$(\frac{1}{3})L^{2/3}$ or 14.5m whichever is shorter.
Transverse extent[1]	B/5 or 11.5m whichever is shorter.[2]
Vertical extent	From the baseline upward without limits.

TABLE 172.135.—EXTENT OF DAMAGE—Continued

Grounding Penetration at the Forward End byt Excluding any Damage Aft of a Point 0.3L Aft of the Forward Perpendicular	
Longitudinal	L/10
Transverse	B/6 or 10m whichever is shorter.
Vertical extent from	B/15 or 6m whichever is shorter.
Grounding Penetration at any Other Longitudinal Position	
Longitudinal	L/10 or 5m whichever is shorter.
Transverse	5m
Vertical extent from the baseline upward.	B/15 or 6m whichever is shorter.

[1]Damage applied inboard from the vessel's side at right angles to the centerline at the level of the summer load line assigned under Subchapter E of this chapter.
[2]B is measured amidships.

§ 172.140 Permeability of spaces.

(a) When doing the calculations required in 172.130, the permeability of a floodable space other than a machinery space must be as listed in Table 172.060(b).

(b) Calculations in which a machinery space is treated as a floodable space must be based on an assumed mechinery space permeability of 0.85, unless the use of an assumed permeability of less than 0.85 is justified in detail.

(c) If a cargo tank would be penetrated under the assumed damage, the cargo tank must be assumed to lose all cargo and refill with salt water up to the level of the tankship's final equilibrium waterline.

§ 172.150 Survival conditions.

A tankship is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(a) *Final waterline.* The final waterline, in the final condition of sinkage, heel, and trim, must be below the lower edge of openings such as air pipes and openings closed by weathertight doors or hatch covers. The following types of openings may be submerged when the tankship is at the final waterline:

(1) Openings covered by watertight manhole covers or watertight flush scuttles.

(2) Small watertight cargo tank hatch covers.

(3) A Class 1 door in a watertight bulkhead within the superstructure.

(4) Remotely operated sliding watertight doors.

(5) Side scuttles of the non-opening type.

(b) *Heel angle.* (1) Except as described in paragraph (b)(2) of this section, the maximum angle of heel must not exceed 15 degrees (17 degree's if no part of the freeboard deck is immersed).

(2) The Commander (mmt) will consider on a case by case basis each vessel 150 m or less in length having a final heel angle greater than 17 degrees but less than 25 degrees.

(c) *Range of stability.* Through an angle of 20 degrees beyond its position of equilibrium after flooding, a tankship must meet the following conditions:

(1) The righting arm curve must be positive.

(2) The maximum righting arm must be at least 10 cm.

(3) Each submerged opening must be weathertight.

(d) *Progressive flooding.* Pipes, ducts or tunnels within the assumed extent of damage must be either-

(1) Equipped with arrangements such as stop check valves to prevent progressive flooding to other spaces with which they connect; or

(2) Assumed in the design calculations required by § 172.130 to flood the spaces with which they connect.

(e) *Buoyancy of superstructure.* The buoyancy of any superstructure directly above the side damage is to be disregarded. The unflooded parts of superstructures beyond the extent of damage may be taken into consideration if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place.

(f) *Metacentric height.* After flooding, the tankship's metacentric height must be at least 50mm when the ship is in the upright position.

(g) *Equalization arrangements.* Flooding equalization arrangements requiring mechanical operation such as valves or cross flooding lines may not be assumed to reduce the angle of heel. Spaces joined by ducts of large cross sectional area are treated as common spaces.

(h) *Intermediate stages of flooding.* If an intermediate stage of flooding is more critical than the final stage, the tankship must be shown by design calculations to meet the requirements in this section in the intermediate stage.

Subpart F—Special Rules Pertaining to a Ship That Carries a Bulk Liquefied Gas Regulated Under Subchapter O of This Chapter

§ 172.155 Specific applicability.

This subpart applies to each tankship that has on board a bulk liquefied gas listed in Table 4 of sec. 154 of this chapter as cargo, cargo residue, or vapor.

§ 172.160 Definitions.

As used in this subpart—

(a) "Length" or "L" means the load line length (LLL).

(b) "MARVS" means the Maximum Allowable Relief Valve Setting of a cargo tank.

§ 172.165 Intact stability calculations.

(a) Design calculations must show that 50mm of positive metacentric height can be maintained by each tankship when it is being loaded and unloaded.

(b) For the purpose of demonstrating compliance with the requirements of paragraph (a), the effects of the addition of water ballast may be considered.

§ 172.170 Damage stability calculations.

(a) Each tankship must be shown by design calculations to meet the survival conditions in § 172.195 in each condition of loading and operation assuming the damage specified in § 172.175 for the hull type specified in Table 4 of Part 154 of this chapter.

(b) If a cargo listed in Table 4 of Part 154 of this chapter is to be carried, the vessel must be at least the ship type specified in Table 4 of Part 154 of this chapter for that cargo.

§ 172.175 Character of damage.

(a) If a type IG hull is required, design calculations must show that the vessel can survive damage at any location.

(b) If a type IIG hull is required, design calculations must show that a vessel—

(1) Longer than 150m in length can survive damage at any location; and

(2) 150m or less in length can survive damage at any location except the transverse bulkheads bounding an aft machinery space. The machinery space is calculated as a single floodable compartment.

(c) If a vessel has independent tanks type C with a MARVS of 689 kPa gauge or greater, is 150m or less in length, and Table 4 of Part 154 of this chapter allows a type IIPG hull, design calculations must show that the vessel can survive damage at any location, except as prescribed in paragraph (e) of this section.

(d) If a type IIIG hull is required, except as specified in paragraph (e) of this section, design calculations must show that a vessel—

(1) 125m in length or longer can survive damage at any location; and

(2) less than 125m in length can survive damage at any location, except in the main machinery space.

(e) The calculations in paragraphs (c) and (d) of this section need not assume damage to a transverse bulkhead unless it is spaced closer than the longitudinal extent of collision penetration specified in Table 172.180 from another transverse bulkhead.

(f) If a main transverse watertight bulkhead or a transverse watertight bulkhead bounding a side tank or double bottom tank has a step or a recess that is longer than 3.05m located within the extent of penetration of assumed damage, the vessel must be shown by design calculations to survive damage to this bulkhead. The step formed by the after peak bulkhead and after peak tank top is not a step for the purpose of this regulation.

§ 172.180 Extent of damage.

For the purpose of § 172.170—

(a) Design calculations must include both side and bottom damage, applied separately; and

(b) Damage must consist of the penetrations having the dimensions given in Table 172.180 except that, if the most disabling penetrations would be less than the penetrations given in Table 172.180, the smaller penetration must be assumed.

TABLE 172.180.—EXTENT OF DAMAGE

Collision Penetration	
Longitudinal extent	(1/3)L[2][3] or 14.5m whichever is shorter.
Transverse extent[1]	B/5 or 11.5m whichever is shorter.[2]
Vertical extent	From the baseline upward without limits.
Grounding Penetration at the Forward End But Excluding any Damage Aft or a Point 0.3L Aft of the Forward Perpendicular	
Longitudinal	(1/3)L[2][3] or 14.5m whichever is shorter.
Transverse	B/6 or 10m whichever is shorter.
Vertical extent from the molded line of the shell at the centerline.	B/15 or 2m whichever is shorter.
Grounding Penetration at any Other Longitudinal Position	
Longitudinal	L/10 or 5m whichever is shorter.
Transverse	B/6 or 5m whichever is shorter.
Vertical extent from the molded line of the shell at the centerline.	B/15 or 2m whichever is shorter.

[1] Damage applied inboard from the vessel's side at right angles to the centerline at the level of the summer load line assigned under Subchapter E of this chapter.
[2] B is measured amidships.

§ 172.185 Permeability of spaces.

(a) When doing the calculations required in § 172.170, the permeability of a floodable space other than a machinery space must be as listed in Table 172.060(b).

(b) Calculations in which a machinery space is treated as a floodable space must be based on an assumed machinery space permeability of 85%, unless the use of an assumed permeability of less than 85% is justified in detail.

(c) If a cargo tank would be penetrated under the assumed damage, the cargo tank must be assumed to lose all cargo and refill with salt water up to the level of the tankship's final equilibrium waterline.

§ 172.195 Survival conditions.

A vessel is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(a) *Final waterline.* The final waterline, in the final condition of sinkage, heel, and trim, must be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, or an opening that is closed by means of a weathertight door or hatch cover. This opening does not include an opening closed by a—

(1) Watertight manhole cover;

(2) Flush scuttle;

(3) Small watertight cargo tank hatch cover that maintains the high integrity of the deck;

(4) A Class 1 door in a watertight bulkhead within the superstructure.

(5) Remotely operated sliding watertight door; or

(6) A side scuttle of the non-opening type.

(b) *Heel angle.* The maximum angle of heel must not exceed 30 degrees.

(c) *Range of stability.* Through an angle of 20 degrees beyond its position of equilibrium after flooding, a tankship must meet the following conditions:

(1) The righting arm curve must be positive.

(2) The maximum righting arm must be at least 10 cm.

(3) Each submerged opening must be weathertight.

(d) *Progressive flooding.* If pipes, ducts, or tunnels are within the assumed extent of damage, arrangements must be made to prevent progressive flooding to a space that is not assumed to be flooded in the damaged stability calculations.

(e) *Buoyancy of superstructure.* The buoyancy of any superstructure directly above the side damage is to be disregarded. The unflooded parts of superstructures beyond the extent of damage may be taken into consideration if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place.

(f) *Metacentric height.* After flooding, the tank ship's metacentric height must be at least 50 mm when the vessel is in the upright position.

(g) *Equalization arrangements.* Equalization arrangements requiring mechanical aids such as valves or crossflooding lines may not be considered for reducing the angle of heel. Spaces joined by ducts of large cross-sectional area are treated as common spaces.

(h) *Intermediate stages of flooding.* If an intermediate stage of flooding is more critical than the final stage, the tank vessel must be shown by design calculations to meet the requirements in this section in the intermediate stage.

§ 172.205 Local damage.

(a) Each tankship must be shown by design calculations to meet the survival conditions in paragraph (b) of this section in each condition of loading and operation assuming that local damage extending 760mm normal to the hull shell is applied at any location in the cargo length:

(b) The vessel is presumed to survive assumed local damage if it does not heel beyond the smaller of the following angles in the final stage of flooding:

(1) 30 degrees.

(2) The angle at which restoration of propulsion and steering, and use of the ballast system is precluded.

PART 173—SPECIAL RULES PERTAINING TO VESSEL USE

Subpart A—General

Sec.
173.001 Applicability.

Subpart B—Lifting

173.005 Specific applicability.
173.007 Location of the hook load.
173.010 Definitions.
173.020 Intact stability standards: counterballasted and non-counterballasted vessels.
173.025 Additional intact stability standards: counterballasted vessels.

Subpart C—School Ships

173.050 Specific applicability.
173.055 Public nautical school ships.
173.060 Civilian nautical school ships.

Subpart D—Oceanographic Research

173.070 Specific applicability.
173.075 Subdivision requirements.
173.080 Damage stability requirements.
173.085 General subdivision requirements.

Subpart E—Towing

173.090 General.
173.095 Towline pull criteria.

Authority: Sec. 2, 87 Stat. 418 (46 U.S.C. 86); sec. 2, 49 Stat. 888 as amended (46 U.S.C. 88a); sec. 5, 49 Stat. 1384 as amended (46 U.S.C. 369); R.S. 4405, as amended (46 U.S.C. 375); sec. 3, 70 Stat. 152 as amended (46 U.S.C. 390b); sec. 5, Pub. L. 95-474, 92 Stat. 1480 as amended (46 U.S.C. 391a); sec. 1, Pub.

L. 85–739, 72 Stat. 833, as amended (46 U.S.C. 404); R.S. 4462, as amended (46 U.S.C. 416); sec. 2, Pub. L. 96–453, 94 Stat. 207 (46 U.S.C. 1295f(c)(2)); sec. 4, 67 Stat. 462 (43 U.S.C. 1333(d)); sec. 3, 68 Stat. 675 (50 U.S.C. 198); sec. 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—General

§ 173.001 Applicability.

Each vessel that is engaged in one of the following activities must comply with the applicable provisions of this part:

(a) Lifting.

(b) Training (schoolship).

(c) Oceanographic research.

(d) Towing.

Subpart B—Lifting

§ 173.005 Specific applicability.

(a) This subpart applies to each vessel that—

(1) Is equipped to lift cargo or other objects; and

(2) Has a maximum heeling moment due to hook load greater than or equal to—

$$(0.67)(W)(GM)(F/B)$$

Where—

W = displacement of the vessel with the hook load included in metric tons.

GM = metacentric height with hook load included in meters.

F = freeboard to the deck edge amidships in meters.

B = beam in meters.

§ 173.007 Location of the hook load.

When doing the calculations required in this subpart, the hook load must be considered to be located at the head of the crane.

§ 173.010 Definitions.

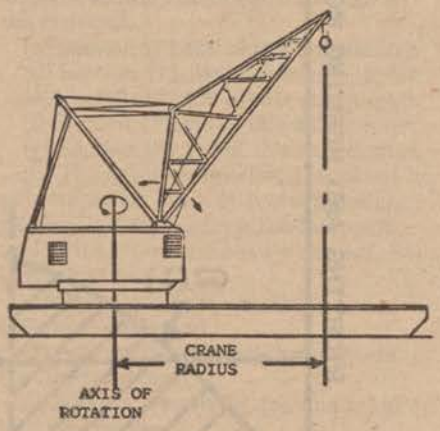
As used in this part—

(a) "Hook load" means the weight of the object lifted by the crane.

(b) "Crane radius" means the distance illustrated in Figure 173.010.

Figure 173.010

Crane Radius



§ 173.020 Intact stability standards: counterballasted and non-counterballasted vessels.

(a) Except as provided in paragraph (c) of this section, each vessel that is not equipped to counter-ballast while lifting must be shown by design calculations to comply with this section in each condition of loading and operation and at each combination of hook load and crane radius.

(b) Each vessel must have a righting arm curve with the following characteristics:

(1) If the vessel operates in protected or partially protected waters, the area under the residual righting arm curve up to the smallest of the following angles must be at least 3.05 meter-degrees:

(i) The angle corresponding to the maximum righting arm.

(ii) The downflooding angle.

(iii) 40 degrees.

(2) If the vessel operates in exposed waters, the area under the residual righting arm curve up to the smallest of the following angles must be at least 4.57 meter-degrees:

(i) The angle corresponding to the maximum righting arm.

(ii) The downflooding angle.

(iii) 40 degrees.

(c) If the vessel's hull proportions fall within any one of the following limits, in lieu of complying with paragraph (b) of this section the vessel owner may demonstrate in the presence of the OCMI that the vessel will not heel beyond the limits specified in paragraph (d) of this section:

(1) Beam to depth—3.40 to 4.75

(2) Length to beam—3.20 to 4.50

(3) Draft to depth—0.60 to 0.85

(d) For the purpose of paragraph (c) of this section, the following limits of heel apply with the vessel at its deepest operating draft:

(1) Protected and partially protected waters and Great Lakes in summer—heel to main deck immersion or bilge emergence, whichever occurs first.

(2) Exposed waters and Great Lakes in winter—heel permitted to one-half of the freeboard or one-half of the draft, whichever occurs first.

§ 173.025 Additional intact stability standards: counterballasted vessels.

(a) Each vessel equipped to counterballast while lifting must be shown by design calculations to be able to withstand the sudden loss of the hook load, in each condition of loading and operation and at each combination of hook load and crane radius.

(b) When doing the calculations required by this section, the hook load and counterballast heeling moments and vessel righting moments, as plotted on graph 173.025, must define areas that satisfy the following equation:

$$\text{Area II} > \text{Area I} + K$$

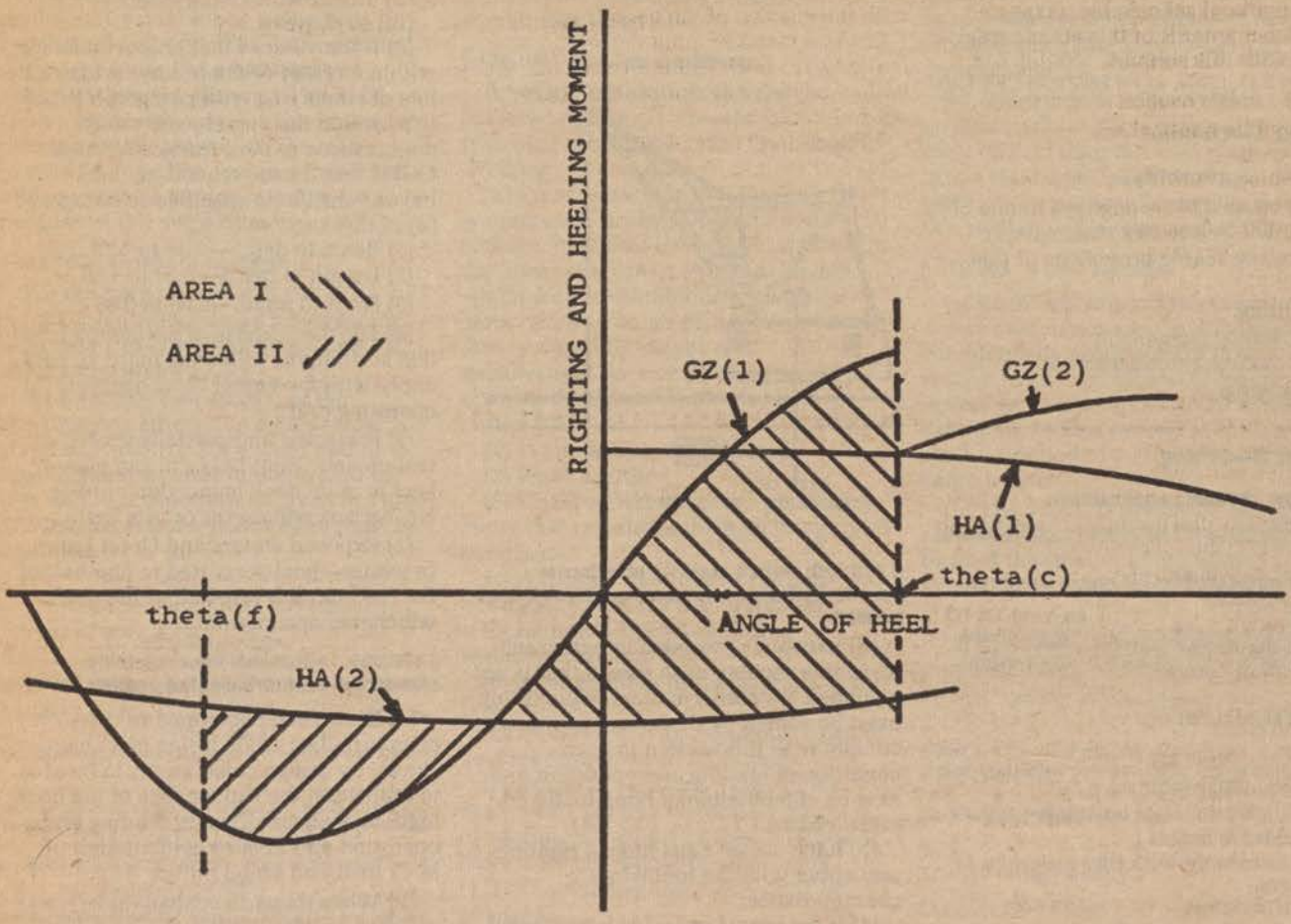
where—

(1) $K = 0$ for operation on protected waters and 2.13 meter-degrees for operation on partially protected and exposed waters.

(2) Areas I and II are shown on graph 173.025.

BILLING CODE 4910-14-M

GRAPH 173.025



where–

GZ(1) is the righting moment curve at the displacement corresponding to the vessel without hook load.

GZ(2) is the righting moment curve at the displacement corresponding to the vessel with hook load.

HA(1) is the heeling moment curve due to the combined heeling moments of the hook load and the counterballast at the displacement with hook load.

HA(2) is the heeling moment curve due to the counterballast at the displacement without hook load.

theta(c) is the angle of static equilibrium due to the combined hook load and counterballast heeling moments.

theta(f) is the downflooding angle on the counterballasted side of the vessel.

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Subpart C—School Ships

§ 173.050 Specific applicability.

Each nautical school ship, inspected under Subchapter R of this chapter, must comply with this subpart.

§ 173.055 Public nautical school ships.

Each public nautical school ship must comply with—

(a) Section 171.070(a) of this subchapter as a passenger vessel carrying 400 or less passengers;

(b) Section 171.070(e) of this subchapter;

(c) Section 171.072 of this subchapter; and

(d) Section 171.073 of this subchapter.

§ 173.060 Civilian nautical school ships.

Each civilian nautical school ship must comply with Part 171 of this subchapter as though it were a passenger vessel. In addition to regular passengers, for the purpose of complying with Part 171, the following will also count as passengers:

(a) A student.

(b) A cadet.

(c) An instructor who is not also a member of the crew.

Subpart D—Oceanographic Research

§ 173.070 Specific applicability.

Each oceanographic vessel, inspected under Subchapter U of this chapter, except a barge that is less than 300 gross tons, must comply with this subpart.

§ 173.075 Subdivision requirements.

(a) Each oceanographic vessel must comply with the subdivision requirements in § 171.070, § 171.072, and § 171.073 of this subchapter as if it were a passenger vessel carrying 400 or less passengers.

(b) Each vessel must have a collision bulkhead.

§ 173.080 Damage stability requirements.

Each oceanographic vessel must comply with § 171.080 of this subchapter as a category Z vessel.

§ 173.085 General subdivision requirements.

Each oceanographic vessel must comply with the following:

(a) Section 171.085(c)(1), (d), and (g) of this subchapter.

(b) § 171.105(a) through (g) of this subchapter except that a reduction or elimination of the required inner bottom is allowed if—

(1) The inner bottom would interfere with the mission of the vessel; and

(2) As a result of other design features, the ability of the vessel to withstand side and bottom damage is not reduced.

(c) Section 171.106 of this subchapter.

(d) Section 171.108 of this subchapter.

(e) Section 171.109 of this subchapter.

(f) Section 171.111 of this subchapter.

(g) Section 171.113 of this subchapter.

(h) The collision bulkhead must not be penetrated by more than one pipe that carries liquid to or from the forepeak tank. This pipe must have a screwdown valve that is—

(1) Operative from above the bulkhead deck; and

(2) Attached to the bulkhead inside the forepeak tank.

(i) Section 171.116 (b), (c), and (e) of this subchapter.

(j) Section 171.117(c) of this subchapter.

(k) Each port light in a space located below the freeboard deck, as defined in § 42.13–15(i) of this chapter, or in a space within an enclosed superstructure must be fitted with a hinged inside dead cover.

(l) Section 171.118 (b) and (c) of this subchapter.

(m) Section 171.122 (a) through (d) and (f) of this subchapter.

(n) Section 171.135 of this subchapter.

(o) A ventilation duct or forced draft duct may not penetrate a main transverse watertight bulkhead unless—

(1) The penetration is watertight;

(2) The penetration is located as near the vessel's centerline as possible; and

(3) The bottom of the duct is not more than—

(i) 45.7 cm below the bulkhead deck; and

(ii) 121.9 cm above the final waterline after damage determined in § 173.080.

Subpart E—Towing

§ 173.090 General.

This subpart applies to each vessel that is equipped for towing.

§ 173.095 Towline Pull Criteria.

(a) In each towing condition, each vessel must be shown by design calculations to meet the requirements of either paragraph (b) or (c) of this section.

(b) The vessel's metacentric height (GM) must be equal to or greater than the following:

$$GM = \frac{(N)(P \times D)^{2/3}(s)(h)}{100.4\Delta(f/B)}$$

where—

N = number of propellers.

P = shaft power per shaft, kilowatts.

D = propeller diameter, meters.

s = that fraction of the propeller circle cylinder which would be intercepted by the rudder if turned to 45 degrees from the vessel's centerline.

h = vertical distance from propeller shaft centerline at rudder to towing bitts, meters.

Δ = displacement, metric tons.

f = minimum freeboard along the length of the vessel, meters.

B = molded beam, meters.

(c) When a heeling arm curve, calculated in accordance with paragraph (d) of this section, is plotted against the vessel's righting arm curve—

(1) Equilibrium must be reached before the downflooding angle; and

(2) The residual righting energy must be at least .61 meter-degrees up to the smallest of the following angles:

(i) The angle of maximum righting arm.

(ii) The downflooding angle.

(iii) 40 degrees.

(d) The heeling arm curve specified in paragraph (c) of this section must be calculated by the following equation:

$$HA = \frac{2(N)(P \times D)^{2/3}(s)(h)(\cos\theta)}{100.4\ \Delta}$$

where—

HA = heeling arm.

θ = angle of heel.

N, P, D, s, h, and Δ are as defined in paragraph (b) of this section.

(e) For the purpose of this section, downflooding angle means the static angle from the intersection of the vessel's centerline and waterline in calm water to the first opening that does not close watertight automatically.

(f) For the purpose of this section, at each angle of heel, a vessel's righting arm may be calculated considering either—

(1) The vessel is permitted to trim free until the trimming moment is zero; or

(2) The vessel does not trim as it heels.

PART 174—SPECIAL RULES PERTAINING TO SPECIFIC VESSEL TYPES

Subpart A—General

Sec.
174.005 Applicability.

Subpart B—Special Rules Pertaining to Deck Cargo Barges

174.010 Specific applicability.
174.015 Intact stability.
174.020 Alternate intact stability criteria.

Subpart C—Special Rules Pertaining to Mobile Offshore Drilling Units

174.030 Specific applicability.
174.035 Definitions.
174.040 Stability requirements: general.
174.045 Intact stability requirements.
174.050 Stability on bottom.
174.055 Calculation of wind heeling moment (Hm).
174.065 Damage stability requirements.
174.070 General damage stability assumptions.
174.075 Compartments assumed flooded: general.
174.080 Flooding on self-elevating and surface type units.
174.085 Flooding on column stabilized units.
174.090 Permeability of spaces.
174.100 Appliances for watertight and weathertight integrity.

Subpart D—Special Rules Pertaining to Nuclear Powered Vessels

174.110 Specific applicability.
174.115 Subdivision requirements.
174.120 Damage stability requirements.
174.125 Additional subdivision requirements.

Subpart E—Special Rules Pertaining to Tugboats and Towboats

174.140 Applicability.
174.145 Intact stability requirements.

Authority: Sec. 2, 87 Stat. 418 (46 U.S.C. 86); Sec. 2, 49 Stat. 888 as amended (46 U.S.C. 88a); Sec. 5, 49 Stat. 1384 as amended (46 U.S.C. 369); R.S. 4405, as amended (46 U.S.C. 375); Sec. 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Sec. 5, Pub. L. 95-474, 92 Stat. 1480 as amended (46 U.S.C. 391a); Sec. 1, Pub. L. 85-739, 72 Stat. 833, as amended (46 U.S.C. 404); R. S. 4462, as amended (46 U.S.C. 416); Sec. 2, Pub. L. 96-453, 94 Stat. 207 (46 U.S.C. 1295f(c)(2)); Sec. 4, 67 Stat. 462 (43 U.S.C. 1333(d)); Sec. 3, 68 Stat. 675 (50 U.S.C. 198); Sec. 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—General

§ 174.005 Applicability.

Each of the following vessels must comply with the applicable provisions of this part:

(a) Deck cargo barge.

(b) Mobile offshore drilling unit (MODU) inspected under Subchapter IA of this chapter.

(c) Nuclear power vessel.

(d) Tugboat and towboat inspected under Subchapter I of this chapter.

Subpart B—Special Rules Pertaining to Deck Cargo Barges

§ 174.010 Specific applicability.

Each barge that carries cargo above the weather deck must comply with this subpart.

§ 174.015 Intact stability.

(a) Except as provided in § 174.020, in each condition of loading and operation, each barge must be shown by design calculations to have an area under the righting arm curve up to the angle of maximum righting arm, the downflooding angle, or 40 degrees, whichever angle is smallest, equal to or greater than—

(1) 4.57 meter-degrees for ocean and Great Lakes winter service; and

(2) 3.05 meter-degrees for lakes, bays, sounds, and Great Lakes summer service.

(b) For the purpose of this section, downflooding angle means the static angle from the intersection of the vessel's centerline and waterline in calm water to the first opening that does not close watertight automatically.

§ 174.020 Alternate intact stability criteria.

A barge need not comply with §§ 174.015 and 170.170 if it has the following characteristics:

(a) The weather deck is watertight.

(b) The barge's hull proportions fall within any one of the ratios in categories (A) through (D) in Table 174.020.

(c) The maximum cargo height is 9.25 meters or a value equal to the depth of the barge amidships, whichever is less.

TABLE 174.020

	Beam depth ratio	Draft depth ratio
A	3.00 to 3.74	Equal to or less than 0.70.
B	3.75 to 3.99	Equal to or less than 0.72.
C	4.00 to 4.49	Equal to or less than 0.76.
D	4.50 to 6.00	Equal to or less than 0.80.

Supbart C—Special Rules Pertaining to Mobile Offshore Drilling Units

§ 174.030 Specific applicability.

Each mobile offshore drilling unit (MODU) inspected under Subchapter IA of this chapter must comply with this subpart.

§ 174.035 Definitions.

(a) For the purpose of this subpart the following terms have the same definitions as given in Subchapter IA of this chapter:

(1) "Column stabilized unit"

(2) "Mobile offshore drilling unit"

(3) "Self-elevating unit"

(4) "Surface type unit"

(b) For the purpose of this subpart—

(1) "Downflooding" means the entry of seawater through any opening that cannot be rapidly closed watertight, into the hull, superstructure, or columns of an undamaged unit due to heel, trim, or submergence of the unit.

(2) "Downflooding angle" means the static angle from the intersection of the unit's centerline and waterline in calm water to the first opening through which downflooding can occur when subjected to a wind heeling moment (Hm) calculated in accordance with § 174.055.

(3) "Normal operating condition" means a condition of a unit when loaded or arranged for drilling, field transit, or ocean transit.

(4) "Severe storm condition" means a condition of a unit when loaded or arranged to withstand the passage of a severe storm.

§ 174.040 Stability requirements: general.

Each unit must be designed to have at least 50mm of positive metacentric height in the upright equilibrium position for the full range of drafts, whether at the operating draft for navigation, towing, or drilling afloat, or at a temporary draft when changing drafts.

§ 174.045 Intact stability requirements.

(a) Each unit must be designed so that the wind heeling moments (Hm) and righting moments calculated for each of its normal operating conditions and severe storm conditions, when plotted on GRAPH 174.045, define areas that satisfy the equation:

Area (A) > (K) X (Area (B))
where—

(1) K=1.4 except that if the unit is a column stabilized unit K=1.3;

(2) Area (A) is the area on GRAPH 174.045 under the righting moment curve between 0 and the second intercept angle or the angle of heel at which downflooding would occur, whichever angle is less; and

(3) Area (B) is the area on GRAPH 174.045 under the wind heeling moment curve between 0 and the second intercept angle or the angle of heel at which downflooding of the unit would occur whichever angle is less.

(b) Each righting moment on graph § 174.045 must be positive for all angles greater than 0 and less than the second intercept angle.

(c) For the purposes of this section, openings fitted with the weathertight closing appliances specified in § 174.100(b) are not considered as openings through which downflooding could occur if they can be rapidly closed and would not be submerged below the units' waterline prior to the first intercept angle, except that ventilation intakes and outlets for machinery spaces, crew spaces, and other spaces where ventilation is normally required are considered as openings through which downflooding could occur regardless of location.

(d) Each unit must be designed so that it can be changed from each of its normal operating conditions to a severe storm condition within a minimum period of time consistent with the operating manual required in § 170.130 of this subchapter.

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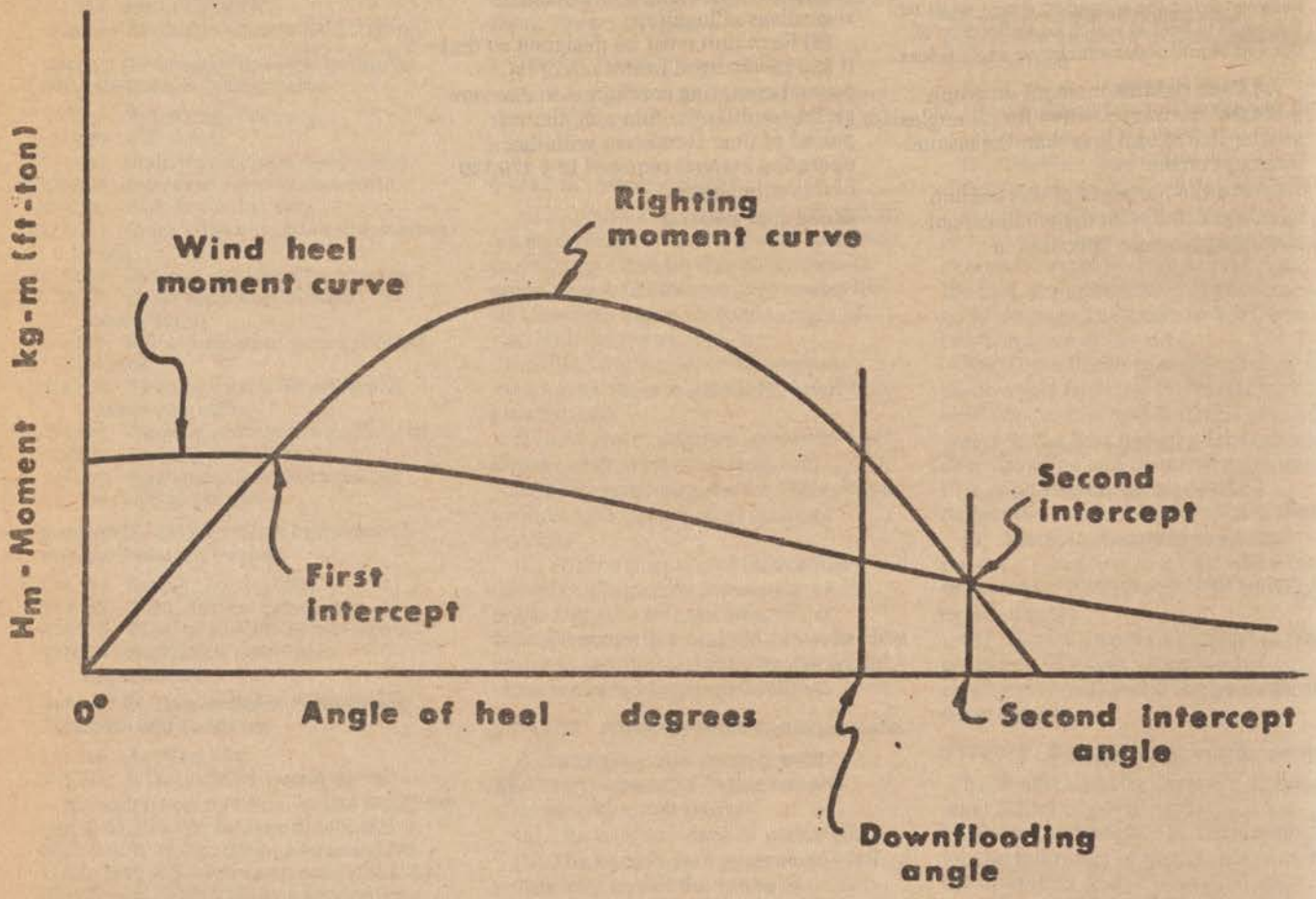
GRAPH 174.045

Intact Stability Curves for a Given Normal Operating or Severe Storm Mode



BILLING CODE 4710-14-C

§ 174.050 Stability on bottom.

Each bottom bearing unit must be designed so that, while supported on the sea bottom with footings or a mat, it continually exerts a downward force on each footing or the mat when subjected to the forces of wave and current and to wind blowing at the velocities described in § 174.055(b)(3).

§ 174.055 Calculation of wind heeling moment (Hm).

(a) The wind heeling moment (Hm) of a unit in a given normal operating condition or severe storm condition is the sum of the individual wind heeling moments (H) calculated for each of the exposed surfaces on the unit; i.e. $Hm = \Sigma H$.

(b) Each wind heeling moment (H) must be calculated using the equation:

$$H = k(v)^2 \, Ch \, Cs \, Ah$$

where—

(1) H = wind heeling moment for an exposed surface on the unit;

(2) k = 0.0623 (kg-sec sq.)/m^4

(3) v = wind velocity of—

(i) 36 meters per second for normal operating conditions.

(ii) 51.5 meters per second for severe storm conditions.

(iii) 25.8 meters per second for damage conditions.

(4) A = projected area of an exposed surface on the unit;

(5) Ch = height coefficient for "A" from Table 174.055(a);

(6) Cs = shape coefficient for "A" from Table 174.055(b); and

(7) h = the vertical distance from the center of lateral resistance of the underwater hull to the center of wind pressure on "A".

(c) When calculating "A" in the equation described in paragraph (b) of this section—

(1) The projected area of each column or leg, if the unit has columns or legs, must not include shielding allowances;

(2) Each area exposed as a result of heel must be included;

(3) The projected area of a cluster of deck houses may be used instead of the projected area of each individual deck house in the cluster; and

(4) The projected area of open truss work may be calculated by taking 30% of the projected areas of both the front and back sides of the open truss work rather than by determining the projected area of each structural member of the truss work.

TABLE 174.055(a).—CH VALUES

Meters		Ch
Over—	Not exceeding—	
0	15.3	1.00
15.3	30.5	1.10
30.5	46.0	1.20
46.0	61.0	1.30
61.0	76.0	1.37
76.0	91.5	1.43
91.5	106.5	1.48
106.5	122.0	1.52
122.0	137.0	1.56
137.0	152.5	1.60
152.5	167.5	1.63
167.5	183.0	1.67
183.0	198.0	1.70
198.0	213.5	1.72
213.5	228.5	1.75
228.5	244.0	1.77
244.0	256.0	1.79
Above 256		1.80

NOTE.—The "Ch" value in this table, used in the equation described in § 174.055(b), corresponds to the value of the vertical distance in meters from the water surface at the design draft of the unit to the center of area of the "A" value used in the equation.

TABLE 174.055(b).—CS VALUES

Shape	Cs
Cylindrical shapes	0.5
Hull (surface type)	1.0
Deckhouse	1.0
Cluster of deckhouses	1.1
Isolated structural shapes (cranes, angles, channels, beams, etc.)	1.5
Under deck areas (smooth surfaces)	1.0
Under deck areas (exposed beams and girders)	1.3
Rig derrick (each face and open truss works)	1.25

NOTE.—The "Cs" value in this table, used in the equation described in § 174.055(b), corresponds to the shape of the projected Area "A" in the equation.

§ 174.065 Damage stability requirements.

(a) Each unit must be designed so that, while in each of its normal operating conditions and severe storm conditions, its final equilibrium waterline would remain below the lowest edge of any opening through which additional flooding could occur if the unit were subjected simultaneously to—

(1) Damage causing flooding described in § 174.075 through § 174.085; and

(2) A wind heeling moment calculated in accordance with § 174.055(b) using a wind velocity of 25.8 meters per second.

(b) Each unit must have a means to close off each pipe, ventilation system, and trunk in each compartment described in § 174.080 or § 174.085 if any portion of the pipe, ventilation system, or trunk is within 1.5 meters of the hull.

§ 174.070 General damage stability assumptions.

For the purpose of determining compliance with § 174.065, the assumptions are made that during flooding and the resulting change in the unit's waterline

(a) The unit is not anchored or moored; and

(b) No compartment on the unit is ballasted or pumped out to compensate for the flooding described in § 174.075 through § 174.085.

§ 174.075 Compartments assumed flooded: general.

The individual flooding of each of the compartments described in § 174.080 and § 174.085 must be assumed for the purpose of determining compliance with § 174.065(a). Simultaneous flooding of more than one compartment must be assumed only when indicated in § 174.080 and § 174.085.

§ 174.080 Flooding on self-elevating and surface type units.

(a) On a surface type unit or self-elevating unit, all compartments within 1.5 meters of the hull of the unit between two adjacent main watertight bulkheads, the bottom shell, and the uppermost continuous deck or first superstructure deck where superstructures are fitted must be assumed to be subject to simultaneous flooding.

(b) On the mat of a self-elevating unit, all compartments of the mat must be assumed to be subject to individual flooding.

§ 174.085 Flooding on column stabilized units.

(a) Watertight compartments that are outboard of, or traversed by, a plane which connects the vertical centerlines of the columns on the periphery of the unit, and within 1.5 meters of an outer surface of a column or footing on the periphery of the unit, must be assumed to be subject to flooding as follows:

(1) When a column is subdivided into watertight compartments by horizontal watertight flats, all compartments in the column within 1.5 meters of the unit's waterline before damage causing flooding must be assumed to be subject to simultaneous flooding.

(2) When a column is subdivided into watertight compartments by vertical watertight bulkheads, each two adjacent compartments must be assumed subject to simultaneous flooding if the distance between the vertical watertight bulkheads, measured at the column periphery, is equal to or less than one-eight of the column perimeter at the draft under consideration.

(3) When a column is subdivided into watertight compartments by horizontal watertight flats and vertical watertight bulkheads, those compartments that are within the bounds described in paragraph (a)(2) and within 1.5 meters of the unit's waterline before damage causing flooding must be assumed to be subject to simultaneous flooding.

(b) Each compartment in a footing must be assumed to be subject to individual flooding when any part of the compartment is within 1.5 meters of the

unit's waterline before damage causing flooding.

§ 174.090 Permeability of spaces.

When doing the calculations required in § 174.965—

(a) The permeability of a floodable space, other than a machinery space, must be as listed in Table 174.090; and

(b) Calculations in which a machinery space is treated as a floodable space must be based on an assumed machinery space permeability of 85%, unless the use of an assumed permeability of less than 85% is justified in detail.

TABLE 174.090.—PERMEABILITY

Spaces and tanks	Permeability (percent)
Storeroom spaces	60.
Accommodation spaces	95.
Voids	95.
Consumable liquid tanks	95 or 0.[1]
Other liquid tanks	95 or 0.[2]

[1] Whichever results in the more disabling condition.
[2] If tanks are partially filled, the permeability must be determined from the actual density and amount of liquid carried.

§ 174.100 Appliances for watertight and weathertight integrity.

(a) Appliances to insure watertight integrity include watertight doors, hatches, scuttles, bolted manhole covers, or other watertight closures for openings in watertight decks and bulkheads.

(b) Appliances to insure weathertight integrity include weathertight doors and hatches, closures for air pipes, ventilators, ventilation intakes and outlets, and closures for other openings in deckhouses and superstructures.

(c) Each internal opening equipped with appliances to ensure watertight integrity that is used intermittently during operation of the unit while afloat must meet the following:

(1) Each door, hatch and scuttle must—

(i) Be remotely controlled from a normally manned control station, and be operative locally from both sides of the bulkhead; or

(ii) If there is no means of remote control there must be an alarm system that signals whether the appliance is open or closed both locally at each appliance and in a normally manned control station.

(2) Each closing appliance must remain watertight under the design water pressure of the watertight boundary of which it is a part.

(d) Each external opening fitted with an appliance to ensure weathertight integrity must be located so that it would not be submerged below the final equilibrium waterline if the unit is subjected simultaneously to—

(1) Damage causing flooding described in §§ 174.075 through 174.085; and

(2) A wind heeling moment calculated in accordance with § 174.055 using a wind velocity of 25.8 meters per second.

(e) If a unit is equipped with sliding watertight doors, each sliding watertight door must be approved under Subpart 163.001 of Subchapter Q of this chapter.

Subpart D—Special Rules Pertaining to Nuclear Powered Vessels

§ 174.110 Specific applicability.

(a) This part applies to nuclear vessels.

(b) Nuclear vessels are required to comply with Part 37, 79, or 99 of this chapter.

§ 174.115 Subdivision requirements.

Each vessel must comply with the subdivision requirements in § 171.070, § 171.072, and § 171.073 of this subchapter as if it were a passenger vessel carrying more than 1000 passengers.

§ 174.120 Damage stability requirements.

Each vessel must comply with § 171.080 of this subchapter as a category Y vessel.

§ 174.125 Additional subdivision requirements.

Each vessel must comply with the following:

(a) Section 171.085, § 171.090, § 171.095, and § 171.100 of this subchapter as if it were a passenger vessel of 100 gross tons or more with Type II Subdivision.

(b) Section 171.105, § 171.106, § 171.108, and § 171.109 of this subchapter as if it were a passenger vessel that is—

(1) Greater than 76 meters in LBP;

(2) Greater than 100 gross tons; and

(3) In ocean service.

(c) Section 171.111 through § 171.113 of this subchapter.

(d) Section 171.116 through § 171.118 of this subchapter.

(e) Section 171.122 and § 171.135 of this subchapter.

Subpart E—Special Rules Pertaining to Tugboats and Towboats

§ 174.140 Applicability.

Each tugboat and towboat inspected under Subchapter I of this chapter must comply with this subpart.

§ 174.145 Intact Stability Requirements.

(a) In each condition of loading and operation, each vessel must be shown by design calculations to meet the requirements of paragraphs (b) through (e) of this section.

(b) The area under each righting arm curve must be at least 5.15 meter-degrees up to the smallest of the following angles:

(1) The angle of maximum righting arm.

(2) The downflooding angle.

(3) 40 degrees.

(c) The area under each righting arm curve must be at least 1.72 meter-degrees between the angles of 30 degrees and 40 degrees, or between 30 degrees and the downflooding angle if this angle is less than 40 degrees.

(d) The maximum righting arm shall occur at a heel of at least 25 degrees.

(e) The righting arm curve must be positive to at least 60 degrees.

(f) For the purpose of this section, at each angle of heel, a vessel's righting arm may be calculated considering either—

(1) The vessel is permitted to trim free until the trimming moment is zero; or

(2) The vessel does not trim as it heels.

Dated: August 3, 1982.

Clyde T. Lusk, Jr.,

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

[FR Doc. 82-21619 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 157

[CGD 79-023]

Subdivision and Stability Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The current subdivision and stability regulations for merchant vessels are scattered in various places throughout Title 46 and Part 157 of Title 33, Code of Federal Regulations. The Coast Guard proposes to transfer these regulations to a new Subchapter S (Subdivision and Stability) of Title 46 in order to make them easier to understand and apply. Existing provisions in 33 CFR Part 157 would be removed or revised as necessary to be consistent with the new subchapter. The text of the proposal appears in this of Part of the Federal Register.

DATE: Comments on the proposed rules must be received on or before November 10, 1982.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/44) (CGD 79-023), U.S. Coast Guard,

Washington, D.C. 20593. The comments, draft evaluation, and materials referenced in this notice will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays at the Marine Safety Council (G–CMC/44), Room 4402, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR Kevin V. Feeney, Office of Merchant Marine Safety (G–MTH–5/13), Room 1308, U.S. Coast Guard Headquarters, Washington, D.C. 20593. (202) 426–2187.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice as CGD 79–023 and the specific sections of the proposal to which the comments apply, and give reasons for the comments. If acknowledgment of receipt of a comment is desired, a stamped self-addressed postcard or envelope should be enclosed. The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on this proposal. No public hearing is planned, but one will be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

This proposal has been evaluated under Executive Order 12291 and has been determined not to be a major regulation. The proposal has also been determined to be nonsignificant under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). A draft evaluation has been prepared in accordance with the Order.

It is certified pursuant to section 605 of the Regulatory Flexibility Act (Pub. L. 96–354; 94 Stat 1164; U.S.C. 601–12) that these regulations, if promulgated, would not have a significant economic impact on a substantial number of small entities.

As explained above, the text of the proposed regulations that would replace the existing provisions in 33 CFR Part 157, with accompanying explanation, appears elsewhere in this issue of the **Federal Register.**

List of Subjects in 33 CFR Part 157

Cargo vessels, Oil pollution, Environmental protection, Tank vessels, Water pollution control.

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

§§ 157.21, 157.24, and 157.47 [Amended]

Appendix B—[Removed]

In accordance with the foregoing, it is proposed to amend Part 157 of Title 33, Code of Federal Regulations, by removing Appendix B and by making editorial changes in §§ 157.21, 157.24, and 157.47 to include cross references to new Subchapter S of Title 46, Code of Federal Regulations.

(Sec. 2, 87 Stat. 418 (46 U.S.C. 86); sec. 2, 49 Stat. 888 as amended (46 U.S.C. 88a); sec. 5, 49 Stat. 1384 as amended (46 U.S.C. 369); R.S. 4405, as amended (46 U.S.C. 375); sec. 3, 70 Stat. 152 as amended (46 U.S.C. 390b); sec. 5, Pub. L. 95–474, 92 Stat. 1480 as amended (46 U.S.C. 391a); sec. 1, Pub. L. 85–739, 72 Stat. 833, as amended (46 U.S.C. 404); R.S. 4462, as amended (46 U.S.C. 416); sec. 2, Pub. L. 96–453, 94 Stat. 207 (46 U.S.C. 1295f(c)(2)); sec. 4, 67 Stat. 462 (43 U.S.C. 1333(d)); sec. 3, 68 Stat. 675 (50 U.S.C. 198); sec. 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46)

Dated: August 3, 1982.

Clyde T. Lusk, Jr.,

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

[FR Doc. 82–21620 Filed 8–11–82; 8:45 am]

BILLING CODE 4910–14–M

federal register

Thursday
August 12, 1982

Part III

Department of Transportation

Federal Aviation Administration

Pilot Oxygen Mask Requirement

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 121, and 135

[Docket No. 23243; Notice No. 82-11]

Pilot Oxygen Mask Requirement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes amendments to the pilot oxygen mask requirements applicable to operations under certain Federal Aviation Regulations. The proposed amendments would allow the operation of airplanes to higher altitudes without requiring at least one pilot at the controls to wear and use an oxygen mask. These proposals, if adopted, will reduce burdens on airplane operators by limiting certain restrictions pertaining to the pilots' use of oxygen masks, thus allowing greater ease and flexibility of operations.

DATE: Comments must be received on or before October 12, 1982.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23243, 800 Independence Ave. SW., Washington, D.C. 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Ave. SW., Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Roger E. Riviere, Project Development Branch (AFO-240), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-8096.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received before the closing date for comments will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23243." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

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

Discussion of the Proposed Amendments

Pertinent sections of Parts 91, 121, and 135 specify maximum altitudes to which a pressurized aircraft may be operated without requiring at least one pilot to wear and use an oxygen mask. The availability of an approved, quick-donning type of oxygen mask at each flight crewmember's station permits operation to another, higher maximum altitude above which at least one pilot must wear and use that mask. Presently, in operations conducted under Part 135 of the FAR, at least one pilot at the controls must wear and use an oxygen mask when conducting operations above FL 350. Under Parts 91 and 121 of the FAR, one pilot at the controls must wear and use an oxygen mask when conducting operations above FL 410.

Adoption of these proposals would allow an airplane whose total pressure volume is 20,000 cubic feet or more to be operated under Parts 91 and 121 of the FAR up to and including FL 450 or the maximum certificated altitude of the airplane, whichever is lower, without one pilot having to wear and use an oxygen mask.

The FAA has determined that because of its large-volume cabin, a wide-body airplane can operate safely up to and including FL 450 or its maximum certificated altitude, whichever is lower, without requiring at least one pilot, seated at the controls, to wear and use an oxygen mask at all times above FL 410. (Wide-body airplanes are defined here as those airplanes whose total pressure volume is 20,000 cubic feet or more.) The pressurized vessel volume of wide-body airplanes such as the DC-10, L-1011, and B-747 varies from approximately 33,000 cubic feet to 55,000 cubic feet or more. Depressurization charts for the B-747 airplane, for example, show that, if a 168 square-inch fuselage skin-panel rupture were to occur at the airplane's maximum certificated altitude of 45,000 feet, it would take approximately 3 minutes for the airplane cabin to depressurize from 8,000 feet to 33,000 feet, at which point the atmospheric pressure inside and outside the airplane would be equal. The 3-minute depressurization time in this example is based upon a crew reaction time of 17 seconds from the time the hypothetical rupture occurs and a 24-second delay for the crew to slow the airplane in preparation for an emergency descent, lower the landing gear to aid in an increased rate of descent, and then descend at a maximum safe rate of 5,000 to 7,000 feet per minute initially. It must be noted that the fuselage skin-panel rupture described in the preceding depressurization example is considered to be a typical airplane fuselage area that might fail, resulting in a rapid decompression. For the B-747, this hypothetical fuselage skin-panel rupture area is the area bounded by one set of fuselage stringers and one set of fuselage ribs.

The present and proposed rules require that the quick-donning oxygen mask must be able to be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand, within 5 seconds. Since the crew has sufficient time in the event of a decompression of a wide-body airplane to realize that an emergency has occurred, to don their masks, and to initiate an emergency descent, the FAA has determined that the safety of the crew and passengers can be ensured by allowing wide-body airplanes to operate up to and including FL 450 or the maximum certificated altitude of the airplane, whichever is lower, without one pilot having to wear and use an oxygen mask.

The FAA, in proposing these rule changes, has further considered the satisfactory performance of those wide-body airplanes which have operated for 5 years under exemption from § 121.333(c)(2). These exemptions permit

operations at altitudes up to and including FL 450 or the airplane's maximum certificated altitude, whichever is lower. In support of petitions for exemption from § 121.333(c)(2), the operators of wide-body airplanes provided data to show that a wide-body airplane with a fuselage-skin rupture of approximately 150 square inches (120 square inches for an L-1011 and 168 square inches for a B-747 airplane) can descend from the maximum certificated altitude to FL 330 or lower before the large-volume cabin depressurizes to that altitude.

While wide-body airplanes can safely be operated up to and including FL 450 or the maximum certificated altitude without one pilot at the controls having to wear and use an oxygen mask, after intense study and review of avialable literature the FAA concludes that it cannot reasonably support "shirtsleeve" operation above FL 410 in aircraft whose total pressure volume is less than 20,000 cubic feet.

Considerable pertinent information on pilots' use of oxygen at high altitudes is contained in the 1980 edition of the FAA's booklet titled "Physiological Training"; in Advisory Circular 91-8B, "Use of Oxygen by Aviation Pilot/Passengers"; and in a report titled "Physiological Considerations Limitations of Small Volume Pressurized Aircraft" prepared by the FAA Civil Aeromedical Institute. These publications take into account that several air carrier and general aviation pressurized airplanes are currently certificated to operate at a maximum altitude of 45,000 and 51,000 feet, respectively. While such airplanes may be qualified from an engineering analysis for operation at these altitudes, consideration must be given to the physiological consequences to the crew of the airplanes in the event of a decompression of the pressurized vessel. Despite the fact that with modern technology the structural integrity of modern pressurized aircraft has never been better, rapid decompressions still do occur, as evidenced by the rapid decompression of a DC-10 over New Mexico in 1973 and the 1980 DC-9 rapid decompression near Boston. In considering these proposed rule changes, the FAA took into account the capabilities and limitations of oxygen equipment, pressure vessel size and probabilities of decompression, and operational limitations at the maximum altitudes of modern aircraft.

While it would take approximately 3 minutes for the cabin of a B-747 airplane to depressurize in the event of a 168-square-inch skin-panel rupture, many "business jet" airplanes have small, pressurized cabins of perhaps 1/50 the volume of a wide-body airplane; therefore, the failure of even a small (3- or 4-square-inch) fuselage skin area could result in a rapid decompression to flight altitude in less than 10 seconds.

The consequences of human exposure to altitudes above 35,000 feet without wearing oxygen equipment are serious and progressively worsen at higher altitudes. The time of useful consciousness is about 30 seconds at 35,000 feet but only about 18 seconds at 41,000 feet. Above 41,000 feet, if a pilot has not "prebreathed" oxygen, it is most likely that he or she will not remain conscious (in the sense that he or she is in full possession of necessary piloting skills) for more than 15 seconds after decompression to flight altitude. Given the above facts, the FAA has concluded that aircraft whose total pressure volume is less than 20,000 cubic feet may not be allowed to operate above FL 410 without one pilot at the controls at all time having to wear and use an oxygen mask.

Discussion of the Proposals

Present § 91.32(b)(1)(ii) requires that at flight altitudes above FL 350, one pilot at the controls must wear and use an oxygen mask that is secured and sealed and that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude of the airplane exceeds 14,000 feet mean sea level (MSL). However, the one pilot need not wear and use a mask while at or below FL 410 if there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask that meets certain requirements. The proposal would raise the maximum flight altitude at which one pilot need not wear and use an oxygen mask for aircraft whose total pressure volume is 20,000 cubic feet or more, up to and including FL 450 or the maximum certificated altitude of the airplane, whichever is lower.

Section 121.333(c)(2) provides that when operating above FL 250, one pilot at the controls of a turbine-engine-powered airplane with a pressurized cabin shall at all times wear and use an oxygen mask secured and sealed and supplying oxygen, except that the one pilot need not wear and use an oxygen mask while at or below FL 410 provided each flight crewmember on flight-deck duty has a quick-donning type of oxygen mask that meets certain requirements. The proposal would raise the maximum flight altitude at which one pilot need not wear and use an oxygen mask for aircraft whose total pressure volume is 20,000 cubic feet or more, up to and including FL 450 or the maximum certificated altitude of the airplane, whichever is lower.

In Part 135 operations whenever a pressurized airplane is operated at altitudes above 25,000 feet through 35,000 feet MSL, at least one pilot at the controls must wear and use an oxygen mask, unless each pilot has an approved quick-donning type of oxygen mask connected to an oxygen supply and readily available. Section 135.89(b)(3) specifies that at least one pilot shall wear, secured and sealed, an oxygen mask whenever a pressurized airplane is operated at altitudes above 35,000 feet MSL. Many exemptions from § 135.89(b)(3) have been issued to Part 135 operators to permit operation of their pressurized airplanes up to and including FL 410 without requiring one pilot at the controls to wear and use an oxygen mask at all times when operating at altitudes above FL 350 provided an approved, quick-donning type of oxygen mask is available to each pilot on flight-deck duty. In issuing these exemptions, the FAA reasoned that the same pilot may operate the same airplanes under § 91.32 at altitudes up to and including FL 410 without one pilot being required to wear and use the oxygen mask at all times. The FAA therefore determined that the FL 350 limitation in Part 135 of the FAR is unnecessarily restrictive and now proposes to remove this inequity which exists between Part 91 and Part 135 operations where requirements concerning the use of pilot oxygen masks are concerned.

Economic Impact

This rulemaking responds to industry petitions for relief from the current regulation. No formal benefit-cost analysis was completed with respect to this proposal for regulatory relief. A regulatory evaluation was conducted for this action to assess preliminarily the cost and economic impact. The FAA has determined that there are no apparent direct or indirect (nonindustry) costs associated with granting the requested relief. Given the number of industry petitions for exemption from the current rule, it is assumed that the benefits to operators of granting the relief outweigh any direct costs to them which might be associated with changing the present regulation. This rulemaking should result in fuel conservation by facilitating operations at higher altitudes where less fuel is expended. We invite further comment on this matter.

List of Subjects

14 CFR Part 91

Air carriers, Aviation safety, Safety, Aircraft, Aircraft pilots, Pilots, Airspace, and Air transportation.

14 CFR Part 121

Pilots, Transportation, and Common carriers.

14 CFR Part 135

Air carriers, Aviation safety, Safety, Air transportation, Air taxi, Airworthiness, Pilots, Airmen, and Aircraft.

The Proposed Amendments

Accordingly, the FAA proposes to amend Parts 91, 121, and 135 of the Federal Aviation Regulations (14 CFR Parts 91, 121, and 135) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. By amending § 91.32 by removing the word "and" at the end of paragraph (b)(1)(i), by removing the period at the end of paragraph (b)(1)(ii) and inserting "; and", and by adding a new paragraph (b)(1)(iii) as follows:

§ 91.32 Supplemental oxygen.

* * * * *

(b) * * *

(1) * * *

(iii) Notwithstanding paragraph (b)(1)(ii) of this section, airplanes whose total pressure volume is 20,000 cubic feet or more may be operated above flight level 410 up to and including flight level 450 or the maximum certificated altitude of the airplane, whichever is lower, provided that at flight altitudes above flight level 350, one pilot at the controls of the airplane is wearing and using an oxygen mask that is secured and sealed and that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude of the airplane exceeds 14,000 feet (MSL), except that the one pilot need not wear and use an oxygen mask while at or below flight level 450 if there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask that can be placed on the face with one hand from the ready position within 5 seconds, supplying oxygen and properly secured and sealed.

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

2. By amending § 121.333 by adding a new paragraph (c)(5) as follows:

§ 121.333 Supplemental oxygen for emergency descent and for first aid: turbine engine powered airplanes with pressurized cabins.

* * * * *

(c) * * *

(5) Notwithstanding paragraph (c)(2) of this paragraph, airplanes whose total pressure volume is 20,000 cubic feet or more may be operated above flight level 410 up to and including flight level 450 or the maximum certificated altitude of the airplane, whichever is lower, provided that when operating at flight altitudes above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen, except that the one pilot need not wear and use an oxygen mask while at or below flight level 450 or the maximum certificated altitude of the airplane, whichever is lower, if there are two pilots seated at the controls and each flight crewmember on flight-deck duty has a quick-donning type of oxygen mask that the certificate holder has shown can be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds. The certificate holder shall also show that the mask can be put on without disturbing eyeglasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. The oxygen mask after being put on must not prevent immediate communication between the flight crewmember and other crewmembers over the airplane intercommunication system.

* * * * *

PART 135—AIR TAXI AND COMMERCIAL OPERATORS

§ 135.89 [Amended]

3. By amending § 135.89 by removing the words "35,000 feet" in subparagraphs (b)(2) and (b)(3) and inserting, in their place, the words "41,000 feet".

(Secs. 313(a), 314, 601, 603, 604, 610, and 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1423, 1424, 1430, and 1431); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.4.5)

Note.—This proposal would permit the operation of airplanes to higher altitudes without requiring at least one pilot at the controls to wear and use an oxygen mask. Since such a measure should result in fuel conservation by facilitating operations at higher altitudes, this proposal would reduce costs to affected Parts 91, 121, and 135 operators. Accordingly, it is determined that: (1) The proposals do not involve a major proposal under Executive Order 12291; (2) the proposals are not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) the anticipated impact is so minimal that an evaluation is not required.

In addition, for the reasons discussed above, it is certified that under the criteria of the Regulatory Flexibility Act this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C., on July 15, 1982.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 82-21884 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
August 12, 1982

Part IV

Department of Transportation

Federal Aviation Administration

Airworthiness Standards: Reciprocating and Turbopropeller-Powered Small Multiengine Airplanes; SFAR 41

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 23, 36, 91, 121, 135, and 139

[Docket No. 21716; SFAR No. 41C]

Airworthiness Standards: Reciprocating and Turbopropeller-Powered Small Multiengine Airplanes; SFAR 41 Interim Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment reinstates and extends the effectivity of Special Federal Aviation Regulation (SFAR) 41 which expired October 17, 1981, and amends the SFAR to: (1) Eliminate the 12,500-pound maximum zero fuel weight (MZFW) restriction; (2) limit the number of passenger seats to 19 for those small propeller-driven multiengine airplanes that operate at a certificated gross takeoff weight in excess of 12,500 pounds; and (3) relax the landing distance determination requirement, making it consistent with Parts 23 and 25. This amendment results from a number of petitions for exemption and rulemaking submitted to the FAA and provides economic benefits to commuter airlines by improving operating efficiency without compromising safety. This amendment does not address the possible codification of SFAR 41 into Part 23 as mentioned in Notice 82–3.

EFFECTIVE DATE: September 13, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph Snitkoff, Certification Procedures and Standards Branch (AWS–130), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426–8395.

SUPPLEMENTARY INFORMATION:

Background

A longstanding limitation, which distinguishes between large and small airplanes, requires all new type certificated airplanes with a maximum certificated takeoff weight of more than 12,500 pounds to meet the transport category airworthiness standards of Part 25 of the Federal Aviation Regulations, regardless of the type of operation or number of passenger seats. At the time this limitation was established in the regulations, there were few small airplanes with maximum weights near 12,500 pounds. The International Civil Aviation Organization (ICAO) standards make a similar distinction.

SFAR 41 was adopted as an interim standard to permit limited growth and utilization of existing small propeller-driven multiengine airplanes that had demonstrated, through service experience, a satisfactory level of safety. These airplanes were made available to the emerging commuter airline industry consistent with the Airline Deregulation Act of 1978, without compromising the high safety standards in air transportation. SFAR 41 was designed to fill the gap between Part 23 and Part 25 certification standards until commuter airplanes could be developed and certificated to a set of standards more appropriate to their size and type of operation.

SFAR 41 prescribes additional airworthiness standards applicable to existing small propeller-driven multiengine airplanes. It allows, in part, type and airworthiness recertification of these airplanes at weights in excess of 12,500 pounds maximum certificated takeoff weight and with an increase in the number of passenger seats. A design restriction is imposed which limits the maximum zero fuel weight to 12,500 pounds.

The regulation was amended April 14, 1980 (SFAR 41A; 45 FR 25046), for clarification and to make editorial changes. It was further amended December 8, 1980 (SFAR 41B; 45 FR 80972), to specify additional requirements needed to comply with ICAO Annex 8 airworthiness standards. SFAR 41B expired October 17, 1981.

Notice of Proposed Rulemaking (NPRM) 82–3 to reinstate and amend SFAR 41 was published in the **Federal Register** on March 4, 1982 (47 FR 9360). The comment period closed on April 20, 1982. Comments received after the closing date were also considered in accordance with § 11.47(a).

Discussion of Comments

Twenty sets of comments were received concerning Notice 82–3 from many segments of the aviation community. Views of airplane manufacturers, owners, operators, pilots, foreign airplane manufacturers, foreign aviation authorities, and the flying public were received in response to the notice. In addition to the comments on Notice 82–3, one commenter's response to the related petition concerning landing distance determination also is disposed of in this change to SFAR 41.

Reinstatement of SFAR 41

Two commenters oppose reinstating SFAR 41. They maintain that SFAR 41, by virtue of its status as an interim standard, is deficient in many respects to Part 25 and therefore does not provide an equivalent level of safety to Part 25. They point out that SFAR 41 has lower performance standards and lacks comparable emergency evacuation, systems and equipment reliability and integrity, and fire protection requirements.

Regarding the contention that SFAR 41 is deficient compared to Part 25, the FAA wishes to point out that SFAR 41 was never intended as an equivalent to or a replacement for Part 25 with identical requirements. Rather, SFAR 41 was promulgated to enable greater utilization of existing Part 23 type airplanes for commuter operations when those airplanes are certificated to the higher standards of SFAR 41 even though they may not meet transport category certification requirements. The SFAR 41 standards incorporated additional airworthiness, crashworthiness, and airplane performance requirements designed to provide the necessary level of safety for a type of airplane that heretofore had not had such requirements specifically developed for it. Airplanes certificated under SFAR 41 have a good safety record. Extending the applicability of SFAR 41 for a limited period of time will benefit the commuter airplane industry and the flying public by improving service and operating efficiency with no derogation of safety. SFAR 41 was and will continue to be applicable only to small propellar-driven multiengine airplanes certificated before October 17, 1979, with a satisfactory service history at the time of application. This applicability date is not changed by this final rule; therefore, the proposal to reinstate the effectivity of SFAR 41 is adopted without substantive change.

Removal of the Maximum Zero Fuel Weight (MZFW) Restriction

Thirteen commenters support and one opposes removing the MZFW restriction. The opposing commenter proposes that instead of this, a maximum takeoff weight or a new MZFW limitation be established to control the large increases in weights for aircraft used in combined commuter/cargo operations which he predicts could result from removing the restriction. Such large weight increases, however, could not occur since there is a regulatory constraint on maximum payload of 7,500 pounds for commuter operations under Part 135 which, together with the 19-passenger limitation, effectively maintains aircraft weights at reasonable levels. Supporters of the proposal claim that removing the MZFW restriction is in the public

interest as it increases the commuter airlines' profit potential and reduces operating costs without any adverse effect on safety. They assert that the MZFW is only a design consideration and should not be a limitation. Further, removing the restriction would permit the use of improved avionics equipment which, even though adding to the aircraft weight, would still result in economic benefits because of the greater payload allowed. Therefore, the proposal to eliminate the MZFW restriction is adopted without substantive change.

19-Passenger Limit

SFAR 41 through Amendment 41B contained no limitation on the number of passengers, but imposed a MZFW restriction of 12,500 pounds. Notice 82–3 made clear that, as a condition for eliminating the MZFW restriction, a specified passenger limit would be prescribed to preclude escalation of airplane size to the point where Part 25 standards would apply. As explained, a 19-passenger configuration was selected as the logical and economic limit to avoid the burden that would be imposed by flight attendant and possible other requirements for additional passengers. Eight commenters support the 19-passenger limitation and six commenters oppose it on the basis that a greater number be allowed. Those opposed believe that passenger capacities above 19 should be permitted as long as the airplane meets all applicable regulations, the safety level is not lowered, and there are some economic benefits to be gained. They point out that SFAR 41 to date does not contain constraints on the number of passengers except to define minimum aisle widths for 10 to 23 passengers and configurations with over 23 passengers, and specifies additional airworthiness standards for 16 to 23 passengers. Therefore, since SFAR 41 permitted applicants to request certification for more than 19 passengers, it is argued that the proposed limitation becomes arbitrarily restrictive in not allowing other manufacturers the same opportunity. Advocates of a higher passenger limitation also agree that the proposed limitation is artificial, that the additional emergency equipment that would be required is minimal, and that the number of emergency exits required for 16 to 23 passengers is the same. Three commenters support a 23-passenger limitation. None of these commenters, however, discuss the passenger limitation in the context of tradeoff for eliminating the MZFW.

When SFAR 41 was originally developed, both the FAA and the public involved in the rulemaking agreed that some constraint should be imposed to limit the number and size of airplanes designed to SFAR 41 standards. The "number" aspect was addressed by making SFAR 41 applicable only to airplanes type certificated before October 17, 1979. To limit the size, both an MZFW and passenger limit were discussed. At that time it was deemed most appropriate to utilize the MZFW as the means for controlling size. In today's economic environment, however, it is realized that this limit may impose undue hardship on SFAR 41 airplane operators and may even impede installing improved equipment. As recognized by some commenters, the FAA must now establish some other limiting criteria to prevent escalating SFAR 41 small airplanes into larger, pseudotransport-category types, and the 19-passenger limitation can effectively serve this purpose. Accordingly, the 19-passenger limitation is adopted without substantive change.

The FAA has reviewed all aircraft certificated (and existing applications for certification) under SFAR 41 and has found that all these airplanes involve no more than 19 passengers. Thus, imposing the 19-passenger limit will not adversely affect any existing application. Limiting the passenger configuration does not contradict the provisions of the Airline Deregulation Act in that it provides economic benefits for existing commuter and cargo operations without degrading safety.

Two commenters state that, if the 19-passenger limitation is adopted, reference to passengers in excess of 19 in the table of paragraph 5(e)(*k*) under *Doors and Exits* should be deleted. The FAA agrees and the table is amended to reflect the maximum passenger seating configuration of 19. Other changes proposed in Notice 82–3, consistent with the elimination of the MZFW restriction and adoption of the 19-passenger-seat configuration (proposals numbered 3, 4, 6, and 7), are adopted without change. No substantive comments beyond those previously discussed were made on these proposals.

Landing Distance Determination

Proposal 5 addresses the landing distance determination of SFAR 41 airplanes. It proposes to amend paragraph 5(c)(*a*) to relax the landing distance determination requirement to make it consistent with current Parts 23 and 25. In addition to comments expressing overall concurrence with Notice 82–3, six commenters specifically support the proposed change to paragraph 5(c)(*a*). Additionally, one of these commenters suggests two changes to Appendix A of Part 135. One change pertains to paragraph 6(a)(2) of Appendix A of Part 135 and would separate the go-around and landing cases or completely eliminate the $1.05V_{MC}$ requirement. The other change would realign paragraph 7(b) of Appendix A of Part 135 to relax the landing distance determination requirement in a manner similar to that proposed for SFAR 41, paragraph 5(c)(*a*). Neither of the changes suggested by the commenter are addressed at this time as revising Part 135 is beyond the scope of this rulemaking action.

However, the FAA does recognize that all applicants eligible for an amended or supplemental type certificate under SFAR 41 should be entitled to the benefits of the relaxed landing distance determination requirement proposed for paragraph 5(c)(*a*). Therefore, in addition to amending paragraph 5(c)(*a*) as proposed, which relaxes the requirement for aircraft certified under paragraph 1(b) of SFAR 41, identical relief is granted for aircraft certificated under paragraph 1(a) of SFAR 41 by amending paragraph 1(a)(2) to allow the $1.3V_{s1}$ gliding approach of the present § 23.75(a) or an alternative steady approach of a specified gradient.

One commenter disagrees with the proposal to relax the landing distance determination requirement of paragraph 5(c)(*a*) by allowing landing distances to be determined in accordance with § 23.75. The commenter cites the proliferation of operations under Part 135 with SFAR 41 airplanes and notes the importance and advantages of requiring the same high level of safety as provided under Part 121. The commenter cites the added safety factors in Part 121 of 1.67 and 1.43 for landing distances at destination and alternate airports, respectively.

The FAA agrees with the commenter's assertion with regard to the level of safety in landing distance determination for Parts 135 and 121 aircraft. This is exemplified by the fact that the 1.67 and 1.43 safety factors are required in both Parts 135 and 121. With the continued applicability of these identical landing safety factors and approach techniques, the same high level of safety will be maintained for landing distance determination with both SFAR 41/Part 135 and transport category/Part 121 airplanes.

By implementing the proposed change to SFAR 41, the landing distance would be determined using either a $1.3V_{s1}$ power approach or a $1.3V_{s1}$ gliding approach as specified currently in both §§ 23.75 and 25.125. If paragraph (*a*)

under Section 5(c) of SFAR 41 remains unchanged, longer (and thus more conservative) landing distances would be specified for an airplane certificated under SFAR 41 than if that airplane were certificated under the existing Part 23 or Part 25. There is no justifiable reason for this inequity to exist. Because landing distances determined under SFAR 41 were overly conservative and since the landing safety factors are identical in Parts 135 and 121, the FAA cannot support the commenter's position. Therefore, the change to paragraph (*a*) under Section 5(c) is adopted as proposed and paragraph 1(a)(2) is similarly revised for consistency.

Miscellaneous Comments

Notice 82–3 proposed to extend the pre-existing production cutoff date by 2 years. Five commenters express support of the extension and cite the reasons given in the NPRM. One commenter misunderstood the proposal, believing the extension of the cutoff date to be only 1 year, and states that it should be related to the effective date of the amendment. The proposal to extend the production cutoff date from 1989 to 1991 is adopted without substantive change.

Proposal 8 extends the expiration date of SFAR 41C to 1 year after the effective date of this amendment. Five commenters specifically support this proposal and one commenter suggests that the expiration date be extended to 2 years. The FAA believes that 1 year affords sufficient time for manufacturers to apply for certification of their existing models with the MZFW restriction removed. Proposal 8 is adopted without substantive change.

One commenter proposes to delete the date "October 17, 1979" from paragraph 1(a) and 1(b) of SFAR 41 and to insert in its place "the effective date of this amendment." He states that under the proposed rule, an applicant having designed an airplane of this class after October 17, 1979, would be required to certify its airplane under Part 25 and would not be permitted certification under SFAR 41. The commenter feels it would be arbitrarily restrictive not to permit an applicant the opportunity to certify its airplane to SFAR 41 standards. The FAA considers this suggested change to be outside the scope of this rulemaking action.

Comments on Codification of SFAR 41 Into Part 23

Notice 82–3 invited comments on the advisability of codifying the substance of SFAR 41B and the proposed SFAR 41C into Part 23 and to extend its applicability to new multiengine airplanes having a maximum takeoff gross weight greater than 12,500 pounds with 19 passenger seats. By its request, the FAA merely wished to accept preliminary comments on the advisability of changing Part 23, with the intent that any definite proposals would be included in future notices. Many interesting views and comments received on this issue are included in the docket file. In general, there is great interest in providing a viable regulation applicable to the certification of commuter airplanes. The FAA realizes that this issue needs careful study and review by all concerned, and it will be addressed in a separate notice.

Economic Impact and Benefits

Eliminating the MZFW restriction will have no adverse safety impact and may, in fact, improve safety because operators will be encouraged to add additional or improved avionics equipment. Aircraft operators will now be able to add more pasenger seats, up to 19, increase baggage allowances, provide improved passenger amenities, and increase cargo capacity. Because the marginal cost of carrying the additional payload would be relatively low compared to the additional revenue for such carriage, the added utility of this payload increase could be significant.

A commuter carrier estimates that the proposed rule would permit an additional 1,500 pounds of cargo in its aircraft. At a cargo yield of 40 cents per pound, the carrier had the potential to increase its revenue by $936,000 per year. In addition, the carrier points out that there have been instances where it had been forced to refuse a shipment because of its weight. It also could increase the number of its passengers from 16 to 19 on one of its route segments.

It has been determined that the proposal to allow the use of shorter runways will not have an adverse impact upon safety. Economic benefits include the increased availability of air transportation to small cities that might otherwise be denied service because of short runways. For example, for a certain airplane the landing distance could be reduced from 5,171 feet to 4,100 feet. While difficult to measure in dollar terms, the benefits would be substantial, and because there would be no adverse impact on safety, the regulatory change will be in the public interest.

The airplane manufacturer will face some moderate costs in recertifying the airplane to the proposed new weight and landing distance criteria. An airplane manufacturer who does not wish to establish revised weight or landing distance limitations will not incur these costs.

Summary of Final Regulatory Flexibility Analysis

The Regulatory Flexibility Act requires an analysis of alternatives if a proposal has a significant economic impact on a substantial number of small entities.

The amendment to eliminate the MZFW restriction will have a significant positive impact on a substantial number of entities. The amendment is relaxatory in nature and a manufacturer may choose either to seek the benefits of the proposal or maintain the status quo. No further easing of the MZFW restriction is possible; therefore, there are no other alternatives to consider.

The amendment relating to the minimum landing distance determination will have a significant economic impact on a substantial number of small entities. There are no other relaxatory alternatives consistent with safety. This landing distance determination is needed to be consistent with longstanding §§ 23.75 and 25.125, the requirements of which have been proven by service experience and for which there is no safety basis to consider further relaxation.

If increasing the proposed 19-passenger limitation (for example, to 23 passengers) would improve the economic utility of a qualifying airplane as some commenters contend, this would not impact a substantial number of small entities and, therefore, need not be analyzed. The agency believes that without an MZFW restriction, there must be a passenger limitation to prevent these SFAR 41 airplanes which do not meet Part 25 standards from an uncontrolled increase in size. It is the FAA's judgment that airplanes carrying more than 19 passengers require different standards. The FAA will review Parts 23 and 25 as applicable to new commuter type airplanes and will give careful consideration to the issue of a passenger limitation.

The final Regulatory Flexibility Analysis and Regulatory Flexibility Determination are combined with the Regulatory Evaluation in the docket.

List of Subjects

14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 23

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

14 CFR Part 36

Aircraft noise, Type certification.

14 CFR Part 91

Air carriers, Aviation safety, Safety, Aircraft, Air transportation, Cargo, Airports, Airworthiness directives and standards.

14 CFR Part 121

Aviation safety, Safety, Air carriers, Air transportation, Aircraft, Airplanes, Airports, Airworthiness directives and standards, Cargo, Transportation, Common carriers.

14 CFR Part 135

Air carriers, Aviation safety, Safety, Air transportation, Air taxi, Airworthiness, Cargo, Aircraft, Airports, Transportation, Airplanes.

14 CFR Part 139

Charter flights, Transportation, Air safety, Safety, Aviation safety, Air transportation, Air carriers, Aircraft, Airports, Airplanes.

Adoption of Amendment

Accordingly Special Federal Aviation Regulation 41 (14 CFR Parts 21, 23, 36, 91, 121, 135, and 139) is amended as follows, effective September 13, 1982.

SFAR No. 41 [Amendment C]

Paragraph 1. *Applicability.* (Amended)

1. By replacing the period at the end of paragraph 1(a)(2) with a comma and adding the following:

"* * * except that the landing distance must be determined for standard atmosphere at each weight, altitude, and wind within the operating limits established by the applicant in accordance with § 23.75(a) of this chapter in effect on September 26, 1978. Instead of a gliding approach specified in § 23.75(a), the landing may be preceded by a steady approach down to the 50-foot height at a gradient of descent not greater than 5.2 percent (3°) at a calibrated airspeed not less than $1.3V_{s1}$.

2. By deleting the phrase "a maximum zero fuel weight not in excess of 12,500 pounds," from paragraph 1.(b) and inserting in its place the phrase "a specified maximum zero fuel weight to be established by the applicant," and by inserting after the word "configuration" the parenthetical phrase "(but not more than 19 passenger seats)".

Paragraph 3. *Production limitation.* (Amended)

3. By deleting the year "1989," and inserting in its place the year "1991,".

Paragraph 4. *Restrictions.* (Amended)

4. By deleting the phrase "and may not exceed 12,500 pounds" from paragraph 4.(a).

Paragraph 5. *Exceptions.* (Amended)

5. By inserting after the phrase "of 10 seats or more" in paragraphs 5.(b)(2) and 5.(b)(3) the parenthetical phrase "(but not to exceed 19 passenger seats)".

6. By inserting a period after the word "chapter" in the first sentence of paragraph 5(c)(*a*) under *Landing* and deleting the remainder of the sentence and by deleting reference to subparagraph (1) in "§ 23.75(a)(1)" in the second sentence of paragraph 5(c)(*a*) under *Landing.*

7. By deleting paragraph 5.(e)(*g*)(3) under *Doors and Exits* and by revising paragraphs 5.(e)(*g*)(1) and 5.(e)(*g*)(2) to read as follows:

5. *Exceptions*

* * * * *

(e) * * *

(*g*) * * *

(1) For a total passenger seating capacity of 15 or less, an emergency exit, as defined in § 23.807(b) of this chapter, is required on each side of the cabin; and

(2) For a total passenger seating capacity of 16 through 19, three emergency exits, as defined in § 23.807(b) of this chapter, are required with one on the same side as the door and two on the side opposite the door.

* * * * *

8. By revising the table under *Doors and Exits* paragraph 5.(e)(*k*) to read as follows:

Number of passenger seats	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
10 through 19	9 inches	15 inches.

Paragraph 15. *Expiration.* (Amended)

9. By deleting the date "October 17, 1981" and inserting in its place the date September 13, 1983.

(Secs. 313(a), 601, 603, and 604 of the Federal Aviation Act of 1945 (49 U.S.C. 1354(a), 1421, 1423, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—This amendment will allow manufacturers and operators of certain existing airplanes the option of complying with relaxed requirements that will increase payloads and improve air carrier services to the public. The FAA has determined that it involves a regulation which is not a major rule under Executive Order 12291 and is not a significant rule under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation, including a final regulatory flexibility analysis, has been placed in the public docket. A copy of it may be obtained from the person indentified under "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Washington, D.C., on July 21, 1982.

J. Lynn Helms,

Administrator.

[FR Doc. 82-21865 Filed 8-12-82; 8:45 am]

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federal register

Thursday
August 12, 1982

Part V

Department of Transportation

Federal Aviation Administration

Special Federal Aviation Regulation No. 44-5 Air Traffic Control System; Interim Operations Plan

DEPARTMENT OF TRANSPORTATION

14 CFR Part 91

[Docket No. 22050; SFAR No. 44-5]

Special Federal Aviation Regulation No. 44-5 Air Traffic Control System; Interim Operations Plan

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: This amendment to Special Federal Aviation Regulation (SFAR) No. 44-3 establishes certain procedures for the operation of the National Air Traffic Control (ATC) System, including procedures to be used in the allocation of additional system capacity as it becomes available, while providing for the safe and efficient operation of the air traffic control system. The Administrator has determined that a situation still exists which requires reduced ATC capacity and that the continuation of special air traffic provisions is necessary to provide for the efficient and safe movement of air traffic. This amendment makes adjustments to the air traffic procedures established by SFAR 44-3 to provide for a more efficient movement of air carrier traffic. The amendment eliminates the need for carrier submissions to the FAA and establishes a slot selection system which allows carriers to choose the slots they desire from those available during a slot selection session.

DATES: Effective date: August 12, 1982. Hearing date August 19, 1982 at 9:00 a.m.

ADDRESSES:

Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 22050, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

Public hearing: On August 19, 1982, a public hearing will be held in the FAA Auditorium, third floor, 800 Independence Avenue, SW., Washington, D.C., to allow FAA representatives to explain this rule and to answer any questions concerning the procedures implemented herein. The hearing will begin at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT:

Edward P. Faberman, Deputy Chief Counsel, 202-426-3775; or Thomas P. Messier, Deputy Director, Office of Aviation Policy and Plans, 202-426-0583, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this amendment was preceded by a notice of proposed rulemaking, comments are invited on this Special Federal Aviation Regulation.

The FAA also invites comments on the procedures outlined in this regulation. Comments are specifically invited on any aspects of the operation of the Air Traffic Control System under this amendment that suggest a need to modify the regulation, or which should be considered should additional procedures be necessary. Comments received will be reviewed on a continuing basis and this amendment and the Interim Operations Plan may be changed in the light of comments received. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22050." The postcard will be date/time stamped and returned to the commenter.

Background and Discussion

On February 22, 1982, the FAA published SFAR No. 44-3 (47 FR 7816) which modified the previously established special air traffic rules that had been adopted in response to the reduced air traffic control capacity caused by the illegal actions of certain air traffic controllers. Under SFAR 44-3, random drawings have been held to determine the priority order for the allocation of additional arrival capacity at all airports within the contiguous United States in place of the first-come-first-served procedures formerly used. SFAR 44-3 also provides "new entrants" priority treatment in the drawings. "New entrants" are defined in the SFAR as carriers that applied for operating authority from the Civil Aeronautics Board (CAB) prior to August 3, 1981, but had not initiated operations by February 17, 1982. They are given the first priority in each round of drawings for slots. Drawings have been held under SFAR 44-3 for the additional Air Route Traffic Control Center (ARTCC) and controlled airport capacity which will become available for the schedule periods through October 1982.

On March 18, 1982, the FAA issued Notice No. 82-5 (47 FR 12320, March 22, 1982) which requested public comments on a possible change to SFAR 44-3 involving a redefinition of the term "new entrant" as used therein. The notice was issued at the request of the CAB and proposed that "new entrant" be defined as any carrier that has commenced or will commence operations with aircraft having more than 60 seats on or after October 24, 1978. Notice 82-5 would also limit the time period a carrier could be considered a "new entrant" and the number of airports at which new entrants could request slots under the SFAR. The comments submitted on that notice have been considered in this rulemaking.

On June 15, 1982, the FAA issued Notice No. 82-8 (47 FR 26112, June 16, 1982) which proposed several alternative allocation procedures to be used to allocate additional system capacity as it becomes available. It also requested comments on the existing SFAR 44-3 slot allocation procedures.

The NPRM proposed to divide the additional slots available at controlled airports between incumbent carriers and new entrants. It was proposed that the slots would be distributed in three phases—first at a New Entrant Lottery, then at an Impacted Incumbent Ranked Drawing, and finally at a General Random Lottery. It was proposed that impacted incumbents be defined as those carriers who, on the date the drawing is held, hold fewer slots at particular controlled airports than they did on September 1, 1981. Comments were solicited on the parties to be included in the General Random Lottery.

Comments on the proposal were submitted by air carrier associations, groupings of air carriers, individual air carriers, airport operators, local and municipal governments, and individuals. All comments submitted have been considered in the promulgation of this final rule.

Discussion of Comments and Final Rule

Significant comments were submitted on all aspects of the proposal. The following discussion summarizes the rule, explains the changes from the proposal and discusses a number of the significant comments.

Since the implementation of the Interim Operations Plan, it has been the FAA's objective to utilize procedures which have permitted the safe and efficient operation of the ATC system based upon the air traffic work force available at each ATC facility within the system while allowing the air carriers the maximum possible control over their operations. This goal has been achieved with cooperation of all classes of users. Any procedures utilized should

permit adjustments to the system to provide the industry with the ability to change route systems and schedules that routinely occur. This will result in improved service for the public.

A number of commenters have suggested that the agency abandon the "lottery" system currently being used for slot distribution. The Air Transport Association (ATA) suggested that carriers be permitted to make their own selections of new or additional slots in accordance with an established list determining the order in which selections can be made.

The Regional Airline Association (RAA) also proposes one rotating selection procedure for all slot allocation purposes. They state that this will guarantee that every carrier desiring slots will have the opportunity for a priority selection at some point. Most of the commenters support this concept.

Slot Selection Session

Slot selection will function in the following manner. All air carriers seeking authority for flights in excess of their current approved base must notify the Office of the Chief Counsel, in writing (original and two copies), of the identity of the individual or individuals who will represent the carrier in the slot selection session. On August 20, 1982, the FAA will conduct a random draw to determine the order of selection for all future allocation periods. All carriers which submit the required information to the Rules Docket, Office of the Chief Counsel (AGC–204) by 5:00 p.m. on August 17, 1982, will be included in the draw. Notification for future slot selection sessions must be received 72 hours before the beginning of the slot session. Once a carrier is on the selection list, it need not submit additional notification to the FAA unless it desires to change the individuals who will represent it in future slot selection sessions.

A carrier which submits the required notification, that it seeks slots, to the Chief Counsel's Office after the first session, will be added to the end of the selection list as of the time of its submission.

A number of commenters urge that the FAA should publicly disclose additional capacity in advance of each slot selection session to assist carriers in schedule planning. A number of commenters suggest that this disclosure be made at least 60 days in advance of each allocation period. ATA suggests that the disclosure should make known to the carriers the additional slots at the controlled airports by hour. The FAA has made every attempt to provide as much advance notice as possible as to future availability of slots. For example, SFAR 44–3, which was issued on February 18, 1982, contained a list of targeted slot increases at the controlled airports and at the centers from April through October. The FAA will continue to provide this information as far in advance of a scheduling period as possible. At a minimum, this information will be made public approximately 60 days before the beginning of the schedule period and will show the hours at which the slots will be available at the controlled airports and the total number of slots available in the ARTCC's. It must be emphasized that the information disclosed relating to slot availability represents the agency's current assessment of staffing and training. Since those factors may change over a several week period, it is possible that the exact number and time of slots available at a slot selection session may have to be adjusted a few days before the session.

Some commenters state that information concerning slots should be made available to all interested parties. Most agency documents relating to slot allocation are published in the **Federal Register** and are circulated to the news media. The agency will continue to do this to maximize public participation in agency decisions and knowledge of agency actions.

After determining the order of priority for slot selection, the next step in the process in the actual procedure to determine which carriers will obtain the slots. Under SFAR 44–3, slots are awarded by the FAA in accordance with a priority established by a random draw. Carriers are required to submit requests for slots in priority order. As slots are allocated, individual carriers are given slots based upon availability of the carrier's highest listed priority slots.

A number of commenters suggests that a procedure be incorporated which reduces FAA's direct administrative involvement in the process and its direct involvement in airline schedule management. In addition, these commenters suggest that reliance on blind selection be eliminated.

Comments submitted by Joint Carriers [1] on the current SFAR 44–3 allocation procedures state:

> Because the carriers are required blindly to submit request lists without knowing what slots will be made available, the current system provides an incentive to carriers to request an enormous number of slots at all times of the day. This way a carrier increases its chances of getting some slots whether or not they really need those slots. Such a system clearly creates waste and inefficient allocation and use of slots.

Frontier Airlines in its comments states:

> We strongly support the Joint Comments' provisions of carrier *selection* of new slots and automatic FAA approval of these selections. This procedure would obviate the need for the voluminous schedule submissions which are now made prior to each allocation. More importantly, carriers would know what slots they would be receiving beforehand, thereby increasing the probability that they could actually use the slots and decreasing the risk that they would receive a slot on one end of a proposed route without receiving the reciprocal slot on the other end.

As stated above, the FAA believes that any allocation system promulgated should provide for maximum industry flexibility. Therefore, the proposal is modified to provide for slot selection system which will allow carriers to select slots they prefer without the need to submit written requests. This will reduce the burden on all carriers by eliminating the need to make multiple and sometimes lengthy submittals to the FAA but will also reduce the need for agency personnel to process and respond to these requests. Thus, the costs of both the industry and the Government will be decreased.

The slots selection process will function as follows. Approximately 55 days before the beginning of a schedule period, the FAA will conduct a slot selection session. At the session, air carriers may select available slots from any controlled airport or ARTCC in accordance with the priority established by the one-time random draw. The slots to be awarded as part of the slot selection sessions are only for scheduled service. Slots for charter operations will be handled by the Central Flow Control Facility as described below.

All available slots at the slot selection session will be listed. As a carrier's turn is called it may select any two (or more, as discussed below) available slots. It must make that selection within 5 minutes or it will lose its turn. If capacity still remains after each air carrier on the priority list has had an opportunity to select slots, the allocation sequence will be repeated based upon the order established by the random draw.

[1] Comments submitted of behalf of Air Cal, American Airlines, Delta Airlines, Eastern Airlines, Frontier Airlines, Ozark Airlines, Piedmont Airlines, Republic Airlines, Trans World Airlines, United Airlines, USAir.

Under SFAR 44–3 procedures, a number of charter operators submitted requests for slots in the same manner as other carriers. Those charter operations were accommodated on an individual basis as part of the FAA allocation process. However, it would not be appropriate for carriers to take part in the slot selection process for charter operations. That would result in carriers selecting slots which might only be used a few days during the schedule period. Therefore, slots for charter operations will be distributed by Central Flow Control and not during the slot selection sessions. Requests for charter operations may be submitted up to 70 days before the start of the schedule period in which the operation is planned. The FAA will make every effort to notify carriers within 15 days of receipt of request whether the request is approved. Requests made to Central Flow Control earlier than 15 days prior to the date of intended operation must be in writing and in the format currently being used. Those slots requested cannot be operated without written approval from the FAA. All other charter, extra session, emergency, ferry, pilot training, and mechanical repair checkout flight requests shall continue to be made to Central Flow Control as under existing procedures.

A number of commenters state that a carrier should be given an option to select a slot or to pass and obtain a priority selection during the next selection session. They state that this will reduce the selection of unneeded slots which are likely to be unused. Since this appears to be beneficial to the carriers, airport operators, and the public, this amendment provides for "passing." An air carrier deciding not to select slots in a particular session must advise the FAA, in writing, prior to the day of the session or verbally during the session, but prior to that carrier's first opportunity to select slots, that it will "pass." If a carrier passes from one session to the next it will be placed at the top of the selection order for the next selection session and will remain in that position in future sessions.[2] If more than one carrier passes, the carrier that passes first will select first at the next session and will remain in that selection position for future selection sessions. The number of slots that can be selected in the next session by a carrier which passes are the slots which that carrier was entitled to select in the first slot selection sequence. In order to limit the number of slot selections that can be accumulated by any particular carrier, a carrier cannot pass in consecutive sessions except for a new entrant carrier which may pass in two consecutive sessions. If a carrier does not use its "passed" selections in the next scheduled session, it will lose those selections.

In the NPRM, comments were requested on whether a portion of the allocation should be on an airport-by-airport basis or on a national basis. The rule includes a "national" lottery.

Joint Comments (Joint Commenters) filed by a number of carriers [3] state:

> Under the current system, a slot acquired at one airport may be unusable by a carrier with a limited route system if the carrier is not lucky enough to acquire a slot at another airport so timed that a marketable schedule can be constructed. Therefore, slots are not utilized often for scheduled services during a schedule period * * *.

The Joint Carriers state in respect to this issue:

> A national lottery has one advantage: When a carrier's turn to select two slots arrives, it can select one slot from Airport A and another from Airport B, thereby immediately creating a new round trip opportunity. This advantage is, however, outweighed by serious administrative obstacles to the establishment of an equitable national lottery.

The FAA agrees with both sets of comments and the amendment incorporated herein sets forth procedures which are consistent with both. The amendment provides for a national selection process which allows carriers to select slots at any controlled airport or center. If each carrier had the same number of selections in each round, a carrier with a few operations per day at a few airports would be placed on an equal footing with carriers operating hundreds of operations at dozens of airports. This would be inconsistent with the current slot selection process and would create inequities. An equitable slot distribution system requires some recognition of differences between these types of operations. Therefore, the amendment provides for additional slot selections based upon the number of controlled airports at which an air carrier operates. The number of slot selections which a carrier is entitled to is as follows:

Number of controlled airports at which carrier operates (minimum of 2 slots) as of 8/1/82	*Number of slots carrier may select*
0–5	2
6–21	4

In order to limit this recognition, after the first slot selection sequence (round), all carriers will be limited to two selections each time their turn comes up in the selection process.

All parties are reminded that for purposes of this SFAR, the following airport pairs are considered to be the same: O'Hare-Midway; Dallas-Love; Houston International-Hobby.

Impacted Incumbent

The NPRM proposed that a percentage of available slots be allocated to impacted incumbents based upon the percentage of slots that the impacted carrier held on September 1, 1981. It was proposed that the impacted incumbents that lost the most slots be given priority in the selection process.

The Joint Carriers state:

> There is no question that such "impacted incumbent" carriers have been adversely affected by the FAA's slot control program and should, as a matter of equity, receive special status in the distribution of slots.

FAA proposes to grant some priority to restoring the services of incumbents which have been more severely cut back than other incumbents. They propose that impaction be determined on a systemwide basis, based on operations at the 22 pacing airports. They state that allocating slots to incumbents at a particular airport would result in an unfair windfall to those carriers.

Other commenters state that giving some carriers a priority over others is not supported by the facts. They state that all operators have been adversely affected as a result of slot restrictions. These commenters add that FAA procedures have allowed major carriers to expand. Another commenter states that incumbents were given an advantage since they had a large slot base. Other commenters state that it is necessary to increase incumbents' slots so that needed services can be restored.

At the beginning of the Interim Operations Plan, it was necessary for the FAA to take steps to reduce the schedules of air carriers at the 22 controlled airports. This was first accomplished under SFAR 44, issued on August 3, 1981, and implementing Notices to Airmen. These schedule reductions were also included in SFAR 44–1. At a number of airports these reductions averaged 40 percent per hour

[2] One slot selection session will be held for each scheduling period. Scheduling periods are for 2-month periods—November–December, January–February, March–April, etc.

[3] Joint Comments were filed on behalf of Air Florida, Alaska Airlines, Capitol Air, Continental Air Lines, Empire Airlines, Midway Airlines, New York Air, Pacific Southwest Airlines, Pan American World Airways, Texas International, and Wein Air Alaska.

during most of the day. In some cases, these reductions were over 60 percent.

Beginning with SFAR 44–2, issued on September 29, 1981, which contained procedures for the scheduling period starting on October 25, 1981, the process of allowing carriers to increase their operations began. Under the SFAR 44–2 (first-come-first-serve) and SFAR 44–3 (random draw) procedures, distribution of increased capacity was issued equitably without regard to a carrier's pre-strike base. All carriers were given an equal opportunity to obtain slots.

The FAA agrees that carriers of all kinds have been affected by the reduced operations over the last year. Carriers have been restrained in their plans to grow or modify route systems. They have had limited opportunity to change or add hubs. The fact remains, however, that only one Government action resulted in carriers actually losing existing slots. That action was the mandatory reductions contained in SFARs 44 and 44–1. All carriers were not affected by that action. As the system continues to grow, it is now appropriate to allow those carriers which have been affected by the slot reductions to be given some limited opportunity to restore those reduced slots.

The amendment provides for this limited restoration by giving certain carriers some priority in the selection of slots. At the same time, these provisions contain restrictions to ensure that only a limited number of slots can be obtained in this manner.

To qualify under these provisions, a carrier's September 1, 1981 base will be compared to the carrier's base at the time of the slot selection sessions (for the first session, the base will be the August 20, 1982 base) at all controlled airports. Each incumbent carrier which at the time of the slot selection session has in its base at least 5 fewer slots at those airports than in its September 1, 1981 base will be given a priority. A number of commenters suggest that whether a carrier is determined to be impacted should be made at each controlled airport. The FAA disagrees. A comparison of a carrier's August and September bases at one isolated airport is not an accurate measure of "impaction." The CAB, in its comments, states that it is opposed to an impacted carrier provision, however, if one is adopted, they state that it should be measured at all controlled airports. They add that this would tend to give a more balanced and objective assessment of the relative effects on individual carriers.

This provision is incorporated to restore slots which were actually taken away from carriers. Therefore, carriers which have lost slots because of their own actions, will not be able to utilize this priority to obtain those slots. Thus, a carrier's September 1981 base will be reduced by the number of slots it has sold and slots it has traded in excess of the number obtained in trades. Likewise, a carrier's August 1982 base will include all slots a carrier has traded for or purchased. The following explains this provision:

> Carrier A's September 1981 base is 245. It sold 22 slots; therefore, the base is reduced by 22 (245–22) to 223. In addition, the carrier obtained 15 slots by trading 40. Therefore, its base is reduced by 25 (40–15) to a final September 1981 base of 198 (223–25).

Carrier A's September 1981 base of 198 slots is then compared to its August 20, 1982 base. If the carrier is 5 or more slots below that September base, then it qualifies as an impacted carrier. For example, if the carrier has 178 slots in its August 1982 base, then it qualifies (198–178 for a difference of 20) as an impacted incumbent. However, if the carrier has 195 slots in its August base (198–195 for a difference of 3), it does not qualify as an impacted carrier.

Each carrier's base could change after each slot session. Therefore, the number of carriers determined to be impacted could also change.

If a carrier is determined to be "nationally impacted," it will move to the head of the priority selection list for the selection of two of the slots it is entitled to during the first selection sequence. The priority selections can only be utilized at a controlled airport at which its August 1982 base is below its September 1981 base. The following explains this provision:

> Carrier A is determined to be nationally impacted and is entitled to 4 slots in the first selection sequence (based upon the number of controlled airports where the carrier operates). Therefore, Carrier A will get a priority selection for 2 of its 4 slots. If Carrier A is 35th on the priority selection list, it will select 2 slots prior to all other carriers and will select 2 slots as the 35th carrier to select. If Carrier A is only below its September 1981 base at airport xyz and slots are not available at that airport, then the carrier does not get a priority and will select all 4 slots as the 35th carrier.

If more than one carrier is determined to be nationally impacted under this provision, the order of selection will be the order is which the qualifying carriers are under their September 1981 base. The carrier with the largest number of slots below that base will select first.

To ensure that this impacted priority will not result in other carriers not being able to obtain slots at controlled airports, not more than 30 percent of available slots at any particular airport can be obtained through the use of this priority. With these limitations, the vast majority of all slots will be available to all carriers.

As a further limitation, a slot obtained as a result of a priority selection cannot be traded.

This provision does not apply to cargo operators. The CAB, in its comments, states that those operators have more flexibility in selecting slots and, in general, they operate in hours during which the demand for slots has been significantly lower then during other hours. In this connection, although requests for additional flight requests will not be accepted by the FAA between schedule periods, such requests will be accepted for requests for arrival approvals between 12:01 a.m. and 4:59 a.m., local time. This should assist cargo operators.

New Entrants

The NPRM proposed to distribute 30 percent of slots to new entrants—carriers that did not operate at any controlled airport before January 1, 1981. A number of commenters suggest that the definition be expanded to include additional carriers. Other commenters state that the definition should be narrowed.

Data has not been presented that shows these carriers should receive special consideration. Most commenters have admitted that all have been adversely affected in the same way as a result of slot limitations.

A definition of "new entrant" which would be consistent with comments received would result in a large number of carriers being eligible for a limited pool of slots. In addition, it would significantly reduce the number of slots available for all other carriers. For this reason, this amendment does not contain a special priority for new entrants.

The FAA does believe, however, that some special but limited consideration should be given to carriers not currently holding slots. A carrier that is not operating at any airport on or before August 1, 1982, has appropriate CAB authority, and has applied for an FAA certificate is a new entrant. A new entrant will be allowed four slot selections in the first selection sequence during each session and two slots in each subsequent round. In addition, new entrants are permitted to pass in up to two consecutive selection sessions, although other carriers cannot pass in consecutive sessions. These provisions should enable new entrants to obtain enough slots to begin operation. Some

commenters state that new entrants should be able to defer their operation of slots for periods up to 180 days. This would result in unutilized slots. This would not be in the public interest and, therefore, such a special deferral is not adopted.

Use or Lose Provision

SFAR 44–3 contains the following provision (paragraph 3(a) of the Appendix):

> Slot allocations which a carrier does not actually use at least 70 percent of the schedule allocated for any full schedule period will be revoked.

The NPRM proposed to modify that provision to state:

> Slot allocations that a carrier does not actually use 70 percent of the schedule period will be automatically revoked.

A number of commenters state that basing the "use or lose" provision on the schedule period (2-month period) as opposed to basing it on the carrier's schedule is unnecessarily harsh. They state that this would penalize carriers with small fleets of aircraft because they cannot readily substitute aircraft. Other commenters, including some airport operators, believe this provision should be strictly applied.

The FAA believes that it is contrary to the public interest to allow allocated slots to be unused during large portions of a scheduling period. For this reason, the rule is based upon usage of slots during the schedule period. The FAA recognizes, however, that a 70 percent requirement means that slots would be required to be utilized 5 days per week during the entire schedule period. This provision would be particularly burdensome on smaller carriers which operate less than 6 days per week. Therefore, the use or lose provision will be based upon operation of 57 percent of the schedule period. This means that slots must be utilized on an average of 4 days per week. Under this provision, the agency will be in a position to cancel slots during a particular schedule period. It will no longer be necessary to wait until the period is complete to take such actions.

Trade of Slots

The FAA has reviewed the issue of slot trades. A number of commenters state that the agency should lift restrictions on trades. The FAA believes that carriers should be given maximum flexibility in selection of slots and in setting routes. In addition, new computer programs have been completed which provide FAA much greater capability to evaluate air operations using the Air Traffic Control System. Therefore, the agency, on August 4, 1982, issued a Notice of Policy removing most restrictions on slot trades. Those policies are repeated in this document. The following policies apply to slot trades:

1. Slots at controlled airports may be traded for slots at other controlled airports or for slots at centers.

2. Center slots may be traded for slots in other centers.

3. Slots in a carrier's current base or slots which have been awarded to a carrier for a future period may be traded for other slots.

4. Slots previously awarded as Braniff slots (designated by "DS") may be traded for non-Braniff slots. The Braniff slot must continue to be designated by "DS." Carriers which obtain slots designated by "DS" are reminded that these slots are temporary slots and may be withdrawn. Carriers are reminded to review SFAR 44–4.

5. Carriers may trade slots in any numbers, not necessarily on a slot-for-slot basis. However, a trade must involve at least one slot from each carrier participating in a trade.

In addition, the FAA will allow a carrier to trade for another carrier's selection position in a slot selection session.[4] Thus, if Carrier A has position No. 5 in the draw, it may trade its position to Carrier B which is No. 51. If that trade occurs, Carrier B will select 5th, while Carrier A will select 51st. A carrier can also trade its slot selections for the next slot selection session to another carrier. There are two exceptions to this. First, if a "new entrant" trades its slot selections, it loses its extra slots (third and fourth slots) which it has in the first selection sequence as a result of being a new entrant. Secondly, a carrier entitled to more than two slots in the first selection sequence loses the slots it is entitled to over two in the first selection sequence (based upon number of controlled airports at which it operates) if it trades its slot selections.

In order to receive approval for any trade, requests for approvals must be submitted in accordance with the following terms, which are basically the same as those that have been in effect since May 10.

a. All requests for approval must be submitted in writing to the Associate Administrator for Policy and International Aviation, API–1, 800 Independence Avenue, SW., Washington, D.C. 20591, in the same format as slot requests submitted under SFAR No. 44–3. Exchange requests combined with other requests under the SFAR (such as slides) will not be accepted.

b. Written evidence of both carriers' consent to the exchange must be provided.

c. A record of the exchange will be made available to the public.

d. Exchanges of slots necessary for the provision of essential air service within the meaning of Section 419 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1389, will not be approved.

e. If the slots being traded are ones acquired subsequent to May 1982, the carriers must present evidence that such slots are in their base. Acceptable evidence would include a telex from the FAA or other FAA documentation authorizing slots.

f. All requests for approval of a trade of a Braniff slot must specifically acknowledge the carrier will relinquish the slot in the event it is recalled as specified in SFAR 44–4 and a statement from the carrier obtaining the slot that it understands that the slot is temporary and may be withdrawn.

Carriers are reminded that certain ARTCCs are operating at their current capacity levels. Requests for approval of trades which will increase workloads at those centers (including overflights) above a level which can be safely handled by the work force, as determined by the Administrator, may be denied. The centers which are currently working at or near capacity are Chicago, Cleveland, Indianapolis, and New York. This list may change as staffing changes. The list will be modified as necessary. This restriction does not mean that all trades of slots within those centers will be disapproved. It means, however, that new arrivals or departures within certain sectors of those centers may not be approved. If a request for approval cannot be approved for this reason, the carriers involved will be given an opportunity to amend their submittal.

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[4] If the carriers involved in a trade of selection positions are not entitled to the identical number of slots during the first slot selection sequence, then the carrier with the higher number of slots will only be able to change selection position for the same number of slots to be utilized by the other carrier. The remaining slots will be selected in accordance with former priority. For example, Carrier S and Carrier T trade positions. Carrier S has 24th priority and is entitled to two first sequence slots while Carrier T is entitled to four slots and has 52nd priority. As a result of the trade, the new carrier priority is as follows:

24th priority—Carrier T—2 slots
25th priority—Carrier X
26th priority—Carrier Y

* * * * *

52nd priority—Carrier S—2 slots
Carrier T—2 slots

All carriers are asked to minimize new operations within these centers. The FAA is making every attempt to improve staffing at these locations. Until that occurs, however, the users' efforts to avoid those centers will be appreciated.

Written approval must be obtained from the FAA before slots may be used. The FAA anticipates that properly documented exchange requests will be approved within 2 weeks of the receipt of a request.

The FAA will continue to evaluate the slot transfer policy to determine whether changes are warranted before July 1, 1983. Any further comments on the matter should be directed to Docket No. 22050.

All interested parties are again reminded that a slot is a temporary creation of FAA emergency regulations and does not confer on any carrier a long-term right. Slots can be taken from any carrier in accordance with the terms of the existing SFAR or any amendments to it. Moreover, the FAA does not guarantee that slots will be required at any airport for any particular period of time. As soon as possible, the FAA intends to relieve the carriers from the requirement of obtaining slots.

Carriers are reminded that by "Notice of Suspension of Policy," issued on July 6, 1982, the FAA terminated all authority to sell slots. That prohibition continues.

In addition, carriers are allowed to transfer slots from any controlled airport to any other airport within the same center. There remains a prohibition on transferring non-controlled airport slots to controlled airports.

Change of Controlled Airports and Centers

Washington National Airport is no longer considered to be a controlled airport under the Interim Operations Plan. Allocation of slots at National will be accomplished in accordance with the High Density Rule (14 CFR Part 93, Subpart K). The FAA expects that the Scheduling Committees will handle hourly allocations there.

In addition, flights within and between the Seattle and Salt Lake Centers no longer need slots. However, operations to one of those two centers originating outside of either center must have a slot for the arrival airport.

Joint Ownership

A number of questions have arisen during past slot allocations concerning whether corporately related carriers are entitled to select slots as separate entities. A rule which would allow carriers to form separate entities solely to obtain slots would create enormous inequities. Therefore, some control of this type of arrangement is necessary. Air carriers that function as one entity will be considered to be a single air carrier. To accomplish this, if an air carrier has more than 50 percent ownership or control of one or more other air carriers, the carriers will be considered to be a single air carrier for slot selection purposes. Similarly, if two carriers merge, they will be considered to be one carrier. In order to prevent carriers from creating a holding company or similar corporate mechansim to avoid this limitation, an additional restriction is applied to newly created corporate structures. Therefore, if a single company should be created with more than 50 percent ownership or control of two or more air carriers or a company should obtain such control or ownership, the air carriers owned or controlled will be considered to be a single air carrier for slot selection purposes.

Immediate Adoption of Rule

Those carriers affected by this rule have almost uniformly expressed a desire to obtain additional slots as early as possible prior to the scheduling period to facilitate their flight scheduling. Because of this, expedited action is essential and good cause exists for making this rule effective immediately.

Lists of Subjects in 14 CFR Part 91

Air traffic control.

Adoption of the Rule

Chapter I of Title 14 of the Code of Federal Regulations is amended as follows effective August 12, 1982.

1. Special Federal Aviation Regulation 44–3 is rescinded.

2. A new Special Federal Aviation Regulation 44–5 is issued to read as follows:

Special Federal Aviation Regulation No. 44–5

1. Each person shall, before conducting any operation under the Federal Aviation Regulations (14 CFR Chapter I), familiarize himself with all Notices to Airmen issued under § 91.100; when activated, with the provisions of the National Air Traffic Control Contingency Plan (FAA Order 7110.86), available for inspection at operating Air Traffic facilities and Regional Air Traffic Division Offices; and with all other available information concerning that operation.

2. Notwithstanding any provision of the Federal Aviation Regulations to the contrary, no person may operate an aircraft in the airspace under the jurisdiction of the United States—

(a) Contrary to any restriction, prohibition, procedure, or other action specified in this Special Federal Aviation Regulation (SFAR) or specified by the Director of the Air Traffic Service pursuant to paragraph 3 of this regulation and announced in a Notice to Airmen pursuant to § 91.100 of the Federal Aviation Regulation; or

(b) If the National Air Traffic Control Contingency Plan is activated pursuant to paragraph 5 of this regulation, except in accordance with the pertinent provisions of the Contingency Plan (FAA Order 7110.86, dated February 27, 1981, as amended by Errata Change issued March 10, 1981, Errata Change No. 2 issued March 18, 1981, and Errata Change No. 3 issued June 19, 1981).

3. As conditions warrant or until activation of the National Air Traffic Control Contingency Plan (Phase III), the Director of the Air Traffic Service is authorized to—

(a) Restrict, prohibit or permit VFR and/or IFR operations at any airport, Terminal Control Area, or other terminal and enroute airspace (subject to any restrictions and limitations imposed under paragraph 4 of this regulation);

(b) Give priority at any airport to flights that are military necessities, medical emergency flights, Presidential flights, and flights transporting critical Federal Aviation Administration employees; and

(c) Implement at any airport or within enroute airspace flow control management procedures, including reduction of flight operations. Reduction of flight operations shall, to the extent feasible, be made pro rata among and between air carrier, commercial operator, and general aviation operations.

4. As conditions warrant or until activation of the National Air Traffic Control Contingency Plan (Phase III), API–1 is authorized to implement reductions in air carrier schedules in accordance with the Appendix to this regulation, as air traffic capacity requires, if operations at an airport cannot be safely and efficiently handled by the controller work force at the air traffic control facilities involved, and limit the number of daily and hourly operations of an air carrier at any airport.

5. If the actions taken in accordance with paragraphs 3 and 4 of this regulation do not provide for the orderly movement of air traffic, the Director of the Air Traffic Service may activate the National Air Traffic Control Contingency Plan (Phase III).

6. Upon activation of the National Air Traffic Control Contingency Plan (Phase III) and notwithstanding any provision of the Federal Aviation Regulations to the contrary, the Director of the Air Traffic Service is authorized to suspend or modify any airspace designation (or chart).

7. All restrictions, prohibitions, and procedures established, and other actions taken by the Director of the Air Traffic Service under this regulation with respect to the operation of the Air Traffic Control System will be announced in Notices to Airmen issued pursuant to § 91.100 of the Federal Aviation Regulations.

8. The Director of the Air Traffic Service and API–1 may delegate their authorities under this regulation to the extent they consider necessary for the safe and efficient operation of the National Air Traffic Control System.

Appendix

Arrival Approvals for Designated Airports

1. For operations after October 30, 1982—

(a) Except as modified pursuant to paragraph 2 of this Appendix:

(i) The number of daily arrival operations an air carrier may schedule or operate at a controlled airport (as identified in this Appendix) shall not exceed its FAA-approved daily and hourly allocation total at that airport for the previous schedule period; and

(ii) The number of daily arrival operations an air carrier may schedule or operate at any other airport shall not exceed its FAA-approved daily allocation total at that individual airport for the previous schedule period.

(b) Each air carrier that desires to take part in the selection session for additional slots must notify, in writing, the Office of the Chief Counsel, Docket Section, AGC-204, 800 Independence Avenue, SW., Washington, D.C. 20591. The notification must be received not later than 72 hours before the beginning of the slot selection session (for the first session, notification must be received by 5:00 p.m. on August 17, 1982). The notification shall state the schedule period for which the air carrier desires slots and shall identify the individual or individuals who will represent the carrier in the slot selection session. Once a notification is submitted for one schedule period, additional notification need not be submitted unless the carrier changes its representatives.

2. Additional capacity allocation.

(a) Unless directed by the CAB (in cases of essential air service or to satisfy some other CAB requirement) or unless the FAA determines that a carrier has exceeded the number of operations allowed by this regulation, a carrier will not be required to give up slots for another carrier's use. However, slots that a carrier does not actually use at least 57 percent of the schedule period will be automatically revoked.

(b) For the purposes of additional capacity allocations under this SFAR: (1) An air carrier that was operating at one of the 21 controlled airports listed at the end of this Appendix on August 1, 1982, is an "incumbent" at that airport; and (2) an air carrier that is not operating at any airport on or before August 1, 1982, has appropriate Civil Aeronautics Board authority, and has applied for an FAA certificate, is a new entrant. If an air carrier has more than a 50-percent ownership or control of one or more other air carriers, the carriers shall be considered to be a single air carrier under this Appendix. In addition, if after August 10, 1982, a single company obtains more than 50 percent ownership or control of two or more air carriers, those air carriers shall be considered to be a single air carrier under this Appendix.

(c) A random drawing will be held on August 20, 1982, to determine the order of selection for all future allocation periods. Included in the drawing will be all air carriers that have designated a representative in accordance with paragraph 1(b) of this Appendix. A carrier which asks to be included in a slot selection session after the draw is held will be added to the end of the selection list. The slots to be awarded through this process are only for scheduled service. Slots for charter operations will be allocated in accordance with paragraph 4 of this Appendix.

(d) Approximately 55 days before the beginning of a schedule period, the FAA will conduct a slot selection session to determine which air carriers will obtain new slots to be added to the system for that particular schedule period. The approximate number and time of the slots will be announced by the FAA at least 7 days before the slot selection session.

(e) At the slot selection session, subsequent to any allocation specified under paragraph (f) of this Appendix, air carriers may select slots from any controlled airport or center in the order established under paragraph (c) of this paragraph. A carrier must make its selection within 5 minutes or it will lose its turn. If capacity still remains after each air carrier on the selection list has had an opportunity to select slots, the allocation sequence will be repeated in the same order. An air carrier may select any two slots available during each sequence, except in the first sequence of each session during which the number of slots an air carrier may select is as follows:

Air carriers operating two or more slots on August 1, 1982 at each of 0–5 controlled airports—2 slots

Air carriers operating two or more slots on August 1, 1982 at each of 6–21 controlled airports—4 slots

Air carriers defined as new entrants—4 slots

An air carrier selecting a slot in an ARTCC shall, at the time of selection, identify the airport within the ARTCC to which the carrier will operate.

An air carrier deciding not to select slots in a particular session must advise the FAA that it has decided to pass before it has selected any slot during that session. Any air carrier "passing" will be given selection priority at the next slot selection session and will remain in that position in future sessions. A carrier cannot pass in consecutive sessions, except for new entrants that may pass in two consecutive sessions. If a carrier does not use its priority selection in the next slot selection session, it will lose that priority selection.

(f) *Impacted Carrier Allocation.* Each incumbent carrier which at the time of the slot selection session has in its base at least 5 fewer slots at the controlled airports* than in its September 1, 1981 OAG base will be given a priority during the slot selection process. A Carrier that qualifies to obtain these incumbent priority slots, may select two slots from those available at any controlled airport at which it is below its September 1981 base before any other carrier makes a selection. If more than one carrier qualifies for priority under this paragraph, the order of selection will be based on the number of slots the qualifying carriers are below their September 1, 1981 base, those with the highest numbers selecting first. A carrier selecting a slot under this provision will have an equivalent number of slots subtracted from the number it is otherwise eligible to select during the first slot selection sequence under paragraph (e). For the purposes of this section, a carrier's September 1, 1981 base will be adjusted downward to reflect slots which it has sold, traded (unless traded for identical number of slots), or released. This subparagraph does not apply to cargo operators. Slots selected under this paragraph may not exceed 30 percent of the new/additional slots available at any controlled airport. Slots selected under the provisions of this paragraph may not be traded.

After the first slot selection session, the order for slot selection will be as follows: (1) Impacted incumbents, (2) carriers that "passed" in the previous slot selection session in the order they passed, and (3) the carrier following the last carrier to make a slot selection in the previous session.

(g) An air carrier slot allocated at a controlled airport must be used only during the hour in which the slot was assigned at the particular controlled airport. Center slots allocated to an air carrier at a non-controlled airport may be used at any hour at that particular airport and may be transferred to any non-controlled airport in the same ARTCC if written approval is received from API–1.

3. No new/additional flight requests for changes will be accepted by the FAA between schedule periods except for requests for arrival approvals between 12:01 a.m. and 4:59 a.m., local time. These requests and changes to flight schedules between schedule periods for flight number changes, within hour changes at the same controlled airport (as identified in this Appendix), and hourly changes within the allocated daily total at all other airports will be processed in the order received. Such requests must be sent to API–1.

4. Charter, extra section, emergency, ferry, pilot training, and mechanical repair checkout flight requests shall be made to the FAA central Flow Control Facility. Written requests for charter operations may be made to Central Flow Control up to 70 days in advance of the scheduling period in which the operation is proposed.

5. No person shall operate an air carrier flight unless approval for the operation has been reviewed prior to the flight by API–1 as part of the particular air carrier's approved schedule or under paragraph 1, 2, 3, or 4 of this Appendix, or in accordance with paragraph 5 of this Appendix.

6. Airports and Air Route Traffic Control Centers at which some constraints are necessary are listed below. This listing also shows those airports in which additional capacity will be available through October 30, 1982. Constraints may also be imposed at airports other than those listed if any changes in the current status of an airport cannot be safely and efficiently handled by the controller work force at the ATC facilities involved. Schedule reductions in effect at an airport may be revised and will be removed to the extent the controller work force at the ATC facilities involved can accommodate those changes.

*There are 21 controlled airports identified in the attachment to this Appendix. Washington National Airport is no longer considered a controlled airport.

Individuals interested in obtaining a list of expected capacity at centers and controlled airports may contact: Marvin Olson, Chief, Aviation Education and Consultative Planning Branch, Office of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202–426–8444).

(Secs. 307 (a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348 (a) and (c), 1354(a), and 1421(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this proposal will expand the number of carriers eligible for a limited number of priority slots at various airports within the contiguous United States without affecting the number of slots currently held by any carrier. There are no apparent direct or indirect (non-industry) costs associated with the amendment, and the FAA is unaware of any specific data to indicate that these amendments would have more than a minimal economic impact. Therefore, the preparation of a full regulatory evaluation is unnecessary.

Based on the above, it has been determined that this is not a major regulation under Executive Order 12291 and I certify that, under the criteria of the Regulatory Flexibility Act, the rule, will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that this amendment is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

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

J. Lynn Helms,

Administrator.

[FR Doc. 82–22037 Filed 8–10–82; 4:16 pm]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/MA	LABOR		DOT/MA	LABOR
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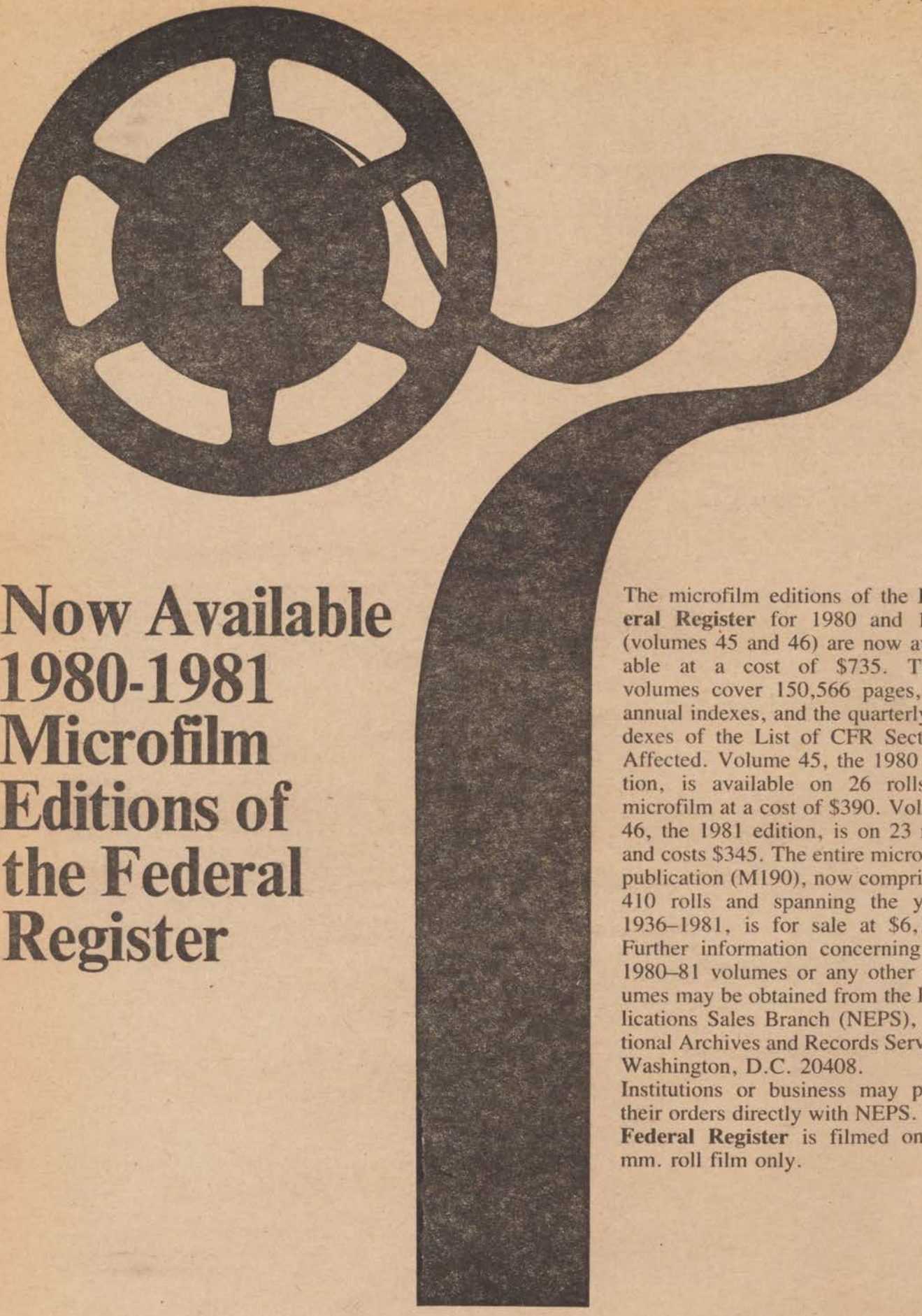
S. 2218 / Pub. L. 97-232 To provide for the development and improvement of the recreation facilities and programs of Gateway National Recreation Area through the use of funds obtained from the development of methane gas resources within the Fountain Avenue Landfill site by the city of New York. (August 9, 1982; 96 Stat. 259) Price: $1.75.

H.J. Res. 494 / Pub. L. 97-233 With regard to Presidential certifications on conditions in El Salvador. (August 10, 1982; 96 Stat. 260) Price: $1.75.



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