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Presidential Documents

Title 3—

The President

Proclamation 4899 of February 18, 1982

Red Cross Month, 1982

By the President of the United States of America

A Proclamation

The Red Cross provides help to the destitute, the suffering, and the distressed and, in so doing, nourishes those basic attitudes and values essential to mankind's survival.

For 101 years the American Red Cross has provided a humanitarian banner under which men and women of goodwill unite. By joining and serving, each American can become a "Good Neighbor."

As our Nation looks increasingly to the dynamic forces of the private sector to address the problems of our communities, the Red Cross' role of channeling and coordinating volunteer efforts into productive activities will grow. Recognizing its expanding responsibilities, the Red Cross has recently undertaken an ambitious, ten-year program to help improve the health of every American. This program is based on the simple concept that individuals play the principal role in reducing major health risks to themselves.

Through membership in the Red Cross, we can reach out to the world, to our country, and to our community—not only to help those in adversity but also to arm ourselves and others with information to deal effectively in matters of health and safety. Moreover, we can help the Red Cross fulfill its traditional responsibility of providing essential communication, welfare, and educational services to members of our Armed Forces in time of peace or war.

Although chartered by Congress to perform specific duties, the Red Cross relies upon the time and funds of each of us to carry out its work. I urge the American people to assist our Red Cross by giving financial aid and volunteering their time so that, as the 1982 Red Cross theme says, "Together We Can Change Things."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1982 as Red Cross Month.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of Feb. in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-4848
Filed 2-18-82; 4:05 pm]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 318 and 381

[Docket No. 81-043F]

Use of Fumaric Acid in Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal meat inspection regulations and the poultry products inspection regulations to permit the use of fumaric acid as a cure accelerator in cured, comminuted meat and poultry products. The use of fumaric acid for this purpose will result in shorter preparation times and other production efficiencies.

EFFECTIVE DATE: March 24, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel D. Jones, Chief, Standards Branch, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7503.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made a determination that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Agency considered the following alternatives:

1. Denying the use of fumaric acid in meat and poultry products.

2. Proposing an amendment to the regulations to permit the use of fumaric acid as a cure accelerator in comminuted cured meat and poultry products. Alternative 2 was selected and proposed to provide industry with an additional cure accelerator at the option of the processor. If the processor decides to use the curing accelerator, he would incur the cost of reordering new labels to identify fumaric acid as an ingredient. However, the option to use fumaric acid is voluntary.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). It is anticipated that the economic impact on small entities would be minimal since it merely provides an additional substance which may be used at the discretion of the affected establishments. The only new costs identified are those due to the reordering of labels which would specify fumaric acid as an ingredient. The processor's choice to use fumaric acid in the product formulation and incur new labeling costs is voluntary and he can still choose to not use fumaric acid until his current label supply is utilized, which would lessen the cost of labeling. Therefore, the cost of labeling to small processing plants is optional and not substantial as it can be minimized.

Background

This final rule provides for the addition of fumaric acid to the tables of approved substances as a curing accelerator in cured, comminuted meat and poultry products. The Federal meat inspection regulations (9 CFR 318.7(c)(4)) presently permit the use of the following substances as curing accelerators in meat or meat food products: Ascorbic acid, erythorbic acid, glucono delta lactone, sodium acid pyrophosphate, sodium ascorbate, sodium erythorbate, and citric acid or sodium citrate. The Federal poultry products inspection regulations (9 CFR 381.147(f)(3)) presently permit the use of the following substances as curing accelerators in poultry or poultry products: Ascorbic acid, erythorbic acid, sodium ascorbate, sodium erythorbate, and citric acid or sodium citrate.

The Proposal

On January 6, 1981, the Agency published a proposal in the **Federal Register** (46 FR 1286) to permit the use of fumaric acid as a cure accelerator in cured, comminuted meat and poultry products. The proposal discussed results of tests conducted by the Meat and Poultry Inspection Program (MPI) in 1968, which confirmed proponent's claims that fumaric acid accelerates color fixing in such products, allows the use of higher cooking temperatures and correspondingly shorter preparation time, and improves the "peelability" of cooked sausages making automatic peeling machines more efficient. Data from various processors using fumaric acid submitted also in 1968 supported the above claims.

The comment period for the proposal ended on April 6, 1981. The Agency received only three comments which were from consumers expressing a general opposition to the use of food additives. They questioned the safety of fumaric acid, as well as the justification for its use in cured, comminuted meat and poultry products.

Adoption of Final Rule

Food additives are closely regulated and must be shown to be safe as well as functional under the Federal Food, Drug, and Cosmetic Act before they may be used in food. Both the Federal Meat Inspection Act and the Poultry Products Inspection Act, and the regulations promulgated pursuant thereto, prohibit the use of food additives in meat food products and poultry products, which are prohibited under section 409 of the Federal Food, Drug, and Cosmetic Act. Additionally, even if a food additive is not prohibited under that section, the Secretary may prohibit the use of such additive in meat and poultry products. Under the regulations promulgated under the Federal Meat Inspection Act and the Poultry Products Inspection Act, no substance may be used in the preparation of meat or poultry products unless its use is specifically approved in the regulations.

When used in accordance with the applicable regulations, food additives serve to promote the technical quality

and consumer acceptability of processed foods and to minimize economic losses due to spoilage. Before approving a food additive, the Food and Drug Administration (FDA) gives full consideration to the specific biological properties of the food additive and the adequacy of the methods employed to demonstrate its safety. In addition, FDA gives due consideration to the anticipated patterns and levels of consumption of the food additive either specified or reasonably inferred.

Fumaric acid is a food additive regulated for use by FDA (21 CFR 172.350). When prepared according to specifications, it is safe for use in food "at a level not in excess of the amount reasonably required to accomplish the intended effect."

The efficacy of fumaric acid as a curing accelerator in cured, comminuted meat and poultry products has been established in tests conducted by the MPI in 1968.[1]

Therefore, after thorough review of the comments received on the proposal, the Agency concludes that the amount and specificity of data on the safety, efficacy and history of the use of fumaric acid justify the adoption of the final rule as proposed.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

Accordingly, the Federal meat and poultry products inspection regulations are amended as follows:

1. The authority citation for 9 CFR Part 318 is amended to read as follows:

Authority: 34 Stat. 1260, 70 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. In that portion of the chart in § 318.7(c)(4) of the Federal meat inspection regulations (9 CFR 318.7(c)(4)) dealing with the "Class of substance" identified as "Curing accelerators; must be used only in combination with curing agents," the following information is added to the appropriate columns in alphabetical order:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * * * *

(c) * * *

(4) * * *

Class of substance	Substance	Purpose	Products	Amount
* *	*	*	* *	*
Curing accelerators; must be used only in combination with curing agents.	Fumaric acid	To accelerate color fixing.	Cured, comminuted meat or meat food products.	0.065 percent (or 1 oz to 100 lb) of the weight of the meat or meat byproducts, before processing.
* *	*	*	* *	*

* * * * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for 9 CFR Part 381 is amended to read as follows:

Authority: Section 14, Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); Talmadge-Aiken Act of September 18, 1962 (7 U.S.C. 450); and subsection 21(b), Federal Water Pollution Control Act, as amended by Pub. L. 91–224 and by other laws (33 U.S.C. 1254).

4. In that part of the chart in § 381.147(f)(3) of the poultry products inspection regulations (9 CFR 381.147(f)(3) dealing with the "Class of substance" identified as "Curing accelerators; must be used only in combination with curing agents," the following information is added to the appropriate columns in alphabetical order:

[1] Copies of the test results may be obtained from the Standards and Labeling Division, Meat and Poultry Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 381.147 Restrictions on the use of substances in poultry products.

* * * * * * *

(f) * * *

(3) * * *

Class of substance	Substance	Purpose	Products	Amount
Curing accelerators; must be used only in combination with curing agents.	Fumaric acid.....	To accelerate color fixing.	Cured, communited poultry or poultry products.	0.065 percent (or 1 oz to 100 lb) of the weight of the poultry or poultry byproducts, before processing.

* * * * * * *

Done at Washington, D.C., on February 2, 1982.

L. L. Gast,

Acting Administrator, Food Safety and Inspection Service.

[FR Doc. 82-4734 Filed 2-19-82; 8:45 am]

BILLING CODE 3410-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 15

Debt Collection Procedures

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations by adding a new Part which establishes the procedures that NRC will follow to collect debts which are owed to it. The procedures are based upon the Federal Claims Collection Standards issued by the General Accounting Office (GAO) and the U.S. Department of Justice (DOJ), as amended on July 31, 1981. The Federal Claims Collection Act provides that these precedures be issued as regulations. The procedures will enable the NRC to improve its collection of debts.

EFFECTIVE DATE: March 24, 1982.

FOR FURTHER INFORMATION CONTACT: Graham D. Johnson, Deputy Director, Division of Accounting, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (Telephone 301-492-7535).

SUPPLEMENTARY INFORMATION:

Background

On September 23, 1981, the Nuclear Regulatory Commission published a proposed rule (46 FR 46960-46964) inviting comments for 45 days ending November 9, 1981.

Recent studies by the Executive Branch Debt Collection Project and the GAO reveal that more than $25 billion of the $175 billion in debts owed to the United States are either delinquent or in default. The President directed in the 1982 Budget Revisions that the collection of amounts owed to the Government be improved. The Supplemental Appropriations and Rescission Act, 1980 (Pub. L. 96-304), requires agencies covered by the Act, including the NRC, to improve the collection of overdue debts owed to the United States and to bill interest on delinquent debts. This part improves NRC's collection of debts by—

(a) Informing debtors that NRC's collection procedures are based upon the Federal Claims Collection Standards;

(b) Specifying the content of progressively stronger demand letters;

(c) Informing debtors that late payment charges are added if debts are not paid on the due date;

(d) Advising debtors in certain instances to provide affidavits, cancelled checks, or other evidence to support assertions that a debt is not owed, the debt is less than the amount claimed, or the debtor is unable to pay in full or in installments;

(e) Requiring payments in installments to include interest and, if appropriate, to be secured;

(f) Giving debtors the right to an interview and the right to notice of an offset;

(g) Giving debtors the opportunity for a hearing if issues of credibility and veracity are involved; and

(h) Referring debts for collection by a private agency.

This Part applies to the collection of a debt initially asserted by the NRC after March 24,1982.

Response to Comments

In response to the comments received during the comment period, the NRC has amended the proposed rule.

One comment indicated that § 15.29 of the proposed rule could be construed as allowing suspension or revocation of any licensed activity under any circumstances for non-payment of any ordinary fee, and, if so construed, § 15.29 would be inconsistent with 4 CFR 102.8. The commenter requested that § 15.29 be reworded to provide only that a license may be withheld until the prescribed fee for that license has been paid. In response, §§ 15.21(b)(3)(iii) and 15.29 have been reworded to limit a suspension or revocation to the license involved in the non-payment of a debt. However, in the case of any inexcusable, prolonged or repeated failure of a debtor to pay a debt, the NRC may suspend or revoke licenses unrelated to the debt. In either situation, the suspension or revocation would not occur until after the debtor has had an opportunity to respond to an order to show cause.

Another comment indicated that § 15.37 of the proposed rule could be construed to allow the imposition of late payment charges on a debt initially asserted by the NRC before the effective date of the rule. To negate such a possibility, § 15.37 had been amended to limit its application to debts initially asserted after the effective date of the final rule.

Regulatory Impact. The NRC has determined that this rule does not impose unnecessary burdens on the economy or on individuals. The rule sets out the procedures that NRC uses in collecting debts which are owed the NRC. The procedures, based on the Federal Claims Collection Standards, will improve NRC's debt collection efforts while providing due process protections for the debtor.

Environmental Impact Statement. This rule does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act. This rule contains no new reporting and recordkeeping requirements and therefore is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act, Pub. L. 96.511.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis has not been prepared. Interest and late payment charges imposed on a small entity will ordinarily not exceed $100 per year. This rule affects small entities billed for byproduct material inspection fees established under 10 CFR 170.32,

Category 3, and for Freedom of Information Act computer tapes, and other reproduction costs. About 1600 billings are issued annually to small entities including physicians in private practice, small hospitals, universities, small consulting firms, public interest groups and other entities involved with radiography and research. Total annual billings to any one small entity are less than $1,000. Past experience shows that 98 to 99% of billings are paid within 120 days after the billing date. The late payment charges imposed on a small entity which pays the debt of $1,000 120 days after the billing date will be $40.47 assuming a current Treasury annual interest rate of 16.19%.

This rule allows a small entity to pay a debt on an installment basis if it is unable to pay a debt in full prior to the due date (ordinarily 30 days after billing date). Such an arrangement requires the payment of interest on the unpaid debt. The annual interest charges imposed on a small entity will be less than $100 assuming maximum billing of $1,000 paid in 12 monthly installments of less than $100 per month and an annual interest rate of 16%. To date no small entities have requested payment of a debt on an installment basis.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Federal Claims Collection Act of 1966 (31 U.S.C. 952) and section 553 of Title 5 of the United States Code, notice is hereby given that the NRC is adding a new Part 15 to 10 CFR Chapter 1, as follows:

PART 15—DEBT COLLECTION PROCEDURES

Subpart A—Application and Coverage

Sec.

15.1 Application.
15.3 Communications.
15.5 Claims that are covered.
15.7 Monetary limitation on NRC's authority.
15.9 Omissions not a defense.
15.11 Conversion claims.
15.13 Subdivision of claims.

Subpart B—Administrative Collection of a Claim

15.21 Written demands for payment.
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15.29 Suspension or revocation of a license.
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15.35 Payments.
15.37 Interest and late payment charges.
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Subpart C—Compromise of a Claim

Sec.

15.41 When a claim may be compromised.
15.43 Reasons for compromising a claim.
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15.47 Finality of a compromise.

Subpart D—Suspension or Termination of Collection Action

15.51 When collection action may be terminated or suspended.
15.53 Reasons for suspending collection action.
15.55 Reasons for terminating collection action.
15.57 Termination of collection action.
15.59 Transfer of a claim.

Subpart E—Referral of a Claim

15.61 Prompt referral.
15.63 Referral of a claim to private agencies for collection.
15.65 Referral of a compromise offer.
15.67 Referral to the Department of Justice.

Authority: Secs. 161, 186, 68 Stat. 948, 955, as amended (42 U.S.C. 2201, 2236); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 3, Pub. L. 89–508, 80 Stat. 309 (31 U.S.C. 952); Federal Claims Collection Standards, 4 CFR 101–105.

Subpart A—Application and Coverage

§ 15.1 Application.

(a) These procedures apply to claims for the payment of debts owed to the United States in the form of money or property unless a different procedure is specified in a statute, regulation, or contract. For some debts these procedures apply after special statutory and administrative procedures are exhausted.

(b) The following are examples of kinds of debts to which special statutory and administrative procedures apply:

(1) A claim against an employee for erroneous payment of pay and allowances subject to waiver under 5 U.S.C. 5584 (travel and transportation expenses and allowances and relocation expenses are not subject to waiver under 5 U.S.C. 5584).

(2) A claim involved in a case pending before any Federal Contract Appeals Board or Grant Appeals Board. However, nothing in this part prevents negotiation and settlement of a claim pending before a Board.

§ 15.3 Communications.

Unless otherwise specified, all communications concerning the regulations in this part should be addressed to the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Communications may be delivered in person at the Commission's offices at 1717 H Street, NW, Washington, D.C. or at 7920 Norfolk Avenue, Bethesda, Md.

§ 15.5 Claims that are covered.

(a) These procedures generally apply to any claim for payment of a debt which—

(1) Results from activities of the NRC; or

(2) Is referred to the NRC for collection.

(b) These procedures do not apply to—

(1) A claim based on a civil monetary penalty for violation of a licensing requirement. Procedures for this type of claim are provided for in § 2.205 of this chapter;

(2) A claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim;

(3) A claim based in whole or in part on conduct in violation of the antitrust laws; and

(4) A tax claim, as to which differing exemptions, administrative considerations, enforcement considerations, and statutes apply.

§ 15.7 Monetary limitation on NRC's authority.

The NRC's authority to compromise a claim or to terminate or suspend collection action on a claim covered by these procedures is limited by 31 U.S.C. 952(b) to claims that—

(a) Have not been referred to another Federal Agency, including the GAO, for further collection action; and

(b) Do not exceed $20,000, exclusive of interest (the monetary limitation).

§ 15.9 Omissions not a defense.

(a) The failure of the NRC to include in this part any provision of the Federal Claims Collection Standards does not prevent the NRC from applying the provision.

(b) A debtor may not use the failure of the NRC to comply with any provision of this part or of the Federal Claims Collections Standards as a defense.

§ 15.11 Conversion claims.

These procedures are directed primarily to the recovery of money on behalf of the Government. The NRC may demand—

(a) The return of specific property; or

(b) Either the return of property or the payment of its value.

§ 15.13 Subdivision of claims.

The NRC shall consider a debtor's liability arising from a particular transaction or contract as a single claim in determining whether the claim is less than the monetary limitation for the purpose of compromising or suspending or terminating collection action. A claim

may not be subdivided to avoid the monetary limitation.

Subpart B—Administrative Collection of a Claim

§ 15.21 Written demands for payment.

(a) The NRC shall make appropriate written demands upon the debtor for payment of money or the return of specific property in terms which specify—

(1) The basis of the indebtedness;

(2) The amount claimed;

(3) A description of any property which is to be returned by a date certain;

(4) The date payment is due (The due date is normally 30 days from the date of the initial written demand. The NRC may determine that circumstances warrant an earlier or later due dated);

(5) The rate of interest used to determine the late payment charge if the debt is not paid in full on or before the due date; and

(6) The applicable policy for reporting the delinquent debt to commercial credit bureaus.

(b) Unless a debtor is a current NRC employee, the NRC shall normally send three progressively stronger written demands at approximately 30-day intervals, unless circumstances indicate that alternative remedies better protect the Government's interest, that the debtor has explicitly refused to pay, or that sending additional demands is useless. Depending upon the circumstances of the particular case, the second and third demands may—

(1) Offer or seek to confer with the debtor;

(2) State the amount of the late payment charge that will be added to the debt each 30 days until the debt is paid (the charge for a full 30-day period will also be applicable to periods of less than 30 days); and

(3) State that the authorized collection procedures include any procedure authorized in this part including—

(i) Contacts with the debtor's employer when the debtor is employed by the Federal Government or is a member of the military establishment or the Coast Guard;

(ii) Possible referral of the debt to a private agency for collection;

(iii) The suspension or revocation of a license or other remedy under § 15.29;

(iv) Installment payments possibly requiring security; and

(v) The right to refer the claim to the GAO or the DOJ for litigation.

(c) The NRC shall normally send only one written demand to a debtor who is a current NRC employee. The NRC follows the procedures described in § 15.33 if full payment is not received by the due date specified in the written demand. If the NRC cannot obtain full payment by following the procedures described in § 15.33, the NRC may follow other collection procedures described in this subpart.

(d) The failure to state in a letter of demand a matter described in § 15.21 is not a defense for a debtor and does not prevent the NRC from proceeding with respect to that matter.

§ 15.23 Telephone inquiries and investigations.

(a) If a debtor has not responded to one or more written demands, the NRC shall make reasonable efforts by telephone to determine the debtor's intentions. If the debtor cannot be reached by telephone at the debtor's place of employment, the NRC may telephone the debtor at his or her residence between 7:00 a.m. and 10:00 p.m.

(b) The NRC may undertake an investigation to locate a debtor if the whereabouts of a debtor is a problem, or if a debtor cannot be contacted by telephone.

(c) The NRC, under 15 U.S.C. 1681(f), may obtain consumer credit information from private firms, including the name, address, former addresses, place of employment, and former places of employment of a debtor.

§ 15.25 Personal interviews.

(a) The NRC shall seek an interview with the debtor at the office of the NRC when—

(1) A matter involved in the claim needs clarification;

(2) Information is needed concerning the debtor's circumstances; or

(3) An agreement for payment might be negotiated.

(b) The NRC shall grant an interview with a debtor upon the debtor's request. The NRC will not reimburse a debtor's interview expenses.

§ 15.27 Contact with debtor's employing agency.

If a debtor is employed by the Federal government or is a member of the military establishment or the Coast Guard, and collection by offset cannot be accomplished in accordance with 5 U.S.C. 5514, the NRC shall contact the employing agency to arrange with the debtor for payment of the indebtedness by allotment or otherwise.

§ 15.29 Suspension or revocation of license.

If an applicant or a licensee fails to pay a debt by the due date, the NRC may suspend or revoke the license or approval involved, if any. For any inexcusable, prolonged or repeated failure of a debtor to pay a debt, NRC may suspend or revoke any license or other privilege which NRC has granted to the debtor. Prior to suspending or revoking any license for failure to pay a debt, the NRC will issue to the debtor an order to show cause why the license or approval should not be suspended or revoked.

§ 15.31 Disputed debts.

(a) A debtor who disputes a debt shall explain why the debt is incorrect in fact or in law before the due date specified in the initial demand letter. The debtor may support the explanation by affidavits, cancelled checks, or other relevant evidence.

(b) If the debtor's arguments appear to have merit, the NRC may extend the due date pending a final determination of the existence or amount of the debt.

(c) The NRC may investigate the facts involved in the dispute and, if it considers it necessary, arrange for a conference at which the debtor may present evidence and any arguments in support of the debtor's position.

§ 15.33 Collection by offset.

(a) The NRC may administratively undertake collection by offset on each claim which is liquidated or certain in amount.

(b) The following procedures apply when the NRC seeks to collect a debt by offset against accrued pay, compensation, accrued benefits or the amount of retirement credit due to a present or former Government employee.

(1) The NRC shall effect collection by offset from a person receiving pay or compensation from the Federal Government over a period not greater than the period during which such pay or compensation is to be received. If the debt arises out of an erroneous payment made by NRC to or on behalf of an employee, collection by offset is made in accordance with 5 U.S.C. 5514 and the provisions of paragraph (b) of this section.

(2) If employment is expected to continue during the period of the anticipated collection by offset—

(i) The NRC shall provide the debtor a written demand as provided in § 15.21(a) prior to collecting any indebtedness by offset. The NRC shall also include in the written demand—

(A) Notice of the NRC's intention to collect by offset;

(B) An opportunity to request reconsideration of the debt, or if

provided for by statute, waiver of the debt; and

(C) An explanation of the debtor's rights under this subpart.

(ii) The NRC shall accord the debtor an opportunity for a pre-offset oral hearing when—

(A) The debtor requests a waiver of indebtedness and the waiver determination turns on an issue of credibility or veracity; or

(B) The individual requests reconsideration of the debt and the NRC determines that the question of the indebtedness cannot be resolved by review of the documentary evidence.

(iii) If a determination that a debt exists and is certain an amount can be satisfactorily made by review of the documentary evidence and no issues of credibility and veracity exist, then the NRC provides the debtor a written demand as provided in paragraph (b)(2)(i) of this section but does not provide an opportunity for an oral hearing before offsetting the debt.

(3) If the time prior to termination of a debtor's employment does not permit a pre-offset hearing to which the debtor is otherwise entitled under paragraph (b)(2)(ii) of this section, the following provisions apply:

(i) The NRC shall send or provide the debtor a written demand as provided in paragraph (b)(2)(i) of this section.

(ii) The NRC may withhold a sum not greater than the amount of the alleged indebtedness from the amounts accruing to the individual on termination if the NRC determines that—

(A) Amounts accruing to the debtor on termination are available for offset to satisfy the alleged indebtedness; and

(B) The amounts would not be available for offset after termination.

(iii) The NRC shall promptly provide an opportunity for an oral hearing to resolve the issue of indebtedness or waiver after termination of the debtor's employment.

(iv) The NRC shall promptly refund any amount withheld but later determined not owed the United States.

(4) The form of hearings, when granted, depends on the nature of the transactions giving rise to the debts and the complexity of the issues in dispute. For the vast majority of claims, informal conferences before an official of the NRC is sufficient. Conferences may be conducted by telephone if the debtor elects not to appear in person at the debtor's expense at the place designated for the conference or hearing. The NRC shall maintain at least a summary record of the hearing accorded to the debtor.

(c) If the debtor has obtained a judgment against the United States, any offset against the judgment is accomplished in accordance with the Act of March 3, 1875, 18 Stat. 481, as amended, 31, U.S.C. 227.

(d) The NRC shall make appropriate use of the cooperative efforts of other agencies, including use of the Army Holdup List, in effecting collections by offset. The Army Holdup List is a list of contractors indebted to the United States.

§ 15.35 Payments.

(a) *Payment in full.* The NRC shall collect a claim in full prior to the due date whenever possible. If a debt is paid in one lump sum after the due date, the NRC shall impose a late payment charge. The NRC may waive a late payment charge if it is determined that the amount is negligible in relation to the administrative cost of processing installment payments or that waiver is advisable to induce payment in full.

(b) *Payment in installments.* If a debtor furnishes satisfactory evidence of inability to pay a claim in full prior to the due date, payments in installments may be arranged. Evidence may consist of a financial statement or a signed statement that the debtor's application for a loan to enable the debtor to pay the claim in full was rejected. Except for a debt described at 5 U.S.C. 5514, all installment payment arrangements shall be reduced to writing and require the payment of interest. Installment note forms, including confess judgment notes, may be used. If the debtor's financial statement discloses the ownership of assets which are free and clear of liens or security interests, or assets in which the debtor owns an equity, the debtor may be asked to secure the payment of an installment note by executing a Security Agreement and Financing Statement transferring to the United States a security interest in the assets until the debt is discharged.

(c) *To whom payment is made.* Payment of a debt is made by check, draft, or money order payable to the United States Nuclear Regulatory Commission, and mailed or delivered to the Division of Accounting, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, unless payment is—

(1) Made pursuant to arrangements with GAO or DOJ;

(2) Ordered by a Court of the United States; or

(3) Otherwise directed in any other part of this chapter.

§ 15.37 Interest and late payment charges.

(a) Interest begins to accrue from the due date specified in the initial written demand unless a different date is specified in a statute, regulation, or contract.

(b) If a debt, initially asserted by the NRC after the effective date of this Part, is not paid in full on or before the due date, the NRC shall assess a late payment charge based upon the prevailing rate of interest (updated quarterly) required by the Treasury Fiscal Requirements Manual (I TFRM 6–8000), unless a different rate is prescribed by statute, regulation, or contract. This rate reflects the short-term value of funds to the Treasury Department and is publicized by the Treasury Department in the **Federal Register.** A late payment charge is assessed for each full or partial 30-day period after the due date. Any partial payment is applied first to the payment of accrued late payment charges and then to principal (in accordance with the so-called "U.S. Rule"), unless a different rule is prescribed by statute, regulation or contract.

(c) When arrangements are made to pay a debt in installments over a period of time, the NRC shall charge interest at the rate prescribed by the Treasury Department in its current monthly "Schedule of Certified Interest Rates With Range of Maturities" for a similar period of time. Installment payments are applied first to the payment of accrued interest and then to principal, unless a different rule is prescribed by statute, regulation, or contract. Interest is calculated on a daily (365 days per year) basis and applied to the unpaid balance.

(d) The NRC may waive either the imposition or collection of interest on an installment payment or a late payment charge if the amount is negligible in relation to the cost of billing and collecting the amount, or if it is in the best interests of the Government to do so.

§ 15.39 Bankruptcy claims.

When the NRC receives information that a debtor has filed a petition in bankruptcy or is the subject of a bankruptcy proceeding, it shall furnish information concerning the debt owed the United States to the appropriate United States Attorney to permit the filing of a claim.

Subpart C—Compromise of a Claim

§ 15.41 When a claim may be compromised.

The NRC may compromise a claim not in excess of the monetary limitation if it has not been referred for litigation to the GAO or the DOJ. Only the Comptroller General or designee may effect the compromise of a claim that arises out of

an exception made by the GAO in the account of an accountable officer, including a claim against the payee, prior to its referral by GAO for litigation.

§ 15.43 Reasons for compromising a claim.

A claim may be compromised for one or more of the reasons set forth below:

(a) The full amount cannot be collected because—

(1) The debtor is unable to pay the full amount within a reasonable time; or

(2) The debtor refuses to pay the claim in full and the Government is unable to enforce collection in full within a reasonable time by enforced collection proceedings.

(b) There is a real doubt concerning the Government's ability to prove its case in Court for the full amount claimed either because of the legal issues involved or a bona fide dispute as to the facts.

(c) The cost of collecting the claim is likely to exceed the difference between the proposed compromise amount and the full amount of the claim.

(d) The debtor's inability to pay, the Government's ability to enforce collection, and the amounts which are acceptable in compromise shall be determined in accordance with the Federal Claims Collection Standards, 4 CFR Part 103. Compromises payable in installments are discouraged, but, if necessary, shall provide that in the event of default—

(1) The entire balance of the debt becomes immediately due and payable; and

(2) The Government has the right to enforce any security interest.

§ 15.45 Restrictions on the compromise of a claim.

(a) The NRC may not accept a percentage of a debtor's profits or stock in a debtor corporation in compromise of a claim. In negotiating a compromise with a business concern, consideration is given to requiring a waiver of the tax-loss-carry-forward and tax-loss-carry-back rights of the debtor.

(b) If two or more debtors are jointly and severally liable, collection action is not withheld against one debtor until the other or others pay their proportionate share. The amount of a compromise with one debtor is not considered a precedent or as morally binding in determining the amount which will be required from other debtors jointly and severally liable on the claim.

§ 15.47 Finality of a compromise.

An offer of compromise must be in writing and signed by the debtor. An offer of compromise which is accepted by the NRC is final and conclusive on the debtor and on all officials, agencies, and courts of the United States, unless obtained by fraud, misrepresentation, the presentation of a false claim, or mutual mistake of fact.

Subpart D—Suspension or Termination of Collection Action

§ 15.51 When collection action may be suspended or terminated.

The NRC may suspend or terminate collection action on a claim not in excess of the monetary limitation if it has not been referred for litigation to the GAO or the DOJ.

§ 15.53 Reasons for suspending collection action.

Collection action may be suspended temporarily—

(a) When the debtor cannot be located after diligent efforts and there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim considering the size of the claim and the amount which may be realized on it; or

(b) When the debtor owns no substantial equity in realty and is unable to make payments on the Government's claim or effect a compromise on it at the time but the debtor's future prospects justify retention of the claim for periodic review and action and—

(1) The applicable statute of limitations has been tolled or started anew; or

(2) Future collection can be effected by offset notwithstanding the statute of limitations.

§ 15.55 Reasons for terminating collection action.

Collection action may be terminated—

(a) When it becomes clear that the Government cannot collect or enforce collection of any significant sum from the debtor having due regard for the judicial remedies available to the Government, the debtor's future financial prospects, and the exemptions available to the debtor under State and Federal law;

(b) When the debtor cannot be located, there is no security remaining to be liquidated, the applicable statute of limitations has run, and the prospects of collecting by offset notwithstanding the bar of the statute of limitations is too remote to justify retention of the claim; or

(c) When it is likely that the cost of collection action will exceed the amount recoverable.

§ 15.57 Termination of collection action.

Collection action shall be terminated—

(a) Whenever it is determined that the claim is legally without merit; or

(b) When it is determined that the evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable and efforts to induce voluntary payments have been unavailing.

§ 15.59 Transfer of a claim.

The NRC may transfer a claim to the GAO for advice when there is doubt whether collection action should be suspended or terminated.

Subpart E—Referral of a Claim

§ 15.61 Prompt referral.

(a) A claim which requires enforced collection action is referred to a private collection agency, to the GAO, or to the DOJ for litigation. A referral is made as early as possible consistent with aggressive collection action and in any event well within the time required to bring a timely suit against the debtor.

(b) The NRC may refer a claim to the GAO or the DOJ even though the termination of collection activity might otherwise be given consideration under § 15.55(a) or (c) if—

(1) A significant enforcement policy is involved in reducing a statutory penalty or forfeiture to judgment; or

(2) Recovery of a judgment is a prerequisite to the imposition of administrative sanctions, such as suspension or revocation of a license or the privilege of participating in a Government sponsored program.

§ 15.63 Referral of a claim to private agencies for collection.

The NRC may contract with one or more private agencies to supplement, but not replace, the NRC basic collection program. The NRC retains the authority to resolve disputes, compromise claims, terminate collection action, and initiate enforced collection through litigation.

§ 15.65 Referral of a compromise offer.

The NRC may refer a debtor's firm written offer of compromise which is substantial in amount to the GAO or to the DOJ if the NRC is uncertain whether the offer should be accepted.

§ 15.67 Referral to the Department of Justice.

(a) A claim of less than $600, exclusive of interest, is not referred for litigation unless—

(1) Referral is important to a significant enforcement policy; or

(2) The debtor not only has the clear ability to pay the claim but the Government can effectively enforce payment.

(b) A claim on which the NRC holds a judgment is referred to the DOJ for further action if renewal of the judgment lien or enforced collection proceedings are justified under the criteria discussed in this part.

Dated at Bethesda, Md. the 8th day of February, 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 82-4727 Filed 2-19-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-02-AD; Amdt. 39-4322]

Airworthiness Directives; Lockheed-California Company Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires that certain Flight Management Computer(s) in airplanes equipped with Flight Management Systems (FMS) be modified or removed from the airplane. This action is necessary to prevent a failure in the Flight Management Computer which could result in loss or tuning capability (both automatic and manual) of the VOR and DME equipment.

DATE: Effective date March 4, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Lonnie Tarver, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2831.

SUPPLEMENTARY INFORMATION: There has been one (1) reported instance of the loss of the flight crew's ability to tune both VOR and DME radio navigation systems, either automatically or manually, due to a shorted noise suppression zener diode in the Flight Management Computer. Although some aircraft are equipped with dual Flight Management Systems, a failure of this type in either Flight Management Computer would have the same results as in aircraft equipped with a single FMS installation.

To preclude further incidents of the type described, Lockheed issued L-1011 Service Bulletin 093-34-146, dated August 21, 1981, and subsequently Revision No. 1, dated September 17, 1981, and Revision No. 2, dated December 14, 1981, which provide for the modification of the Flight Management Computers in accordance with ARMA Service Bulletin 6380100-34-42, or replacement with Flight Management Computers modified by ARMA.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires modification of the Flight Management Computer(s), or removal of the computers from the equipment racks with concurrent deactivation of the Flight Management System. Removal of unmodified computers from the equipment racks will maintain operability of the VOR and DME equipment.

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

Adoption of Amendment

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

Lockheed-California Company: Applies to Lockheed Model L-1011-385 series airplanes certificated in all categories equipped with 1 or 2 Flight Management Computers having ARMA Part Number 2-00063-801-3 or higher ending dash number. Compliance required within 30 days from the effective date of this AD, unless already accomplished.

To prevent loss of the ability to tune all VOR and DME radio navigation systems, accomplish the following:

A. Remove Flight Management Computer(s) and replace with unit(s) modified in accordance with Part 2, Accomplishment Instructions, in Lockheed L-1011 Service Bulletin 093-34-146, dated August 21, 1981, or Revision No. 1, dated September 17, 1981, or Revision No. 2 dated December 14, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region, or

B. Remove Flight Management computer(s), and deactivate the FMS.

C. Alternative means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

This Amendment becomes effective March 4, 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 regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, and 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."

This rule is a final order of the Administrator. Under section 1006(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle Washington, on February 9, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-4602 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-07-AD, Amdt. 39-4321]

Airworthiness Directives: Canadair Model CL-600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires replacement of the aileron power control unit centering springs at specific intervals on all Canadair Model CL-600 airplanes. Spring failures have occurred during the manufacturer's tests after 1000 simulated flights. If a spring failure should occur during actual flight, a partial loss of lateral control could occur.

DATE: Effective date March 4, 1982.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to Canadair Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Canada, PQ H3C3G9 or may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION: The Canadian Department of Transport (DOT) has issued an Airworthiness Directive which requires replacement of the four aileron power control unit centering springs on all Canadair Model CL-600 airplanes at intervals not to exceed 300 flight hours. Tests performed by the manufacturer revealed that some of the springs failed after experiencing 1000 simulated flights. Loss of these springs could result in a partial loss of lateral control of the airplane. In order to prevent this from occurring, the DOT, which is the Civil Air Authority of Canada, is requiring replacement of the four aileron power control unit centering springs (P/N 2771931-101) at intervals not to exceed 300 flight hours, in accordance with the instructions given in Canadair Service Bulletin A600-0027, Revision 2, dated March 30, 1981.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition was likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is being issued which requires the replacement of the four centering springs in the aileron power control unit on all Canadair CL-600 airplanes.

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

Adoption of the Amendment

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

Canadair: Applies to Model CL-600 airplanes S/N 1002 and on. To prevent the failure of the aileron power control unit centering springs, accomplish the following prior to the accumulation of 300 flight hours or within the next 20 flight hours after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 300 flight hours.

1. Replace all Aileron Power Control Springs (4 per PCU) with springs having the same part number (2771931-101) in accordance with the instructions contained in Canadair Alert Service Bulletin No. A600-0027, Revision 2, dated March 30, 1981, or later approved revisions.

2. The springs must continue to be replaced at the 300 flight hour intervals indicated above until such time as modification action, approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region is incorporated.

3. Alternate methods of compliance with this AD may be used when they provide an equivalent level of safety and are approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

4. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, may adjust the compliance time in this AD.

5. Airplanes may be flown in accordance with FAR 21.197 to a maintenance base for the accomplishment of this AD.

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 to the addresses listed above. These documents may also be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective March 4, 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)); 14 CFR 11.89)

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

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on February 9, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-4601 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NM-69-AD, Amdt. 39-4320]

Airworthiness Directives: McDonnell Douglas Model DC-10-40 Airplanes Equipped with Pratt and Whitney JT9D-20 Series Engines.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires replacement of the 20 nose cowl attachment bolts and nuts with higher strength parts on each wing-mounted engine installed on McDonnell Douglas Model DC-10-40 airplanes equipped with Pratt and Whitney JT9D-20 series engines. This AD is needed to minimize the possibility of nose cowl separation from the engine in the event of a fan blade failure during high power operation.

DATE: Effective date March 4, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108,

or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Duane Naff, Supervisory Aerospace Engineer, Propulsion Branch, ANM-140L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive to require replacement of the nose cowl attachment bolts and nuts with higher strength parts on DC-10-40 airplanes equipped with JT9D-20 series engines was published in the **Federal Register** on October 8, 1981, (46 FR 49909).

This proposal was prompted by an occurrence of nose cowl separation from the aircraft as a result of a fan blade failure. Investigation revealed that several attachment bolts were sheared and/or pulled from the nutplates as a result of the initial impact of the failed blade. The remaining fasteners were unable to retain the nose cowl with the combination of aerodynamic load and imbalance forces.

The stronger bolts and nuts which would be required under this AD will minimize the possibility of nose cowl separation resulting from similar occurrences.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Two comments to the proposed rule were received. One operator of the affected aircraft stated they were already beginning to accomplish the modifications and they did not expect any difficulty completing their fleet within the period allowed. The National Transportation Safety Board (NTSB) also commented in concurrence with the proposed rule. In view of these comments and after review of all available data, the FAA has determined that sufficient evidence exists in the public interest in aviation safety to adopt the proposed rule with no changes.

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-40 airplanes equipped with Pratt and Whitney JT9D-20 series engines, certificated in all categories. Compliance required within twelve (12) calendar months from the effective date of this AD, unless already accomplished.

To minimize the possibility of separation of the nose cowl from the aircraft in the event of fan blade failure accomplish the following:

A. Replace the nose cowl attaching bolts and nuts on engines 1 and 3 as outlined in the Accomplishment Instructions and Material Information in McDonnell Douglas DC-10 Service Bulletin 71-123 dated June 23, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

B. Alternate means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

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 to: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective March 4, 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 document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). I certify that this rule will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identifed under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on February 8, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-4600 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ASO-2]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment realigns alternate VOR Federal Airway V-71E between Natchez, MS, and Baton Rouge, LA. This action is necessary to correct an error in the present airway description.

DATES: Effective date—March 18, 1982; Comments must be received on or before March 24, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 82-ASO-2, 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. 20591.

An informal docket may 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:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves a realignment of alternate VOR Federal Airway V-71E, 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 and energy aspects of the rule that might suggest the need to modify the rule. Send comments on environmental and land use aspects to: Directory, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 82–ASO–2, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the alignment of V–71E between Natchez, MS, and Baton Rouge, LA. During the recent magnetic change applied to the Natchez VORTAC, it was discovered that the true radial describing the airway from Natchez VORTAC to LESTER intersection was not correct. This action amends the description of V–71 east alternate to correct this error. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409). Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to redescribe V–71 east alternate between Natchez, MS, and Baton Rouge, LA. Therefore, I find that notice or public procedure under 5 U.S.C. 533(b) is impracticable and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 G.m.t., March 18, 1982, as follows:

V–71 [Amended]

By deleting the words "including an E alternate via INT Baton Rouge 026° and Natchez 156° radials" and substituting for them the words "including an E alternate via INT Baton Rouge 026° and Natchez 157° 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 11.69)

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

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

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-4518 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 22586, Amdt. No. 1210]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination—

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

For Purchase.—Individual SIAP copies may be obtained from:

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

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

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

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

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

This amendment to Part 97 is effective on the date of publication (February 22, 1982) and contains separate SIAPs which have compliance dates stated as effective dates based on related changes

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

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

Adoption of the Amendment

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

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

* * * Effective April 15, 1982:

Akron, CO—Akron-Washington County, VOR Rwy 27, Amdt. 4
Canton, IL—Ingersoll, VOR-A, Amdt. 5
Joliet, IL—Joliet Park District, VOR Rwy 12, Amdt. 8
Manito, IL—Waddell, VOR-A, Amdt. 2
Hibbing, MN—Chisholm-Hibbing, VOR or TACAN Rwy 13, Amdt. 10
Hibbing, MN—Chisholm-Hibbing, VOR or TACAN Rwy 31, Amdt. 14
Clinton, NC—Sampson County, VOR/DME-A, Amdt. 2
Port Clinton, OH—Carl R. Keller Field, VOR/DME-A, Amdt. 3
Logan, UT—Logan-Cache, VOR-A, Amdt. 5
Logan, UT—Logan-Cache, VOR-C, Amdt. 2

* * * Effective April 1, 1982:

El Dorado, AR—Downtown, VOR/DME-A, Original
Flippin, AR—Marion County Regional, VOR-A, Amdt. 9
Mena, Ar—Intermountain Regional, VOR/DME-A, Amdt. 4
Mountain Home, AR—Baxter County Regional, VOR-A, Amdt. 4
Rogers, AR—Rogers Muni Arpt-Carter Fld, VOR Rwy 1, Amdt. 8
Rogers, AR—Rogers Muni Arpt-Carter Fld, VOR/DME Rwy 19, Amdt. 5
Palm Springs, CA—Palm Springs Muni, VOR Rwy 30, Original, cancelled
Palm Springs, CA—Palm Springs Muni, VOR-B, Original
Watsonville, CA—Watsonville Muni, VOR/DME-A, Amdt. 3, cancelled
Daytona Beach, FL—Daytona Beach Regional, VOR Rwy 34, Amdt. 2
Columbus, GA—Columbus Metropolitan, VOR-A, Amdt. 20
Frankfort, IL—Frankfort, VOR Rwy 27, Amdt. 3
Greenwood/Wonder Lake, IL—Galt Field, VOR-A, Amdt. 6
Monee, IL—Sanger, VOR Rwy 5, Amdt. 1
Romeoville, IL—Lewis University, VOR Rwy 9, Amdt. 1
Gaithersburg, MD—Montgomery County Airpark, VOR Rwy 14, Amdt. 1
Albion, NY—Pine Hill, VOR/DME-A, Original
Raeford, NC—Raeford Muni, VOR/DME-A, Amdt. 1
Duncan, OK—Halliburton Field, VOR Rwy 35, Amdt. 6
Amarillo, TX—Amarillo International, VOR Rwy 22, Amdt. 23
Boscobel, WI—Boscobel, VOR/DME-A, Amdt. 1

* * * Effective March 18, 1982:

Fullerton, CA—Fullerton Muni, VOR-A, Amdt. 3
Indianapolis, IN—Indianapolis International, VOR Rwy 13, Amdt. 20
St. Louis, MO—Weiss, VOR-A, Amdt. 1

* * * Effective February 4, 1982:

Lihue, HI—Lihue, VOR/DME or TACAN Rwy 21, Amdt. 2, cancelled
Lihue, HI—Lihue, VOR/DME or TACAN-A, Amdt. 7, cancelled
Lihue, HI—Lihue, VOR or TACAN-B, Amdt. 4, cancelled
Chesterfield, VA—Chesterfield County, VOR Rwy 15, Amdt. 6
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 2, Amdt. 3
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 15, Amdt. 22
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 20, Amdt. 5
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 24, Amdt. 10
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 33, Amdt. 17

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

* * * Effective April 15, 1982:

Hibbing, MN—Chisholm-Hibbing, LOC BC Rwy 13, Amdt. 7

* * * Effective April 1, 1982:

Daytona Beach, FL—Daytona Beach Regional, LOC BC Rwy 24R, Amdt. 10
Columbus, GA—Columbus Metropolitan, LOC BC Rwy 23, Amdt. 10
Fayetteville, NC—Fayetteville Muni (Grannis Field), LOC BC Rwy 22, Amdt. 3
Duncan, OK—Halliburton Field, LOC Rwy 35, Original
Amarillo, TX—Amarillo International, LOC BC Rwy 22, Amdt. 14
Houston, TX—William P. Hobby, LOC BC Rwy 22, Amdt. 20, cancelled

* * * Effective March 18, 1982:

Fullerton, CA—Fullerton Muni, LOC Rwy 24, Original
Indianapolis, IN—Indianapolis International, LOC BC Rwy 13, Amdt. 9
Oneonta, NY—Oneonta Muni, LOC Rwy 24, Original
Dayton, OH—Dayton General Arpt (South), LOC Rwy 20, Original

* * * Effective February 4, 1982:

Chesterfield, VA—Chesterfield County, SDF Rwy 33, Amdt. 2

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

* * * Effective April 15, 1982:

La Junta, CO—LaJunta Muni, NDB Rwy 8, Amdt. 4
Flora, IL—Flora Muni, NDB Rwy 21, Amdt. 1
Aiitkin, MN—Aitkin Municipal, NDB Rwy 16, Amdt. 1
Marshall, MO—Marshall Meml Muni, NDB Rwy 17, Original
Marshall, MO—Marshall Meml Muni, NDB Rwy 35, Original
Clinton, NC—Sampson County, NDB Rwy 6, Amdt. 2
Port Clinton, OH—Carl R. Keller Field, NDB Rwy 26, Amdt. 6
Logan, UT—Logan-Cache, NDB-B, Amdt. 4

* * * Effective April 1, 1982:

Mena, AR—Intermountain Regional, NDB-B, Amdt. 2
Rogers, AR—Rogers Muni Arpt-Carter Fld, NDB Rwy 19, Amdt. 1
Holyoke, CO—Holyoke Muni, NDB Rwy 17, Amdt. 1
Holyoke, CO—Holyoke Muni, NDB Rwy 35, Amdt. 1
Daytona Beach, FL—Daytona Beach Regional, NDB Rwy 6L, Amdt. 19
Columbus, GA—Columbus Metropolitan, NDB Rwy 5, Amdt. 25
Columbus, IN—Columbus Bakalar Muni, NDB Rwy 22, Amdt. 7
Minneapolis, MN—Minneapolis-St. Paul Intl/Wold-Chamberlain/, NDB Rwy 4, Amdt. 14
Fayetteville, NC—Fayetteville Muni (Grannis Field), NDB Rwy 4, Amdt. 11
Amarillo, TX—Amarillo International, NDB Rwy 4, Amdt. 14

* * * Effective March 18, 1982:

Ambler, AK—Ambler, NDB Rwy 36, Original

* * * Effective February 4, 1982:

Chesterfield, VA—Chesterfield County, NDB Rwy 33, Amdt. 4

* * * Effective February 1, 1982:

Rialto, CA—Rialto Muni/Miro Fld, NDB-A, Amdt. 2

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

Effective April 15, 1982:

Hibbing, MN—Chisholm-Hibbing, ILS Rwy 31, Amdt. 7

Effective April 1, 1982:

Oakland, CA—Metropolitan Oakland Intl, ILS Rwy 29, Amdt. 20
Daytona Beach, FL—Daytona Beach Regional, ILS Rwy 6L, Amdt. 23
Columbus, GA—Columbus Metropolitan, ILS Rwy 5, Amdt. 20
Columbus, IN—Columbus Bakalar Muni, ILS Rwy 22, Amdt. 4
Minneapolis, MN—Minneapolis-St. Paul Intl/ Wold-Chamberlain/, ILS Rwy 4, Amdt. 19
Fayetteville, NC—Fayetteville Muni (Grannis Field), ILS Rwy 4, Amdt. 11
Greensboro, NC—Greensboro-High Point-Winston Salem Regional, ILS Rwy 5, Amdt. 1
Greensboro, NC—Greensboro-High Point-Winston Salem Regional, ILS Rwy 14, Amdt. 15
Amarillo, TX—Amarillo International, ILS Rwy 4, Amdt. 18

Effective February 4, 1982:

Richmond, VA—Richard Evelyn Byrd Intl, ILS Rwy 6, Amdt. 22
Richmond, VA—Richard Evelyn Byrd Intl, ILS Rwy 15, Amdt. 4
Richmond, VA—Richard Evelyn Byrd Intl, ILS Rwy 33, Amdt. 8

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

Effective April 1, 1982:

Louisville, KY—Standiford Field, RADAR-1, Amdt. 19
Amarillo, TX—Amarillo International, RADAR-1, Amdt. 12

Effective March 18, 1982:

Indianapolis, IN—Indianapolis International, RADAR-1, Amdt. 24

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

Effective April 15, 1982:

Joliet, IL—Joliet Park District, RNAV Rwy 12, Amdt. 9

Effective April 1, 1982:

Columbus, IN—Columbus Bakalar Muni, RNAV Rwy 22, Amdt. 6
Gaithersburg, MD—Montgomery County Airpark, RNAV Rwy 14, Amdt. 3

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

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

Issued in Washington, D.C. on February 12, 1982.

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

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 82-4599 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3082]

American Honda Motor Co., Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Rescission of previously published Final Order and publication of new Final Order.

SUMMARY: This document rescinds the Commission's Final Order previously published on Tuesday, February 9, 1982, 47 FR 5885 and publishes a new final order. This Order concerns settlement of alleged violations of Federal law prohibiting unfair practices and unfair methods of competition. This consent order requires, among other things, a Gardena, California motor vehicle dealer to cease failing to mail to each owner of a Honda automobile which was purchased as new, or is currently registered in certain states, a "notice package" containing information regarding the company's redress program for premature fender rusting. The company must timely remove and replace, at no cost to the owner, the front fenders of any Honda automobile experiencing premature rusting within 36 months-in-service, and reimburse eligible owners of affected vehicles for monies spent in trying to correct the premature rusting problem. Modifications to the "agreement" incorporated into the Final Order were not reflected in the Commission's previously published document. This new order corrects that oversight.

DATES: Complaint and order issued January 22, 1982.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PE, Joel Winston, Washington, D.C. 20580. (202) 724-9002.

SUPPLEMENTARY INFORMATION: FR Doc. 82-3319, appearing in the **Federal Register** issue for Tuesday, February 9, 1982, 47 FR 5885, is hereby rescinded.

On Wednesday, August 5, 1981, there was published in the **Federal Register**, 46 FR 39833, a proposed consent agreement with analysis In the Matter of American Honda Motor Co., 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.

Comments were filed and considered by the Commission. Based on the comments received, the Commission modified the agreement and ordered the issuance of the complaint in the form contemplated by the modified agreement, made its jurisdictional findings and entered its order to cease and desist, the text of which is set forth below, 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; § 13.533-20 Disclosures; § 13.533-25 Displays, in-house; § 13.533-35 Employment of independent agencies; § 13.533-45 Maintain records; § 13.533-55 Refunds, rebates and/or credits; § 13.533-57 Restitution.

(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)

United States of America Before Federal Trade Commission

Commissioners: James C. Miller, III, Chairman; Michael Pertschuk, David A. Clanton, Patricia P. Bailey.

In the Matter of American Honda Motor Co., Inc., a corporation. Docket No. C-3082.

Decision and Order

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

The respondent, its attorneys, and counsel for the Commission having thereafter executed an agreement containing all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes

[1] Copies of the Complaint and Decision and Order previously filed with FR Doc. 82-3319.

only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having considered the matter and having determined that it had reason to believe that the respondent has violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, and having duly considered the comments filed thereafter by interested persons pursuant to § 2.34 of its Rules, now in further conformity with the procedure prescribed in § 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent American Honda Motor Co., Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 100 West Alondra Boulevard, in the City of Gardena, State of California.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

Order

For the purposes of this Order, the following definitions shall apply:

1. *"Honda automobile(s)"* shall mean all 1975, 1976, 1977 and 1978 model year Civics and all 1976, 1977 and 1978 model year Accords sold or distributed by respondent in the United States.

2. *"Premature rusting"* shall mean the presence of hole(s), blister(s) or bubble(s) in the exterior paint or metal of the front fender, (a) which is caused by rusting of the metal from the underside of the fender, (b) any part of which is within two feet of the rear edge and one foot of the top edge of the fender, and (c) that appeared within the automobile's first thirty-six (36) months-in-service.

3. *"Remove and replace"* shall mean removal of the fender and replacement with a new fender which has been treated with a zinc coating process similar to Zincrometal with a nominal thickness of 0.5 mils or greater; *Provided,* That if said new fender is not reasonably available due to circumstances beyond respondent's control, respondent may use a fender which has been one-side galvanized with a nominal weight of 60 grams per square meter (gm/m2) or greater and which has been primed using a cathodic electrodeposition process. This term shall also include all parts and labor necessary to (a) install and paint the replacement fender in as close to a matching color as possible, (b) re-affix all pre-existing trim and accessory items and replace any such items damaged during removal and replacement with identical items, if reasonably available, or similar items, if identical items are not reasonably available, (c) make all adjustments to the automobile necessitated by the removal and replacement of the fender, and (d) repair or replace, as is appropriate, any rusted structural or support component for the fender to the extent necessary to permit proper and sound installation of the fender.

4. *"Dealer(s)"* shall mean all persons, partnerships, firms or corporations which, pursuant to a Honda Automobile Dealer's sales and service agreement with respondent, receive on consignment or purchase new Honda automobiles from respondent for resale or lease to the public, including any person(s), partnership(s), firm(s) or corporation(s) owned or operated by respondent.

5. *"Owner(s)"* shall mean any person, partnership, firm or corporation having custody and/or possession of a Honda automobile, including those automobiles held for resale. This term shall include, but not be limited to, any registered owner or lessee, or person acting on their behalf. This term shall not include insurers, warrantors or automobile repair facilities which are not registered owners or lessees of the automobile, whether or not acting on behalf of an owner.

6. *"Past or current owner(s)"* shall mean any person, partnership, firm or corporation having custody and/or possession of a Honda automobile, or which had at any time in the past custody and/or possession of a Honda automobile, including those automobiles held for resale. This term shall include, but not be limited to, any registered owner or lessee, or person acting or who acted on their behalf. This term shall not include insurers, warrantors or automobile repair facilities which are not and were not, registered owners or lessees of the automobile, whether or not acting on behalf of a past or current owner.

7. *"Months-in-service"* shall be calculated as beginning on the date on which respondent began warranty coverage on the automobile. If that date cannot be established by respondent, the months-in-service shall be calculated as beginning not earlier than:

1975:
Civic 1200, Civic CVCC and Civic Wagon, November 26, 1975
1976:
Civic 1200, Civic CVCC and Accord, December 6, 1976
Civic Wagon, December 8, 1976
1977:
Civic 1200, December 14, 1977
Civic CVCC, December 20, 1977
Civic Wagon and Accord, December 5, 1977
1978:
Civic 1200, October 12, 1978
Civic CVCC and Civic Wagon, October 26, 1978
Accord, October 17, 1978

I

It is ordered that respondent American Honda Motor Co., Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or indirectly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any motor vehicle in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Failing to send by first-class mail, within sixty (60) days after the date of service of this Order, a notice package consisting of (i) a copy of the letter attached to this Order as Attachment A, incorporated herein by reference, (ii) a copy of the form attached to this Order as Attachment B, incorporated herein by reference, and (iii) a self-addressed, postage-paid envelope. Respondent shall complete all insertions in Attachment A and the top portion of Attachment B for each such notice package. The notice package shall be sent in one envelope, similar in all material respects to Attachment C of this Order, incorporated herein by reference. The notice package shall be mailed to each current registered owner of a Honda automobile which was purchased as new, or is currently registered, in any of the following states. Such owners shall be determined by current state motor vehicle records of a commercial locator service and by respondent's warranty registration records.

Connecticut
Delaware
District of Columbia
Illinois
Indiana
Iowa
Kansas
Kentucky
Maine
Maryland
Massachusetts
Michigan
Minnesota
Missouri
Nebraska
New Hampshire
New Jersey
New York
Ohio
Pennsylvania
Rhode Island
Vermont
Virginia
West Virginia
Wisconsin

Respondent shall also send or cause to be sent a notice package, with all insertions provided for in Attachment A and the top portion of Attachment B completed, to the extent that information provided by the inquiring past or current owner permits, within thirty (30) days of the inquiry, or sixty (60) days after the date of service of this Order, whichever date is later, to each past or current owner of a Honda automobile who inquires before May 1, 1982 to respondent or a dealer about respondent's redress program for premature fender rusting, and who:

i. Was sent a notice package but has not received it by the seventieth (70th) day after the date of service of this Order;

ii. Was not sent, and is not scheduled to be sent, a notice package; or

iii. Received a notice package but subsequently lost it.

B. Failing to remove and replace, at no cost to the owner, within 180 days after the owner presents the automobile to a dealer for an inspection with his or her pre-printed Attachment B form, the front fender(s) of any Honda automobile experiencing premature rusting. Said inspections shall be available at all times during the dealer's normal service hours and shall be performed within a reasonable period of time. At the inspection, respondent shall cause to be returned to each owner three copies of Attachment B with all appropriate insertions completed. Except as otherwise provided by this Order, no owner shall be required to submit an automobile for any purpose or at any time, to a dealer or respondent, in order to receive any benefits under this Order, other than on one occasion for an inspection, and one occasion, at a time mutually agreed upon between the owner and the dealer, for removal and replacement. Each removal and replacement shall be completed within a reasonable period of time after the owner presents the automobile to a dealer for the removal and replacement at a time mutually agreed upon between the owner and the dealer.

Provided further, That in each instance where a dealer rejects a request for removal and replacement, respondent shall cause to be provided to each such owner a written report, completed and signed by the dealer, describing in detail the reasons why the request was rejected and containing instructions on how the owner can seek a review of the rejection by respondent. In each case where the rejection is based upon a determination that the front fender(s) are not experiencing premature rusting, as defined by this Order, said written report shall describe in detail the condition of the fender(s) and all tests performed to determine the cause or source of any rusting. Respondent shall review each rejected request within a reasonable time after an owner requests a review from respondent's zone office. In each case where the rejection was based solely upon the dealer's determination that the hole(s), blister(s) or bubble(s) in the exterior paint or metal of the fender were not caused by rusting of the metal from the underside, and unless said rejection is reversed, said review shall include, if requested by the owner, an inspection of the fender(s) by an employee of respondent. Respondent shall provide to each such owner a second written report describing in detail the findings of this inspection.

Provided further, That in each instance where the fender(s) on a Honda automobile have not been replaced within 180 days after the owner presented the automobile with the pre-printed Attachment B form to a dealer for an inspection, respondent shall offer the owner the option of receiving either a cash settlement of $150 per rusted fender, or replacement of the fender within a reasonable period of time set by the dealer. Within sixty (60) days after respondent receives from the owner a completed and signed copy of Attachment B requesting the cash settlement, respondent shall mail to each such owner a check for $150 for each front fender experiencing premature rusting. Respondent's obligation under this proviso to offer the cash settlement shall not extend to any owner who fails to present his or her Honda automobile for removal and replacement, within said 180 days period, at the time(s) mutually agreed upon between the owner and the dealer or reasonably scheduled by the dealer if the owner will not agree to a reasonable time.

Provided further, That respondent may require any owner whose automobile exceeds thirty-six (36) months-in-service to sign the statement, contained in Attachment B, certifying that the automobile experienced premature rusting, and that the individual was an owner of the automobile, within its first thirty-six (36) months-in-service and is currently an owner.

Provided further, That respondent shall not offer any form of compensation for premature rusting to any such owner other than the compensation specifically provided for by this Order.

C. Failing to reimburse any past or current owner of a Honda automobile for all expenses incurred for repairs or replacements which were intended to eliminate premature rusting, whether or not they eliminated the premature rusting. Such reimbursement shall consist of all monies expended by the past or current owner, if the services were performed by a dealer or subcontractor of the dealer; or all monies expended by the past or current owner, or the usual and customary charges in the past or current owner's trade area for the work performed, whichever is lower, if the services were performed by a person, partnership, firm or corporation other than a dealer or subcontractor of the dealer.

Such reimbursement shall be made within sixty (60) days after respondent receives from the past or current owner (i) a completed and signed copy of Attachment B, certifying that the automobile experienced premature rusting, and that the individual was a past or current owner of the automobile, within its first thirty-six (36) months-in-service, and (ii) reasonable evidence of repair or replacement expenses.

Provided, That respondent's obligations under this Paragraph shall apply only if such repairs or replacements were made prior to the past or current owner's receipt of a notice package from respondent as provided for by Paragraph A of Section I of this Order.

Provided further, That respondent may require any owner to submit his or her Honda automobile to a dealer for an inspection as a condition of reimbursement under this Paragraph.

D. Failing to provide all dealers with adequate supplies of, or in the alternative to reimburse all dealers to the extent of respondent's normal warranty reimbursement policy and procedures for obtaining, new front fenders and all other items necessary to effectuate the reasonably foreseeable removal and replacement of the fenders.

E. Failing to provide all dealers with adequate supplies of Attachment B, with pre-printed portions blank.

F. Failing to notify all dealers in writing within ten (10) days after the date of service of this Order of the existence of premature rusting, of the terms and conditions of respondent's obligations under this Order, and of the necessity for dealers to avoid any practices which might hinder, delay, restrict or frustrate the proper administration of this Order.

II

It is further ordered that respondent's obligations under this Order shall not extend to the following:

A. Under Paragraph B of Section I of this Order, (i) to those owners who

initially present their automobile to a dealer for an inspection after their automobiles have reached forty-two (42) months-in-service, or after six (6) months after the date of service of this Order, whichever date is later; (ii) to those owners who fail, before May 1, 1983, to present their automobiles for removal and replacement at a time mutually agreed upon between the owner and a dealer, or to mail to respondent a completed and signed copy of Attachment B requesting a cash settlement; or (iii) to more than one owner for each Honda automobile.

B. Under Paragraph C of Section I of this Order, to those past or current owners who mail Attachment B to respondent after their automobiles have reached forty-two (42) months-in-service, or after six (6) months after the date of service of this Order, whichever date is later.

III

It is further ordered that respondent shall provide to each dealer, within thirty (30) days after date of service of this Order, a display poster, no smaller than 30 inches by 40 inches, in the form of Attachment D to this Order, incorporated herein by reference. Respondent shall advise dealers to place the poster in a conspicuous and accessible location in the service writer's area of the dealership, and to keep the poster posted until July 15, 1982.

IV

It is further ordered that respondent maintain documents demonstrating compliance with this Order for a period not less than three (3) years. Such documents shall be made available to the Commission or its staff for inspection and copying upon reasonable request, and shall include, but are not necessarily limited to, those revealing:

A. The name and last known address of each owner who was sent the notice package required by Paragraph A of Section I of this Order.

B. The name and last known address of each owner whose notice package was returned by the U.S. Postal Service undelivered.

C. The name and last known address of each owner who requested removal and replacement.

D. The name and last known address of each owner whose fender(s) were removed and replaced, pursuant to Paragraph B of Section I of this Order, within 180 days after the owner presented the automobile to a dealer for an inspection with his or her Attachment B form.

E. The name and last known address of each owner whose fender(s) were removed and replaced more than 180 days after the owner presented the automobile to a dealer for an inspection with his or her Attachment B form, and the number of days in excess of 180 that the fender(s) of each such owner were replaced.

F. The name and last known address of each owner who received a cash settlement due to a dealer's inability to remove and replace the fender(s) within said 180 day period.

G. The name and last known address of each past or current owner who requested reimbursement for prior repairs or replacement of front fender(s) with premature rusting.

H. The name and last known address of each past or current owner who was reimbursed for prior repairs or replacement of premature rusted fender(s), pursuant to Paragraph C of Section I of this Order.

I. All communications between respondent and any zone representative, dealer or past or current owner concerning removal and replacements or reimbursements for repairs or replacements made to Honda automobiles affected by premature rusting. Such documents shall include, but not be limited to (a) all written communications; and (b) all oral communications which are reduced to writing and maintained in the ordinary course of business.

J. Each instance arising under Paragraph C of Section I of this Order where respondent reimbursed a past or current owner of a Honda automobile for less than one hundred percent (100%) of the actual charges for parts and labor, and those documents revealing the underlying basis for determining the usual and customary charges in each such instance.

K. Each instance arising under Paragraphs B or C of Section I of this Order involving a dispute over months-in-service of ownerhship within the first thirty-six (36) months, unless respondent determined to remove and replace front fenders, make a cash settlement or reimburse an owner in accordance with said paragraphs, notwithstanding said dispute.

L. Each instance arising under Paragraph B of Section I of this Order where respondent failed to remove and replace the front fenders of any Honda automobile, and the underlying basis for each such failure. Such documents shall include all written reports required by Paragraph B of Section I of this Order.

M. Each instance arising under Paragraph C of Section I of this Order where respondent failed to reimburse any past or current owner, and the underlying basis for each such failure.

N. The number of one-side galvanized fenders used by respondent for replacements and the underlying basis for the unavailability of fenders treated with a zinc coating process similar to zincrometal.

V

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in its structure, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation, which may affect compliance obligations arising out of this Order.

VI

It is further ordered that respondent shall, within sixty (60) days after the date of service of this Order, and at one year intervals thereafter through 1983, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form in which it has complied and will comply with this Order.

By the Commission.

Issued: January 22, 1982.

Carol M. Thomas,

Secretary.

BILLING CODE 6750-01-M

– Attachment A –

AMS 3061 8107

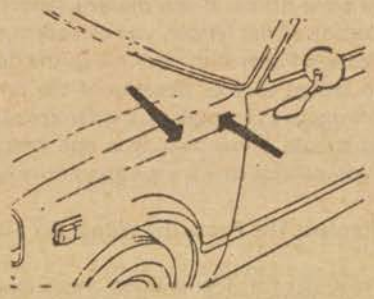
HONDA

AMERICAN HONDA MOTOR CO., INC
100 WEST ALONDRA BOULEVARD, GARDENA, CALIFORNIA 90247
AUTOMOBILE SERVICE DEPARTMENT, P.O. BOX 80 - GARDENA, CALIF.
CABLE ADDRESS - AMEHON, GARDENA, CALIFORNIA (213) 327-8280

IMPORTANT: FREE FENDER REPLACEMENT OFFER

Dear Honda Owner:

We have become aware of a condition in some Honda cars which you should know about. This condition may result in the front fenders of some 1975–1978 cars rusting prematurely. By agreement with the Federal Trade Commission, American Honda will correct this problem free, if you qualify. If we cannot replace the fenders within six months of when you apply (see parag.aph 3), we will offer you the option of receiving a cash settlement (see paragraph 4). Also, if you paid for repair or replacement of rusted fenders in the past, American Honda will repay you, if you qualify. We are doing this because we want to satisfy our customers and keep them satisfied.



Please read this letter carefully and follow the steps listed to make sure you get the new fender(s) or refund. We are sorry this letter is so long, but we want to make sure you have all the information you need.

HONDA'S PROGRAM FOR FRONT FENDER RUST

1. How to Tell If Your Car Has The Front Fender Rust Condition

This program covers rust on the top part of the front fender, within about two feet of the windshield. The rust first appears in the form of bubbles or blisters in the paint. Soon after, holes in the metal develop. The drawing above shows the problem area.

Only rust which began on the underside of the fender is covered by this program. Conditions *not* covered are:

a. rust on any other part of your car;
b. surface rust;
c. rust due to unrepaired (or poorly repaired) stone chips or collision damage.

2. How to Determine If You Qualify For The Replacement Program

We will replace the rusted fender(s) free, if you meet *all* of these conditions:

a. Your car is a 1975, 1976, 1977 or 1978 Honda, any model;
b. The rust began on the underside of the fender and is in the top, rear part of the front fender (see the drawing);
c. The first signs of rust (usually paint bubbling) appeared within your car's first three years of service. See the dates at the top of the enclosed Application Form. If you first noticed the problem before the "ended" date, you qualify; and
d. You now own (or lease) the car, and owned (or leased) it at some time during its first three years.

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3. What You Should Do If You Meet These Qualifications – How to Apply

a. Visit any Honda new car dealer any time during normal service hours to get your car's fenders inspected. *You must* bring the Application Form with you. (If you lost it, contact your local Honda zone office listed at the end of this letter.) Although the inspection should only take a few minutes, you may want to call the dealer before coming, to avoid possible delays. If the dealer agrees after inspecting your car that you qualify, an appointment will be set for your fender replacement.

b. At the inspection, the dealer will ask you to sign the statement in the "Replacement" section of the Application Form. This certifies that the rust appeared within your car's first three years, and that you owned it at some point during those three years. The dealer will fill in the inspection and appointment dates on your Form. He will also fill in a date exactly six months from the inspection. If the dealer cannot install your new fender(s) by this six-months date, you have the right to a cash settlement (see paragraph 4 below). *Be sure* to keep your copies of the Form. Mark the date on your calendar so that you know when the six months have passed.

c. If the dealer says that you do not qualify, ask him for a copy of his inspection report. If you still think you qualify, you have the right to get a review of your case by a Honda zone representative. Contact your local Honda zone office. If the dealer's report says you do not qualify because the rust did not begin on the underside of the fender, you can ask the zone office to do another inspection.

d. Bring your Application Form with your car to the dealer on your appointment date. The fender(s) will be replaced at no charge to you. Because of the time needed for the paint to dry, it will usually take three or four working days to replace the fender(s). In some cases, it may take even longer. Ask your dealer. Also, you should know that it is not always possible to match exactly the fender paint or accent items. If you cannot make your appointment, call your dealer well in advance to reschedule it.

4. If The Dealer Can't Replace The Fender(s) Within Six Months

If we receive many requests for new fenders under this Program, your dealer may not be able to install your new fender(s) within six months of the inspection date. If your fenders have not been installed by the six-months date on the Application Form, you will have a choice. You can either wait to have the fender(s) replaced when the dealer can schedule the work, or you can receive a check from us for $150 for each rusted fender.

It is *very important* that you keep your copies of the Application Form and mark the six-months date on your calendar. Then, on that date, or as soon as possible after that, make your choice. If you want to wait to get your fender(s) replaced, call your dealer to set an appointment. If you choose instead to take the money, fill out and sign the "Cash Settlement" section of the Application Form, and mail the white copy to us in the enclosed envelope. We will then mail you a check within 60 days. Only one cash settlement per automobile is permitted.

Remember, you don't have to accept the $150 per fender. If you prefer, you can choose to wait and have your fender(s) replaced. You *cannot* get both new fenders and the money. The $150 will only be offered if the dealer can't replace the fender(s) within six months. If you miss an appointment and do not reschedule it within the six months you become ineligible for the cash settlement. You should also know that a body shop would probably charge you more than $150 to replace your fender. If you lose your Application Form call the dealer who did your inspection.

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5. What You Should Do If You Already Paid For Repairs or Replacement – Before You Got This Letter

We will repay you for reasonable repair or replacement bills which you paid in trying to fix the rusted fender(s). *But*, we will repay you only if you had the repairs or replacement *before* you got this letter.

To get repaid, you must:

a. Meet all the conditions in paragraph 2, *except* you are still eligible even if you don't own the car anymore.
b. Carefully read the statement in the "Repayment" section of the Application Form and sign it. Also, fill in the amount you spent for the repairs or replacement.
c. Send the pink copy of the Form to us in the enclosed envelope, along with a copy of your repair or replacement bill. If you don't have your bill, try to get a copy from the repair shop. If you can't get a copy of the bill, send us a copy of your cancelled check or charge receipt, and a statement from the repair shop describing the repair or replacement and the cost, if you can get one. If you can't, send us the name and address of the repair shop and the date of repair, so we can check the information.
d. We will then repay you within 60 days. If you still own the car, we may ask to inspect it before we repay you. This offer cannot be transferred to anyone else.

6. IMPORTANT REMINDERS

Act promptly. After you find that your car has front fender rust, contact a Honda dealer right away. This program will end May 1, 1983. BUT YOU MUST APPLY BEFORE (six months after Order served), OR YOUR CAR IS 3 1/2 YEARS OLD, WHICHEVER DATE IS LATER, TO BE ELIGIBLE.

Although there is no guarantee, the new fender(s) which we will give you should not develop this type of rust for at least three years, whether or not you have them "rustproofed." The fenders have been factory-treated to resist rust. However, the metal may rust eventually. The effectiveness of rustproofing will depend on many factors. Before purchasing rustproofing, you should consider the age and general condition of your car and how much longer you plan to keep it. Also, keep in mind that you will be charged the rustproofer's regular price if you decide to purchase it. In this instance, we would not generally recommend it.

If you have any questions or problems with our program, call or write your local Honda zone office listed on the next page. We deeply regret any inconvenience this rust condition or our program may cause you.

Sincerely,

AMERICAN HONDA MOTOR CO., INC.

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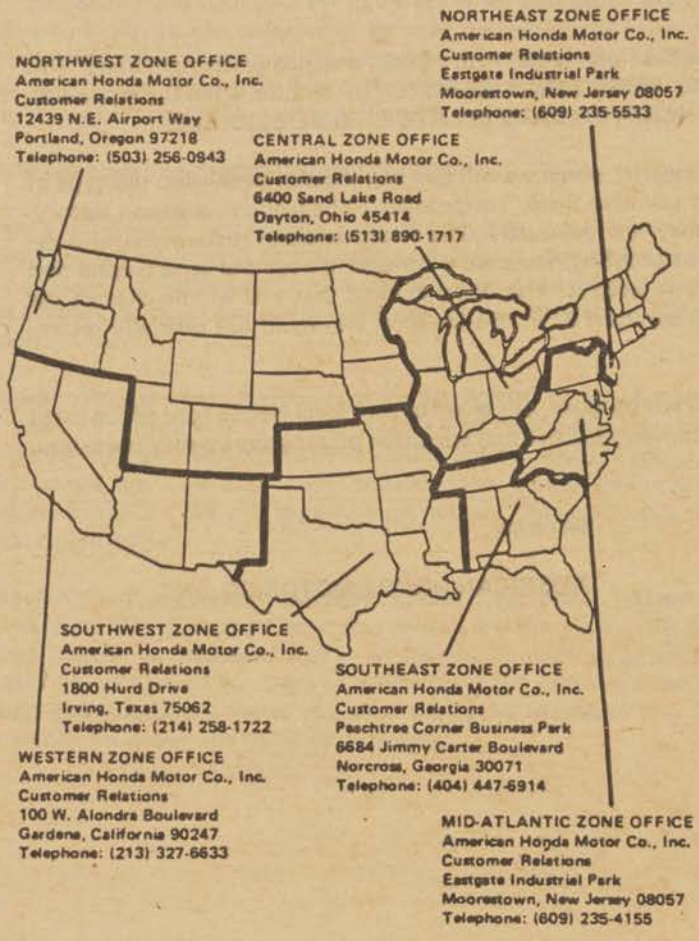
If you are dissatisfied with the service you received at an authorized Honda dealership, you should review the matter with that dealership's Service Manager. This will normally resolve your problem. If it does not, you should appeal the decision with the owner of the dealership.

After following these steps, if you wish to obtain assistance from American Honda you should contact the appropriate Zone Office. The Zone Office to contact is the one covering the area where you are now located. Each Zone's address and area of responsibility is shown on the map.

Please include the following information when you contact the Zone Office:

1. Vehicle Identification Number (VIN)
2. Date of Purchase
3. Servicing Dealer Name and Address
4. Your Name and Address

The Zone Office is staffed to assist Honda owners.



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HONDA

— Attachment B —

1975–78 FENDER RUST APPLICATION FORM

AMS 2418-3456

You must bring all copies of this form to your dealer when you have the car inspected.

PRE-PRINTED

Write Name/Address Corrections here:

3 years-in-service began PRE-PRINTED ; ended PRE-PRINTED

Complete and sign the applicable sections:

I. REQUEST REPLACEMENT

I request that one ☐, or both ☐ front fenders be replaced. I certify that fender rust or bubbling appeared within my car's first three years-in-service and that I owned or leased the car during that period, and still own or lease it.

(Owner's Signature) (date)

Date car inspected (date)

Six months from that date is: (date)

Repair appointment: (time) (date)

Dealer Name/Number

(Dealer's Verification Signature) (date)

II REQUEST CASH SETTLEMENT

My fenders could not be replaced by (6 months date)

Therefore, I request a cash settlement of:

☐ $150 (one rusted fender) or ☐ $300 (two rusted fenders)

(Owner's Signature) (date)

Mail white copy to American Honda.

III REQUEST REPAYMENT

I paid $_____ to have my rusted front fender(s) repaired before I received the letter from American Honda. Therefore, I request repayment for that amount. I certify that the rust began on the underside of the fender, and appeared within my car's first three years-in-service and that I owned or leased the car during that period.

(Owner's Signature) (date)

NOTE: To request repayment, you must enclose a copy of the paid repair bill or other proof of repair and mail it with the pink copy of the form to American Honda.

This column for AHM/Dealer Use Only:

CLAIM NO.	DEALER NO.	REPAIR CODE
MODEL V.I.N.		
DEALER R.O. NO.	DEALER R.O. DATE	DATE WORK COMPLETED
AIR CONDITIONER MANUFACTURER		SERIAL NO.

Which fender replaced? LEFT BOTH RIGHT

HONDA/C	QTY.	PARTS DESCRIPTION	DLR. NET

(A) DEALER NET PARTS TOTAL DOES NOT INCLUDE HANDLING	
(B) PARTS HANDLING	
(C) SUBLET	
SUB TOTAL Lines A & C	
(D) LABOR TOTAL F.R.T. _____	$ -
(E) CLAIM TOTAL	

SUBLET WORK EXPLANATION SUBLET INVOICE NO.

DEALER CERTIFICATIONS

DEALER HEREWITH CERTIFIES THAT ALL PARTS AND/OR LABOR DESCRIBED HERE WERE FURNISHED AT NO CHARGE TO THE CUSTOMER PURSUANT TO AMERICAN HONDA MOTOR COMPANY, INC. WARRANTY POLICIES. ALL CREDITED ITEMS SUBJECT TO AUDIT AND PARTS RETURN.

SERVICE MANAGER SIGNATURE

FACTORY COMMENTS

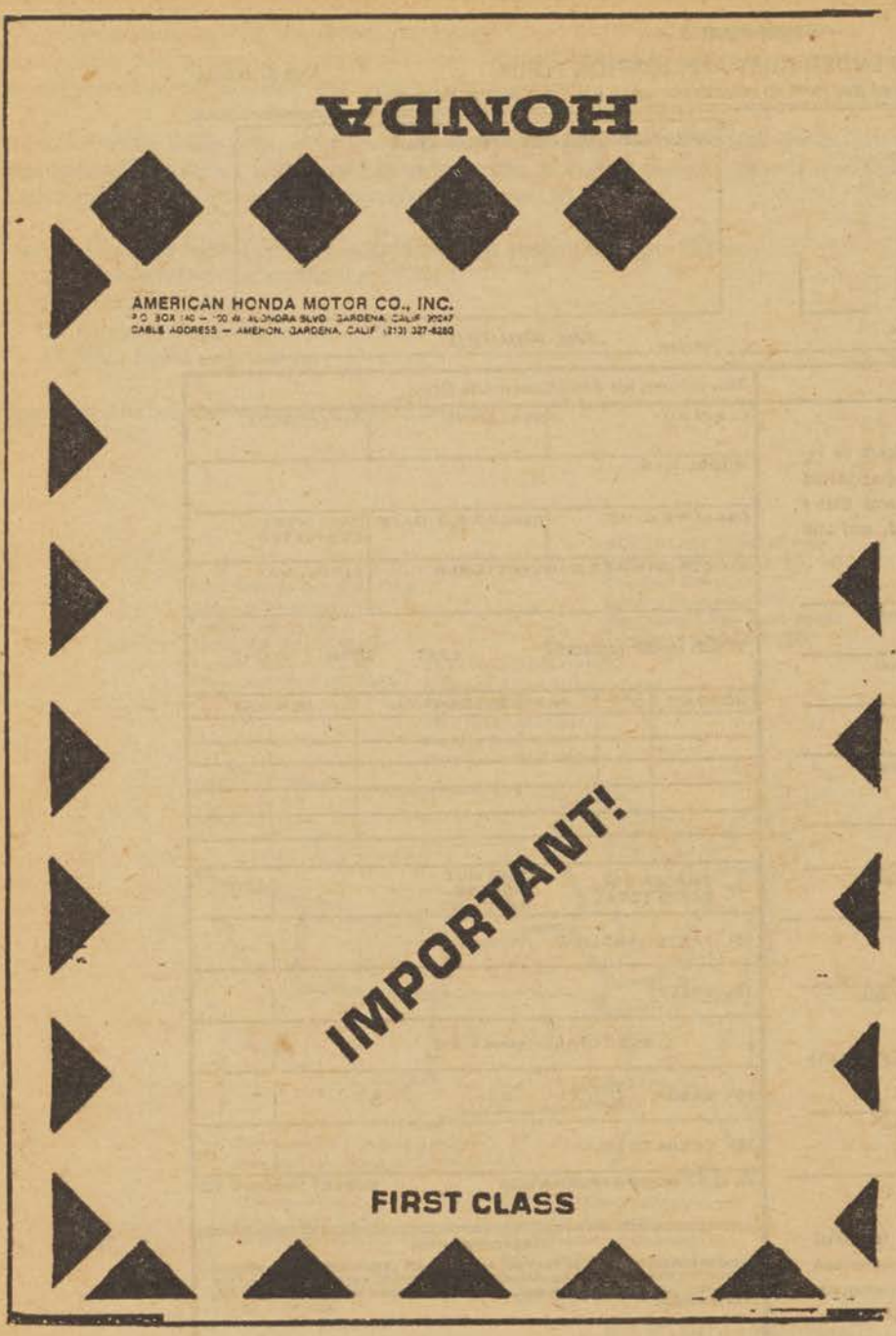
AHM SIGNATURE

AUTHORIZATION SIGNATURE DATE

CODES A ☐ B ☐ C ☐☐ D ☐ E ☐

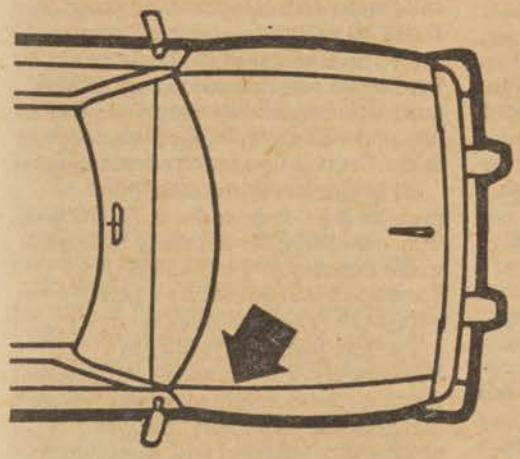
COPIES: WHITE OWNER MAILS TO HONDA FOR CASH SETTLEMENT or DEALER MAILS TO HONDA FOR FENDER CLAIM PINK OWNER SENDS TO HONDA FOR REPAYMENT GREEN DEALER INSPECTION COPY GOLD OWNER COPY YELLOW DEALER COPY

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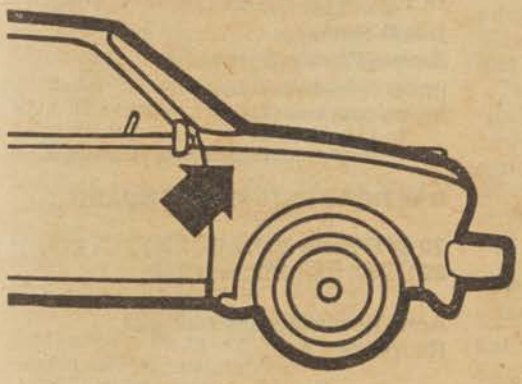
-Attachment C-

ATTACHMENT D



Fender Rust Covered Free

If your 1975—78 Honda car front fender rusted in this area in its first three years of operation,



you may be eligible for a free replacement fender (or a refund for your costs, if you've already had it repaired).

Ask your Honda dealer for more information.

HONDA

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[FR Doc. 82-4748 Filed 2-19-82; 8:45 am]
BILLING CODE 6750-01-C

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Reports by Traders; Calls for Series '03 Reports; Delegation of Authority

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: Pursuant to Commission rule 18.00, traders with a reportable futures position or those who have held a reportable futures position are required to file series '03 reports concerning such positions within 24 hours of a special call by the Commission or its designee. The Commission is hereby amending Part 140 of its regulations to delegate authority to the Director of the Division of Economics and Education or his designee to issue special calls for series '03 reports.

EFFECTIVE DATE: February 22, 1982.

FOR FURTHER INFORMATION CONTACT: John Mielke, Associate Director for Market Surveillance, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–3310.

SUPPLEMENTARY INFORMATION: On December 8, 1981, the Commission published in the **Federal Register** final rules which, among other things, eliminate the requirement for large traders to routinely file series '03 reports.[1] 46 FR 59960. Under these rules, however, traders are required to file such reports within 24 hours of a special call by the Commission or its designee. These amendments became effective on January 1, 1982. At this time the Commission is delegating its authority to make special calls for series '03 reports under Rule 18.00 to the Director of the Division of Economics and Education or his designee.

As the Commission noted in its August 21, 1981, **Federal Register** release which proposed the changes to the large trader reporting requirements, the Commission now collects much of the information currently contained on series '03 reports through the series '01 reports and Forms 102 and 40.[2] 46 FR 42463. However, generally more complete information concerning a trader's position is reported on the series '03 reports than on the series '01 reports.[3] Therefore, when circumstances dictate, the Commission may need to obtain from specific traders the additional information covered by the series '03 reports.

The primary purposes for requiring such reports on call will include conducting surveillance of maturing futures and determining compliance with Commission speculative position limits. Both functions are routine matters conducted on a day-to-day basis by the Commission's Division of Economics and Education. Procedures that require Commission review of the routine issuance of each special call for series '03 reports are therefore unnecessary and could become unduly burdensome. In addition, in the Commission's view, delegating the authority to the staff to make special calls under Rule 18.00 for series '03 reports would facilitate surveillance procedures by reducing the time required to transmit and receive the necessary information.

PART 140—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE COMMISSION

In consideration of the foregoing and pursuant to its authority under sections 2a(11) and 4i of the Commodity Exchange Act, 7 U.S.C. 4a(j) and 6i (1976), the Commission hereby amends Part 140 of Chapter I of Title 17 of the Code of Federal Regulations by creating a new § 140.74 to read as follows:

§ 140.74 Delegation of authority to issue special calls for Series '03 reports.

(a) The Commodity Futures Trading Commission hereby delegates, until such time as the Commission orders otherwise, to the Director of the Division of Economics and Education or his designee, the authority to issue special calls under Commission Rule 18.00 for series '03 reports.

(b) The Director of the Division of Economics and Education may submit any matter which has been delegated to him under paragraph (a) of this section to the Commission for its consideration.

(c) Nothing in this section may prohibit the Commission, at its election, from exercising the authority delegated to the Director of the Division of Economics and Education under paragraph (a) of this section.

The foregoing rule is effective immediately. The Commission finds that the rule relates solely to agency practice and procedure and that notice of proposed rulemaking and opportunity for public participation are not required. The foregoing is in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553.

Issued in Washington, D.C., on February 16, 1982, by the Commission.

Jane K. Stuckey,

Secretary for the Commission.

[FR Doc. 82-4698 Filed 2-19-82; 8:45 am]

BILLING CODE 6351-01-M

[1] The series '03 reports were required to be filed with the Commission by traders who own or control a reportable futures position whenever such traders made a futures transaction in the commodity in which they held reportable positions. A reportable futures position is a futures position in any one future of a commodity on any one contract market which equals or exceeds certain levels as set forth in Commission Rule § 15.03(a) 46 FR 59964, December 8, 1981. The information requested on the series '03 reports includes trades, positions (classified as speculative or hedging), exchanges of futures for physicals and deliveries. 17 CFR 18.00.

[2] Under Commission Rule § 17.00, clearing members, FCMs and foreign brokers must report daily each reportable position as well as delivery information and exchanges of futures for physicals. 46 FR 59965 (December 8, 1981). These positions are reported on series '01 forms. Form 102 is filed with the Commission by clearing members, FCMs and foreign brokers and identified accounts which are reported to the Commission on series '01 reports. 46 FR 59966. Form 40 is provided by a reportable trader and gives certain background information on the trader.

[3] Only those traders' positions in a commodity which are above the reporting level carried by a single futures commission merchant must be reported on series '01 reports. In contrast, on series '03 reports, traders, if they are reportable in that commodity, must report all of their futures positions and transactions in a commodity carried by all futures commission merchants.

RAILROAD RETIREMENT BOARD

20 CFR Parts 208, 210, 216, 217, 219, 221, 230, 232, 237, and 238

Annuities Under the Railroad Retirement Act

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board amends several parts of its regulations concerning annuities under the Railroad Retirement Act. Amendment of the regulations is a part of an ongoing project of the Railroad Retirement Board to review, revise and reorganize its regulations.

EFFECTIVE DATE: February 22, 1982.

ADDRESS: Secretary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Marilyn Berg or Eloise Sandle, Bureau of Retirement Claims, Railroad Retirement Board, Room 943, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4818 (FTS 387–4818).

SUPPLEMENTARY INFORMATION: The Board has determined that this is not a major rule within the meaning of Executive Order 12291 and that this rule

has been handled in accordance with that Order.

Proposed rulemaking was published on pages 78704–78726 of the Federal Register of November 26, 1980, and a public comment period of 60 days was afforded. No comments were received. Final publication was delayed due, in part, to a shortage of funds for publication expenses.

The Board amends the following regulations:

(1) Regulations on eligibility for annuities to be designated as Part 216;

(2) Regulations on applications for benefits to be designated as Part 217;

(3) Regulations on evidence required for payment of benefits to be designated as Part 219; and

(4) Regulations on determinations of Railroad Retirement Board jurisdiction to pay benefits to be designated as Part 221.

New Part 216 contains the basic eligibility requirements for the various types of annuities provided under the Railroad Retirement Act of 1974. The amendment to the annuity eligibility regulations is necessary to update the regulations to the requirements imposed under the Railroad Retirement Act of 1974. The former regulations were issued under the Railroad Retirement Act of 1937 and are, in certain respects, obsolete. In addition, Part 216 has been written in plain English and the eligibility requirements for the various types of annuities, which under former regulations are spread over severl parts, have been consolidated under a single part to make these regulations more usable and understandable.

Part 217 sets forth and explains the requirements for the filing of applications for benefits under the Railroad Retirement Act of 1974. Application forms discussed in this part were utilized under former regulations and have been approved by the Office of Management and Budget. Substantial changes to the former regulations were made; in § 217.9(b), to provide that a disability application will not be denied if the claimant becomes disabled before a final decision is made in § 217.16, to provide for the use of the date an application was mailed as the filing date, if it will prevent the loss of benefits; and in §§ 217.20 and 217.21, to allow a filing date to be established based on a written or verbal statement. In addition, the new part explains when, how, and where to file an application, details how and when an application may be cancelled, and sets forth the reasons why applications may be denied. The amendment to the annuity application regulations is necessary to update the regulations to the requirements imposed under the Railroad Retirement Act of 1974. The former regulations were issued under the Railroad Retirement Act of 1937 and are, in certain respects, obsolete. In addition, Part 217 has been written in plain English and the application requirements, which under former regulations were spread over several parts, have been consolidated under a single part to make these regulations more usable and understandable.

Part 219, Evidence Required for Payment, which would replace the former Part 239, Proofs Required in Support of Claims for Benefits, describes the amount and type of evidence required by the Board for the payment of the different benefits provided under the Railroad Retirement Act of 1974. The amendment to the evidence regulations is necessary to update the regulations to the requirements imposed under the Railroad Retirement Act of 1974. The former regulations were issued under the Railroad Retirement Act of 1937 and are, in certain respects, obsolete. In addition, Part 219 has been written in plain English and should be more usable and understandable.

Part 221, Jurisdiction Determination, is totally new. There was no similar part under former regulations. The new part explains the factors involved in deciding whether the Railroad Retirement Board or the Social Security Administration will pay benefits to a railroad employee, and the employee's family, both before and after death. The new Part 221 is necessary to administer the Railroad Retirement Act of 1974 and explains in a simple, straightforward manner how determinations on Railroad Retirement Board jurisdiction are made.

Amendment of the above-described regulations is a part of an ongoing project of the Railroad Retirement Board to review, revise and reorganize its regulations. As a result, the new parts were written to be an integral part of the revised and reorganized regulations and may, in certain cases, refer to parts or sections of regulations which are not currently in effect. The Board believes that the minor inconveniences that may arise as a result of publishing the regulations on a part-by-part basis are outweighed by the benefits derived from publishing current, more easily usable and understandable regulations.

Although no public comment was received concerning the notice of proposed rulemaking, certain minor changes have been made in the regulations to conform to changes in the law and to changes in related regulations of the Social Security Administration. These changes are as follows:

(1) Subpart H part 216 and § 219.32 which concerned windfall dual benefits, have been deleted and reserved in view of amendments to the Railroad Retirement Act made by the Omnibus Budget Reconciliation Act of 1981;

(2) Sections 216.51(b) and 216.53 were changed slightly to conform to amendments to §§ 404.355 and 404.357 of the regulations of the Social Security Administration; and

(3) Section 216.99(f) was changed to conform to the Staggers Rail Act of 1980.

Several minor conforming and clerical changes were also made.

Title 20, Chapter II, is amended as follows:

PART 208—DISABILITY

§§ 208.1, 208.2, 208.5, and 208.7 [Removed]

1. Part 208 is amended by (a) revising the title of this part from "Eligibility for An Annuity" to "Disability", and (b) removing §§ 208.1, 208.2, 208.5, and 208.7.

PART 210—[REMOVED]

2. Part 210 is removed.

3. The current Part 216 is revised to read as follows:

PART 216—ELIGIBILITY FOR AN ANNUITY

Subpart A—General

Sec.

216.1 Introduction.
216.2 Definitions.
216.3 Other regulations related to this part.

Subpart B—Employee Annuity

216.5 Who is eligible for an age annuity.
216.6 Who is eligible for a disability annuity.
216.7 What is required for payment.
216.8 What work may affect eligibility.
216.9 Giving up the right to return to work.

Subpart C—Supplemental Annuity

216.11 Introduction.
216.12 Who is entitled to a supplemental annuity.
216.13 Supplemental annuity closing date.
216.14 Relationship between supplemental annuity and other benefits.
216.15 What is a private pension.
216.16 Effective date of private pension.

Subpart D—Spouse Annuity

216.20 Who is eligible for a spouse annuity.
216.21 What is required for payment.
216.22 Who is the employee's wife or husband.
216.23 When a spouse is living with an employee.
216.24 Contributing to support, defined.

Subpart E—Surviving Spouse Annuity

216.30 Who is eligible for a surviving spouse annuity.

Sec.

216.31 What is required for payment.
216.32 Who is the employee's surviving spouse.
216.33 Marriage defined.
216.34 Relationship as wife, husband, widow or widower under State law.
216.35 Deemed marriage.
216.36 "Child in care" when child is living with spouse or surviving spouse.
216.37 "Child in care" when child is not living with spouse or surviving spouse.
216.38 Disability period for surviving spouse.

Subpart F—Child's Annuity

216.45 General.
216.46 Who is eligible for a child's annuity.
216.47 What is required for payment of a child's annuity.
216.48 Who may be reentitled to a child's annuity.
216.49 Child defined.
216.50 Relationship as a child under State law.
216.51 Who is the employee's natural child.
216.52 Who is the employee's legally adopted child.
216.53 Who is the employee's stepchild.
216.54 Who is the employee's grandchild or stepgrandchild.
216.55 Who is the employee's equitably adopted child.
216.56 When a child must be dependent.
216.57 When a natural child is dependent.
216.58 When a legally adopted child is dependent.
216.59 When a stepchild is dependent.
216.60 When a grandchild or stepgrandchild is dependent.
216.61 When an equitably adopted child is dependent.
216.62 When a child is living with an employee.
216.63 One-half support, defined.
216.64 When a child is a full-time student.
216.65 When a child is a full-time student during a period of non-attendance.

Subpart G—Parent's Annuity

216.70 Who is eligible for a parent's annuity.
216.71 What is required for payment.
216.72 Who is the employee's parent.

Subpart H—[Reserved]

Subpart I—Eligibility for More Than One Annuity

216.90 Employee and spouse or survivor annuity.
216.91 Spouse and survivor annuity.
216.92 Two survivor annuities.

Subpart J—Current Connection With the Railroad Industry

216.95 General.
216.96 When required.
216.97 Regular current connection test.
216.98 Special current connection test.
216.99 What is regular non-railroad employment.
216.100 What amount of regular non-railroad employment will break a current connection.
216.101 Regular non-railroad employment that will not break a current connection.

Authority: Sec. 2, Pub. L. 93–445, 88 Stat. 1312–1319 (45 U.S.C. 231a), unless otherwise noted. Subpart J also issued under sec. 1, Pub. L. 93–445, 88 Stat. 1311 (45 U.S.C. 231). Sec. 7, Pub. L. 93–445, 88 Stat. 1339 (45 U.S.C. 231f).

Subpart A—General

§ 216.1 Introduction.

This part explains when a person is eligible for a monthly annuity under the Railroad Retirement Act.

(a) *Regular annuity.* A regular monthly annuity is provided for—

(1) An employee who retires because of age or disability;

(2) An employee's wife or husband (spouse); and

(3) The widow, widower, child, or parent of an employee who died.

(b) *Supplemental annuity.* A supplemental annuity is provided for an employee who is entitled to an age or disability annuity.

§ 216.2 Definitions.

As used in this part—

"Apply" means to sign a form or statement that the Railroad Retirement Board accepts as an application for an annuity under the rules set out in Part 217 of this chapter.

"Current Connection" means that the employee was working in or was considered to be working in the railroad industry when he or she became entitled to an annuity or died. An employee has a current connection if he or she meets the conditions described in Subpart J of this part.

"Eligible" means that a person would meet all the requirements for payment of an annuity for a period of time but has not yet applied.

"Entitled" means that a person has applied and has proven his or her right to have the annuity begin.

§ 216.3 Other regulations related to this part.

This part is related to several other parts. Part 217 of this chapter tells how to apply for an annuity. Part 218 of this chapter sets the beginning and ending dates of an annuity. Part 219 of this chapter sets out what evidence is necessary to prove eligibility. Parts 225–228 of this chapter describe the computation of an annuity. Part 229 of this chapter tells when and how an employee and spouse annuity can be increased under the social security overall minimum provision.

Subpart B—Employee Annuity

§ 216.5 Who is eligible for an age annuity.

(a) *General.* An employee is eligible for an age annuity if he or she stops all work for pay as described in § 216.8, and is—

(1) Age 65 or older and has completed 10 years of service; or

(2) Age 60 or older and under 65 and has completed 30 years of service; or

(3) Age 62 or older and under 65 and has completed 10 years but less than 30 years of service. This type of annuity is reduced for each month the employee is entitled before he or she becomes 65 years old. The reduction is described in Part 226 of this chapter.

(b) *Change from employee disability to age annuity.* A disability annuity that is paid through the end of the month before the employee becomes 65 years old automatically becomes an age annuity beginning with the month he or she is 65 years old. However, the age annuity cannot be paid until the employee gives up the right to return to work as described in § 216.7.

§ 216.6 Who is eligible for a disability annuity.

The Railroad Retirement Act provides two types of disability annuities. One type is where the employee's disability prevents work in his or her regular railroad occupation. The other type is where the employee's disability prevents work in any regular employment.

(a) *Disabled for work in regular occupation.* An employee is eligible for a disability annuity if he or she is disabled for work in his or her regular occupation, as defined in Part 220 of this chapter, is under age 65, stops all work for pay, has a current connection with the railroad industry, and either—

(1) Has completed 20 years of service; or

(2) Has completed 10 years of service and is 60 years old or older.

(b) *Disabled for work in any regular employment.* An employee is eligible for a disability annuity if he or she is disabled for work in any regular employment, as defined in Part 220 of this chapter, is under 65, stops all work for pay, and has completed 10 years of service.

§ 216.7 What is required for payment.

The following conditions are necessary for payment of an employee annuity:

(a) An eligible employee must apply to be entitled to an annuity.

(b) If the employee applies for an age annuity, he or she must give up the right to return to work before any annuity to which he or she is entitled can be paid.

(c) If the employee applies for a disability annuity, the annuity may be paid without the need to give up the

right to return to work. However, the annuity cannot be paid, beginning with the month the annuitant is 65 years old, until the annuitant gives up the right to return to work. The disability annuitant must give up the right to return to work before he or she is 65 years old to permit payment of a supplemental annuity under Subpart C of this part or a spouse annuity under Subpart D of this part. The disabled employee can give the Board the authority to give up the right to return to work for him or her when it is required.

§ 216.8 What work may affect eligibility.

Most types of work for pay must be stopped before an employee is eligible for an age or disability annuity, as explained below:

(a) *Work an employee must stop.* Except as shown in paragraph (b) of this section the employee must stop working for—

(1) Any employer under the Railroad Retirement Act; and

(2) Any non-railroad employer.

(b) *Work an employee need not stop.* The employee may continue the following work and still be eligible for an age or disability annuity:

(1) Work for a local lodge or division of a railway labor organization if the pay is under $25 a month unless the work performed is solely for the purpose of collecting insurance premiums.

(2) Self-employment, as defined in paragraph (c) of this section.

(3) Work as an elected public official of the United States, a State, or any political subdivision of a State.

(c) *Self-employment, defined.* Self-employment is work performed in a person's own business, trade, or profession, rather than for an employer. A person is not self-employed, for purposes of this section, if he or she works in an incorporated business. In that case, the corporation is the person's employer. An independent contractor or consultant is considered to be self-employed only if he or she is not supervised by an employer and is not a regular member of the employer's staff. The following factors indicate that a person working as a contractor or consultant may be self-employed:

(1) The person has an office separate from that of an employer.

(2) The person performs similar services for several employers.

(3) The person is free to choose his or her own working hours.

(4) The person performs specific services for a limited time on a particular project.

(5) The person receives payment for a particular project, rather than on a regular basis.

§ 216.9 Giving up the right to return to work.

The employee must give up the right to return to work before an annuity can be paid as explained in § 216.7.

(a) *What return to work rights must be given up.* Except for the type of work shown in § 216.8(b), the employee must give up any seniority or other rights to return to work for—

(1) Any employer under the Railroad Retirement Act; and

(2) Any non-railroad employer with whom the employee—

(i) Last worked before the annuity beginning date; or

(ii) Has the right to return to work on the annuity beginning date; or

(iii) Stopped working to permit the annuity to begin.

(b) *When the right to return to work ends.* An employee's right to return to work for a railroad or non-railroad employer ends when—

(1) The employer reports to the Board that the employee no longer has that right; or

(2) The employee or an authorized agent of the employee gives the employer an oral or written notice of the employee's wish to give up that right and—

(i) The employee certifies to the Board that the right has been given up;

(ii) The Board notifies the employer of the employee's certification; and

(iii) The employer either confirms the employee's right has been given up or fails to reply within 10 days following the day the Board mailed the notice to the employer; or

(3) An event occurs which under the established rules or practices of the employer automatically ends that right; or

(4) The employer or the employee or both take an action which clearly and positively ends that right; or

(5) The employee never had that right and permanently stops working; or

(6) The Board gives up that right for the employee, having been authorized to do so by the employee; or

(7) The employee dies.

Subpart C—Supplemental Annuity

§ 216.11 Introduction.

A career railroad employee may qualify for a supplemental annuity in addition to the regular employee annuity. Supplemental annuities are paid out of a separate trust fund established through employer taxes. The Board reduces a supplemental annuity if the employee receives a private pension based on contributions from a railroad employer. Supplemental annuities are subject to federal income tax.

§ 216.12 Who is entitled to a supplemental annuity.

An employee is entitled to a supplemental annuity, if he or she—

(a) Does not work past his or her supplemental annuity closing date as shown in § 216.13; and

(b) Is entitled to the payment of an employee annuity under subpart B of this part; and

(c) Has a current connection with the railroad industry when the employee annuity begins; and either

(d) Is age 65 or older, has completed 25 years of service, and the employee annuity begins on or after July 1, 1966; or

(e) Is age 60 or older and under age 65, has completed 30 years of service, and the employee annuity begins on or after July 1, 1974. If that annuity is a disability annuity, the annuitant must give up the right to return to work as shown in §§ 216.7 and 216.9 before any supplemental annuity due him or her can be paid.

§ 216.13 Supplemental annuity closing date.

(a) *General.* An employee's supplemental annuity closing date is the last day the employee can work for a railroad employer and still be entitled to a supplemental annuity. There are two types of closing dates—the regular closing date for most career employees and the special closing date for an employee who did not complete the 25 years of service required to qualify for a supplemental annuity on his or her regular closing date.

(b) *Regular closing date.* If the employee has completed 25 years of railroad service or is eligible for an old-age benefit under section 202(a) of the Social Security Act, the regular closing date is the last day of the month after the month he or she becomes 65 years old. However, various closing dates were established if the employee became 65 years old in or before 1973. If the employee was—

(1) 65 years old in 1973, the closing date was January 31, 1974;

(2) 66 years old in 1973, the closing date was the last day of the month after the month he or she was 66 years old;

(3) 66 years old in 1972, the closing date was January 31, 1973;

(4) 67 years old in 1972, the closing date was the last day of the month after the month he or she was 67 years old;

(5) 67 years old in 1971, the closing date was January 31, 1972;

(6) 68 years old in 1971, the closing date was the last day of the month after the month he or she was 68 years old; or

(7) 68 years old before 1971, the closing date was January 31, 1971.

(c) *Special closing date.* If the employee has completed at least 23 years or service but less than 25 years of service and is not eligible for an old-age benefit under section 202(a) of the Social Security Act on his or her regular closing date, the employee's special closing date is the earliest of the following dates:

(1) The last day of the month before the employee becomes eligible for an old-age benefit under section 202(a) of the Social Security Act; or

(2) The last day of the first month in which the employee has enough months of railroad service to be entitled to a supplemental annuity (see § 216.12).

§ 216.14 Relationship between supplemental annuity and other benefits.

(a) *Employee annuity.* A supplemental annuity that begins after December 31, 1974 does not affect the payment of a regular employee annuity.

(b) *Employer pension.* A supplemental annuity is reduced for any private pension the employee is receiving based on a railroad employer's contributions. The reduction is equal to the amount of the pension based on the employer's contributions, less any amount the private pension is reduced because of the supplemental annuity. The supplemental annuity is not reduced for the amount of a private pension paid for by the employee's contributions. Private pension is defined in § 216.15.

(c) *Spouse or survivor annuity.* The payment of a supplemental annuity does not affect the amount of a spouse or survivor annuity.

(d) *Residual lump sum.* The amount of a supplemental annuity is not deducted from the gross residual lump-sum benefit. See Part 234 of this chapter for an explanation of the residual lump-sum benefit.

§ 216.15 What is a private pension.

The Board determines whether a pension established by a railroad employer is a private pension that will cause a reduction in the employee's supplemental annuity. A private pension is based on a pension plan that—

(a) Is a written plan or arrangement which is communicated to the employees to whom it applies; and

(b) Is established and maintained by a railroad employer for a defined group of employees; and

(c) Provides for the regular payment of benefits to employees under a set formula over a period of years.

§ 216.16 Effective date of private pension.

A private pension is effective, for purposes of reducing a supplemental annuity, on the first day of the month after the month the Board determines that it is a private pension, as shown in § 216.15.

Subpart D—Spouse Annuity

§ 216.20 Who is eligible for a spouse annuity.

A person is eligible for a spouse annuity if the person—

(a) Is the wife or husband, as defined in § 216.22, of an employee who is entitled to an annuity under Subpart B of this part;

(b) Stops the same type of work for pay that an employee must stop, as described in § 216.8; and

(c) Meets the age requirements. The spouse's age requirement depends upon when the employee's annuity begins and the employee's age, as follows:

(1) If the employee's annuity begins July 1, 1974 or later, the employee has completed 30 years of railroad service and the employee is 60 years old or older, the spouse must be—

(i) 60 years old or older; or

(ii) Less than 60 years old and a wife with the employee's child who is under 18 years old or disabled in her care. "In care" is defined in §§ 216.36 and 216.37. Subpart F of this part tells who is the employee's child.

(2) If the employee's annuity begins January 1, 1975 or later, the employee has completed less than 30 years of railroad service and the employee is 62 years old or older, the spouse must be—

(i) 65 years old or older; or

(ii) Less than 65 years old and a wife with the employee's child who is under 18 years old or disabled in her care; or

(iii) 62 years old or older and under 65. This type of annuity is reduced for each month the spouse is entitled before he or she becomes 65 years old. The reduction is described in Part 226 of this chapter.

(3) If the employee's annuity began before July 1, 1974, or it began in the period after June 30, 1974 and before January 1, 1975, the employee has less than 30 years of railroad service, and the employee is 65 years old or older, the spouse must be—

(i) 65 years old or older; or

(ii) Less than 65 years old and a wife with the employee's child who is under 18 years old or disabled in her care; or

(iii) 62 years old or older and under 65. This type of annuity is reduced for each month the spouse is entitled before he or she becomes 65 years old. The reduction is described in Part 226 of this chapter.

§ 216.21 What is required for payment.

An eligible spouse must—

(a) Apply to be entitled to an annuity; and

(b) Give up the right to return to work as described in § 216.9, in the same manner as if the spouse were an employee, before any annuity to which he or she is entitled can be paid.

§ 216.22 Who is the employee's wife or husband.

An employee's wife or husband is a person who—

(a) Is married to the employee, as described in § 216.33;

(b) Is living with the employee, as defined in § 216.23, on the date the spouse applied for the annuity; and

(c) Has been married to the employee, for at least one year before the date the spouse applied for the annuity; or

(d) Is the natural parent of the employee's child; or

(e) Was entitled to or, if the spouse had applied and been old enough he or she could have been entitled to, an annuity as a surviving spouse, a parent, or a disabled child under this part in the month before he or she married the employee.

§ 216.23 When a spouse is living with an employee.

(a) *General.* A spouse is living with the employee if—

(1) The employee and spouse are members of the same household; or

(2) The employee is contributing to the support of the spouse, as shown in § 216.24; or

(3) The employee is under court order to contribute to the spouse's support.

(b) *Members of the same household.* The employee and spouse are members of the same household if they normally live together as husband and wife in the same home. The employee and spouse are also considered members of the same household when they live apart but they expect to continue living together after a temporary separation. A temporary separation may be caused by military service, working away from home, hospitalization, or imprisonment. A separation of six months or less for any one of the above reasons or a separation of any length because of military service will be considered a temporary separation unless there is evidence that the employee and spouse do not intend to continue living together. A separation for more than six months, for other than military service, will be considered temporary only if there is evidence that the employee and spouse expect to live together in the near future. In general, a separation will not be considered temporary if the employee and spouse reside in different countries.

§ 216.24 Contributing to support, defined.

An employee is contributing to the support of a person if the employee gives some of his or her own cash,

goods, or services to help support the person. Support includes food, clothing, housing, routine medical care, and other ordinary items needed for a person's well being. Contributions must be made regularly and must be large enough to meet an important part of a person's ordinary living costs. Benefits the person receives based on the employee's military service record and spouse benefits under the Railroad Retirement Act are contributions to the person's support. A spouse social security benefit on the employee's earnings record is a contribution toward the spouse's support only if the spouse met one of the "living with" requirements shown in § 216.23 when the spouse application was filed. The employee's contributions must be made on a regular basis. However, temporary interruptions caused by circumstances beyond the employee's control, such as illness or unemployment, are disregarded unless someone else takes over responsibility for supporting the person on a permanent basis.

Subpart E—Surviving Spouse Annuity

§ 216.30 Who is eligible for a surviving spouse annuity.

A person is eligible for a surviving spouse annuity if the person—

(a) Is the widow or widower, as defined in § 216.32, of an employee who has completed 10 years of railroad service and had a current connection with the railroad industry when he or she died;

(b) Has not remarried; and

(c) Meets one of the following conditions—

(1) Is 60 years old or older;

(2) Is 50 years old or older and under 60 years old and he or she has a disability as defined in Part 220 of this chapter that began before the end of the period described in § 216.38. A surviving spouse annuity that is paid on the basis of disability up to the month the annuitant is 60 years old automatically becomes an age annuity beginning with the month he or she is 60 years old; or

(3) Is under 65 years old and has "in care" the deceased employee's child who is entitled to an annuity under Subpart F of this part because he or she is under 18 years old or is disabled. Sections 216.36 and 216.37 describe when a child is "in care."

§ 216.31 What is required for payment.

An eligible widow or widower must apply to be entitled to an annuity.

§ 216.32 Who is the employee's surviving spouse.

A surviving spouse is the deceased employee's widow or widower who—

(a) Was married to the employee for at least nine months before the day the employee died; or

(b) Was married to the employee less than nine months before the employee died but, at the time of marriage, the employee was reasonably expected to live for nine months, and—

(1) The employee's death was accidental; or

(2) The employee died in the line of duty while he or she was serving on active duty as a member of the armed forces of the United States; or

(3) The surviving spouse was previously married to the employee for at least nine months; or

(c) Is the natural parent of the employee's child; or

(d) Was married to the employee when either the employee or the surviving spouse legally adopted the other's child or they both legally adopted a child who was then under 18 years old; or

(e) Was, in the month before the month of marriage, entitled to or, if the surviving spouse had applied and been old enough, he or she could have been entitled to—

(1) A widow's, widower's, father's, mother's, wife's, parent's, or disabled child's benefit under section 202 of the Social Security Act; or

(2) A widow's, widower's, parent's or disabled child's annuity under this part.

§ 216.33 Marriage defined.

Marriage is a relationship based on—

(a) A "deemed marriage" which may be established as described in § 216.35; or

(b) The laws of the state in which the employee has a permanent home. The employee's permanent home is his or her true and fixed home (legal domicile). It is the place to which a person intends to return whenever he or she is absent. A valid marriage under State law may be established if—

(1) The employee and spouse are married in a civil or religious ceremony; or

(2) The spouse could inherit a wife's, husband's, widow's, or widower's share of the employee's personal property if the employee were to die without leaving a will; or

(3) The employee and spouse live together in a common-law marriage relationship which is recognized under State law.

§ 216.34 Relationship as wife, husband, widow or widower under State law.

To decide a person's relationship as the wife or husband of an employee, the Board applies the laws of the State where the employee had a permanent home when the spouse applied for his or her annuity. To decide a person's relationship as the widow or widower of an employee, the Board applies the laws of the State where the employee had a permanent home when the employee died. If the employee's permanent home is not in one of the 50 States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa, the Board applies the laws of the District of Columbia. See § 216.33(b) for a definition of "permanent home."

§ 216.35 Deemed marriage.

(a) *General.* If a marriage relationship cannot be established under State law, as shown in § 216.33, a person may be eligible for an annuity based on a deemed marriage. A person is deemed to be the wife, husband, widow, or widower of an employee if the person's marriage to the employee would have been valid under State law except for a legal impediment (see paragraph (b) of this section) and all of the following requirements are met:

(1) The person married the employee in a civil or religious ceremony.

(2) The person went through the marriage ceremony in good faith and did not know of the legal impediment at the time of the marriage. Good faith means that the person believes the marriage is legal.

(3) The person was living in the same household with the employee when he or she applied for the spouse annuity or when the employee died. "Living in the same household" is defined in paragraph (c) of this section.

(4) At the time the person applies for his or her annuity, no other person has a relationship under State law, as shown in § 216.33(b), as the employee's wife, husband, widow or widower and is or has been entitled to an annuity or social security benefit based on that relationship.

(b) *Legal impediment.* A legal impediment means that there was a defect in the procedure followed in the marriage ceremony or that a previous marriage of the employee or spouse had not ended at the time of the ceremony.

(c) *Living in the same household.* A husband and wife are "living in the same household" if they are "members of the same household" as shown in § 216.23(b).

§ 216.36 "Child in care" when child is living with spouse or surviving spouse.

A child who has been living with a person for at least 30 consecutive days is in that person's care if—

(a) The child is under 18 years old; or

(b) The child is 18 years old or older with a mental disability and the person supervises the child's activities and makes important decisions about the child's needs either alone or with another person; or

(c) The child is 18 years old or older with a physical disability and the person performs personal services for the child. Personal services are such services as dressing, feeding, and managing money, which the child cannot do alone because of a disability; and

(d) The child is not in active military service.

§ 216.37 "Child in care" when child is not living with spouse or surviving spouse.

(a) *When child in care.* A child living apart from a person is in that person's care if—

(1) The child lives apart or is expected to live apart from the person for not more than 6 months; or

(2) The child is under 18 years old, the person supervises the child's activities and makes important decisions about his or her needs, and one of the following circumstances applies:

(i) The child is living apart because of school but spends a vacation of at least 30 consecutive days with the person each year, unless some event makes the vacation unreasonable. If the person and the child's other parent are separated, the school must look to the person for decisions about the child's welfare.

(ii) The child is living apart because of the person's employment but the person makes regular and substantial contributions to the child's support. "Contributing to support" is defined in § 216.24.

(iii) The child is living apart because of the child's or the person's physical disability; or

(3) The child is 18 years old or older and is mentally disabled and the person supervises the child's activities, makes important decisions about the child's needs, and helps in the child's upbringing and development.

(b) *Child not in care.* A child living apart from a person is not in the persons's care if—

(1) The child is in active military service; or

(2) The child is living with his or her other parent; or

(3) A court order removed the child from the person's custody and control; or

(4) The child is 18 years old or older, does not have a mental disability, and has been living apart or expects to live apart from the person for more than 6 months; or

(5) The person gave the right to custody and control of the child to someone else.

§ 216.38 Disability period for surviving spouse.

A surviving spouse who has a disability as defined in Part 220 of this chapter is eligible for an annuity only if the disability began before the end of a period which—

(a) Begins with the later of—

(1) The month in which the employee died; or

(2) The last month the surviving spouse was entitled to an annuity for having the emloyee's child "in care"; or

(3) The last month the surviving spouse was entitled to a previous annuity based on disability; and

(b) Ends with the earlier of—

(1) The month before the month in which the surviving spouse is 60 years old; or

(2) The last day of the 84th month (7 years) following the month in which the period began.

Subpart F—Child's Annuity

§ 216.45 General.

The Railroad Retirement Act provides an annuity for the child of a deceased employee but not for the child of a living employee. However, the Act does provide that the child of a living employee can establish eligibility for a spouse annuity, or cause an increase in the annuity of an employee and spouse. The eligibility requirements described in this subpart for the annuity of a child of a deceased employee apply also for the following purposes, except as otherwise indicated in this part:

(a) To establish annuity eligibility for a wife under § 216.20 if she has the employee's eligible child "in care";

(b) To provide an increase in the employee's annuity under the social security overall minimum provision by including the eligible child. (See Part 229 of this chapter); and

(c) To allow payment of a spouse windfall benefit before age 62, as shown in § 216.83(b).

§ 216.46 Who is eligible for a child's annuity.

A person is eligible for a child's annuity if the person—

(a) Is a child, as defined in § 216.49, of an employee who has completed 10 years of railroad service and had a current connection with the railroad industry when he or she died;

(b) Is not married at the time the application is filed;

(c) Is dependent upon the employee as defined in §§ 216.56–216.61; and

(d) Meets one of the following at the time the application is filed—

(1) Is under 18 years old;

(2) Is 18 years old or older and either—

(i) Has a disability as defined in Part 220 of this chapter that began before the child became 22 years old; or

(ii) Is under 22 years old and is a full-time student as defined in § 216.64 and § 216.65; or

(iii) Becomes 22 years old in a month in which he or she is a full-time student and has not completed the requirements for, or received a degree from, a 4-year college or university.

§ 216.47 What is required for payment of a child's annuity.

An eligible child of a deceased employee must apply to be entitled to an annuity.

§ 216.48 Who may be reentitled to a child's annuity.

If a person's entitlement to a child's annuity has ended, the person may be reentitled if he or she has not married and he or she applies to be reentitled. The reentitlement may begin with—

(a) The first month the person is a full-time student if he or she is under 22 years old or is 22 years old and has not completed the requirements for, or received a degree from, a 4-year college or university; or

(b) The first month the person is disabled, if the disability began before he or she became 22 years old; or

(c) The first month the person is under a disability that began before the end of the 84th month after the month in which the previous spouse or child's annuity ended, the person was no longer included as a disabled child under the social security overall minimum (see Part 229 of this chapter), or a spouse windfall based on a child was no longer payable because the person was no longer disabled.

§ 216.49 Child defined.

As used in this chapter, child means—

(a) The natural or legally adopted child of the employee; or

(b) The stepchild of the employee; or

(c) The grandchild or stepgrandchild of the employee or spouse; or

(d) The equitably adopted child of the employee.

§ 216.50 Relationship as a child under State law.

To decide a person's relationship as the child of an employee, the Board applies the laws of the State in which the employee has a permanent home when the wife applies for a spouse annuity for having the employee's child

"in care," when the employee's annuity can be increased under the social security overall minimum provision, when a spouse windfall benefit can be paid because of the child, or when the employee dies, if the person is applying for a child's annuity. If the employee's permanent home is not one of the 50 States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa, the Board applies the laws of the District of Columbia. See § 216.33(b) for a definition of "permanent home."

§ 216.51 Who is the employee's natural child.

A person may be eligible as an employee's natural child if one of the following conditions is met:

(a) The child could inherit, under State law, a share of the employee's personal property as the employee's natural child if the employee were to die without leaving a will.

(b) The child is the employee's son or daughter and the employee and the child's mother or father went through a marriage ceremony which would have been valid except for a legal impediment, as defined in § 216.35(b).

(c) The child's mother has not married the employee, but—

(1) The employee has stated in writing that the person is his child; or

(2) A court order states that the employee is the father of the child; or

(3) A court ordered the employee to contribute to the child's support because the employee is the child's father.

(d) The child's mother has not married the employee, but—

(1) The person has acceptable evidence other than that shown in paragraph (c) of this section, that the employee is his or her father; and

(2) The employee was living with the child or contributing to the child's support, as shown in §§ 216.62 and 216.24, when—

(i) The wife applied for her annuity for having the employee's child "in care;" or

(ii) The employee's annuity can be increased under the social security overall minimum provison as explained in Part 229 of this chapter; or

(iii) A spouse windfall benefit can be paid because of the child; or

(iv) The employee died, if the person is applying for a child's annuity.

§ 216.52 Who is the employee's legally adopted child.

A person may be eligible as the employee's child if the employee adopted the child under the State laws which apply, as shown in § 216.50. A child adopted by the surviving spouse after the employee's death is considered the employee's child if—

(a) Either the child is adopted within two years after the day the employee died or the employee began proceedings to adopt the child before death; and

(b) The child is living in the employee's household at the time of the employee's death; and

(c) The child is not receiving regular support contributions from any person other than the employee or spouse at the time of the employee's death.

§ 216.53 Who is the employee's stepchild.

A person may be eligible as an employee's stepchild if—

(a) The child's natural or adoptive parent married the employee after the child's birth; and

(b) The marriage between the employee and the child's parent is a valid marriage under State law or would be valid except for a legal impediment as defined in § 216.35(b); and

(c) The employee and the child's parent were married at least one year before the date the wife applies for her annuity for having the employee's child "in care", before the date the employee's annuity can be increased under the social security overall minimum provision, or before the date a spouse windfall benefit can be paid based on the child; or

(d) The employee and the child's parent were married at least nine months before the date the employee died, if the person is applying for a child's annuity. If they were married less than nine months, the conditions described in § 216.32(b) must be met.

§ 216.54 Who is the employee's grandchild or stepgrandchild.

A person may be eligible as the grandchild or stepgrandchild of an employee or of an employee's spouse if the requirements in paragraph (a) and either paragraph (b) or (c) of this section are met:

(a) The person is the natural child, adopted child, or stepchild of the child of an employee or employee's spouse as defined in §§ 216.51–216.53 or in § 216.55.

(b) The person's natural or adoptive parents are deceased or are disabled as defined in section 223(d) of the Social Security Act in the month in which—

(1) The employee, who is entitled to an annuity under subpart B of this part, would be entitled to an age benefit under section 202(a) or a disability benefit under section 223 of the Social Security Act if his or her railroad service were wages under that Act; or

(2) The employee dies; or

(3) The employee's period of disability begins, if he or she is entitled to an annuity and has a period of disability which continues until he or she could be entitled to a social security benefit as described in paragraph (b)(1) of this section. "Period of disability" is explained in Part 220 of this chapter.

(c) The person was legally adopted in the United States by the employee's surviving spouse after the employee's death and the child's natural or adoptive parent or stepparent was not living in the employee's household and making regular contributions to the child's support at the time the employee died.

§ 216.55 Who is the employee's equitably adopted child.

A person may be eligible as the equitably adopted child of an employee if the employee had agreed to adopt the child but the adoption did not occur. The agreement to adopt must be recognized under State law so that the child could inherit a share of the employee's personal property as the employee's child if the employee were to die without leaving a will. The State law to be followed is explained in § 216.50.

§ 216.56 When a child must be dependent.

(a) *Employee is alive.* A child must be dependent upon the employee in the month in which—

(1) The wife's annuity as described in § 216.45(a) begins; or

(2) The employee's annuity can be increased under the social security overall minimum as described in § 216.45(b); or

(3) A spouse windfall benefit can be paid based on the child; or

(4) The employee's period of disability begins or the employee could become entitled to a social security benefit as described in §216.54(b)(1), if the employee has a period of disability that continues until he or she could become entitled to that benefit.

(b) *Employee is dead.* A child must be dependent upon the employee in the month in which—

(1) The employee dies; or

(2) The employee's period of disability begins or the employee could become entitled to a social security benefit as described in § 216.54(b)(1), if the employee has a period of disability that continues until he or she could become entitled to that benefit or dies.

§ 216.57 When a natural child is dependent.

The employee's natural child, as defined in § 216.51, is considered dependent on the employee at the time shown in § 216.56. However, if the child is legally adopted by another person

during the employee's lifetime, the child is considered dependent on the employee only if the employee was living with the child or contributing to the support of the child at one of the times shown in § 216.56.

§ 216.58 When a legally adopted child is dependent.

(a) *General*—(1) *During employee's lifetime.* If an employee legally adopts a child before the employee could become entitled to a social security benefit as described in § 216.54(b)(1), and no other person adopts the child during the employee's lifetime, the child is considered dependent on the employee at the time shown in § 216.56(a). If the employee adopts a child who is not his or her natural child or stepchild after the employee could become entitled to a social security benefit, as described in § 216.54(b)(1), the child is considered dependent on the employee only if the requirements in paragraph (b) of this section are met. If another person adopts the child during the employee's lifetime, the child is considered dependent on the employee as shown in § 216.57.

(2) *After employee's death.* If an employee legally adopted a child, including a natural child, stepchild, or grandchild, and no other person adopted the child during the employee's lifetime, the child is considered dependent on the employee at the time shown in § 216.56(b). If a surviving spouse adopted a child after the employee's death, the child is considered dependent on the employee if the requirements in § 216.52 are met. If another person adopted the child during the employee's lifetime, the child is considered dependent on the employee as shown in § 216.57.

(b) *Child adopted after employee could become entitled to a social security benefit.* A child who is not the employee's natural child, stepchild, grandchild, or stepgrandchild, and who is adopted by an employee after the employee could become entitled to a social security benefit as described in §216.54(b)(1), is considered dependent on the employee during the employee's lifetime only if the requirements in paragraphs (b) (1), (2), and either (3) or (4) of this section are met:

(1) The child is adopted in the United States.

(2) The child began living with the employee before the child became age 18.

(3) The child is living with the employee in the United States and receives at least one-half of his or her support from the employee for the year before—

(i) The employee could become entitled to a social security benefit, as described in § 216.54(b)(1); or

(ii) The employee becomes entitled to a period of disability that continues until he or she could become entitled to a social security benefit as described in § 216.54(b)(1).

(4) A child born in the one-year period mentioned in paragraph (b)(3) of this section lives with and receives at least one-half of his or her support from the employee for "substantially all" of the period that begins on the date the child is born. "Substantially all" means—

(i) The child is living with and receiving one-half support from the employee when the employee could become entitled to a social security benefit, as described in § 216.54(b)(1), or a period of disability; and

(ii) Any period during which the child was not living with or receiving one-half support from the employee is not more than one-half the period from the child's birth to the employee's date of entitlement or three months, whichever is less.

(c) *Grandchild adopted after employee could become entitled to a social security benefit.* If an employee legally adopts his or her grandchild or the spouse's grandchild after the employee could become entitled to a social security benefit, as described in § 216.54(b)(1), the grandchild is considered dependent on the employee during the employee's lifetime only if the requirements in paragraphs (c) (1), (2), and (3) or (4) of this section are met:

(1) The grandchild is adopted in the United States.

(2) The grandchild began living with the employee before the grandchild became age 18.

(3) The grandchild is living with the employee in the United States and receives at least one-half of his or her support from the employee for the year before—

(i) The employee's annuity can be increased under the social security overall minimum (see Part 229 of this chapter) by including the grandchild; or

(ii) The employee could become entitled to a social security benefit, as described in § 216.54(b)(1); or

(iii) The employee becomes entitled to a period of disability that continues until he or she could become entitled to a social security benefit, as described in § 216.54(b)(1).

(4) A grandchild born in the one-year period mentioned in item (3) lives with and receives at least one-half of his or her support from the employee for "substantially all" of the period that begins on the date the grandchild is born. "Substantially all" is defined in paragraph (b)(4) of this section.

§ 216.59 When a stepchild is dependent.

An employee's stepchild, as described in § 216.53, is considered dependent on the employee if the stepchild is living with or receiving at least one-half of his or her support from the employee at one of the times shown in § 216.56.

§ 216.60 When a grandchild or stepgrandchild is dependent.

An employee's grandchild, as described in § 216.54, is considered dependent on the employee if the requirements in paragraphs (a) and (b) or (c) of this section are met:

(a) The grandchild or stepgrandchild began living with the employee before the grandchild or stepgrandchild became age 18.

(b) The grandchild or stepgrandchild is living with the employee in the United States and receives at least one-half of his or her support from the employee for the year before—

(1) The employee could become entitled to a social security benefit as described in § 216.54(b)(1); or

(2) The employee dies; or

(3) The employee becomes entitled to a period of disability that lasts until he or she could become entitled to a social security benefit, as described in § 216.54(b)(1), or dies. "Period of disability" is explained in Part 220 of this chapter.

(c) A grandchild or stepgrandchild born in the one-year period mentioned in paragraph (b) of this section lives with and receives at least one-half of his or her support from the employee for "substantially all" of the period that begins on the date the grandchild or stepgrandchild is born. "Substantially all" is defined in § 216.58(b)(4).

§ 216.61 When an equitably adopted child is dependent.

(a) *During employee's lifetime.* An employee's equitably adopted child, as defined in § 216.55, is not considered dependent on the employee during the employee's lifetime if the adoption takes place after the employee could become entitled to a social security benefit, as described in § 216.54(b)(1). If the equitable adoption took place before the employee could become entitled to a social security benefit, the child is considered dependent on the employee if the employee was living with or contributing to the support of the child at one of the times shown in § 216.56(a).

(b) *After employee's death.* An employee's equitably adopted child, as defined in § 216.55, is considered dependent on the employee if the

employee was living with or contributing to the support of the child when the employee died.

§ 216.62 When a child is living with an employee.

A child is living with the employee if the child normally lives in the same home with the employee and the employee has parental control and authority over the child's activities. The child is considered to be "living with" the employee while they are living apart if they expect to live together again after a temporary separation. A temporary separation may include the employee's absence because of active military service, working away from home, hospitalization, or imprisonment. However, the employee must have parental control and authority over the child during the period of temporary separation. A child who is in active military service or in prison is not "living with" the employee, since the employee does not have parental control over the child.

§ 216.63 One-half support, defined.

The employee is providing one-half support to a person if the employee makes regular contributions to the person's support and the amount of the contributions is equal to or more than one-half of the person's ordinary living costs. Ordinary living costs are the costs for necessities such as food, clothing, housing, and routine medical care. A contribution may be in cash, goods, or services. The employee is providing one-half support only if he or she has done so for a reasonable period of time. Ordinarily, a reasonable period is the 12-month period immediately before the time the one-half support requirement must be met, as shown in §§ 216.58–216.60, 216.70, 216.82(c), 216.83(c) and 216.85 of this chapter. A shorter period will be considered reasonable if—

(a) The employee starts or stops providing one-half or more of a person's support on a permanent basis sometimes during the 12-month period and this is a change in how the person was supported up to then. In this case, the time from the change up to the end of the 12-month period is considered a reasonable period.

(b) The employee provided one-half or more of a person's support for at least 3 months of the 12-month period, but had to stop or reduce the amount of the contributions because of circumstances beyond his or her control, such as illness or unemployment, and no other person took over the responsibility for providing one-half support on a permanent basis. A reasonable period, in this case, is that part of the 12-month period before the employee had to stop providing one-half support.

§ 216.64 When a child is a full-time student.

A full-time student is a person who is in full-time attendance at an educational institution. A person is not a full-time student if he or she is paid while attending an educational institution by an employer who has requested or required that the person attend the educational institution. A person is not considered a full-time student while he or she is confined in a penal institution or correctional facility because he or she committed a felony after October 19, 1980.

(a) *Full-time attendance, defined.* Full-time school attendance means that a student is enrolled in a non-correspondence course which is considered full-time for day students under the practices and standards of the educational institution. If the student is enrolled in a junior college, college, or university, the course must last at least 13 weeks. If the student is enrolled in any other educational institution, the course must last at least 13 weeks and the student's scheduled rate of attendance must be at least 20 hours a week. A student whose full-time attendance either begins or ends in a month is in full-time attendance for the entire month. A student is in full-time attendance in the month he or she graduates if classes end in the month before graduation. A student is not in full-time attendance after his or her classes end if they end two or more months before the month of graduation.

(b) *Educational institution, defined.* An educational institution is a school (including a technical, trade, or vocational school), junior college, college, or university that meets any one of the following requirements:

(1) It is operated or directly supported by the United States, by any State or local government, or by a political subdivision of a State or local government.

(2) It is approved by a State or accredited by a State or nationally-recognized accrediting body. Approval by a State means that a State agency or local governmental unit recognizes a school, college, or university as an educational institution or approves one or more of the courses offered by a school, college, or university. A State-recognized accrediting body is one designated or recognized by a State as the proper authority for accrediting schools, colleges or universities. A nationally-recognized accrediting body is one that has been recognized by the U.S. Commissioner of Education.

(3) It is a nonaccredited school, college, or university but its credits are accepted by at least 3 educational institutions that have been accredited by a State or nationally-recognized accrediting body.

§ 216.65 When a child is a full-time student during a period of nonattendance.

A student who has been in full-time attendance at an educational institution is considered a full-time student during a period of nonattendance (including part-time attendance) if—

(a) The period of nonattendance is 4 consecutive months or less; and

(b) The student shows the Board that he or she intends to return or the student does return to full-time attendance at the end of the period; and

(c) The student has not been expelled or suspended from the educational institution.

Subpart G—Parent's Annuity

§ 216.70 Who is eligible for a parent's annuity.

A person is eligible for a parent's annuity if there is no surviving spouse or child who is or who could ever be entitled to an annuity under Subpart E or F of this part and the person—

(a) Is a parent as defined in § 216.72 of a deceased employee who had completed 10 years of railroad service and had a current connection with the railroad industry when he or she died;

(b) Is 60 years old or older;

(c) Has not married since the employee died; and

(d) Was receiving at least one-half support from the employee when he or she died. One-half support is defined in § 216.63.

§ 216.71 What is required for payment.

An eligible parent must apply to be entitled to an annuity.

§ 216.72 Who is the employee's parent.

An employee's parent is a person who—

(a) Is the natural mother or father, who is considered the employee's parent under the laws of the State where the employee had a permanent home when he or she died; or

(b) Is a person who legally adopted the employee before the employee became 16 years old; or

(c) Is a stepparent who married the employee's natural or adoptive parent before the employee became age 16. The marriage must be valid under the laws of the State where the employee had a permanent home when the employee died. See § 216.33(b) for a definition of permanent home.

Subpart H—[Reserved]

Subpart I—Eligibility for More Than One Annuity

§ 216.90 Employee and spouse or survivor annuity.

Under the 1937 Act, a person receiving an employee annuity who was also entitled to an annuity as a spouse or survivor could receive both annuities. Under section 2(h)(3) of the 1974 Act, if a person is entitled to both an employee annuity and a spouse or survivor annuity, the spouse or survivor annuity must be reduced by the amount of the employee annuity. However, this reduction does not apply if the employee or the person on whose wage record the spouse or survivor benefit is payable worked for a railroad employer or as an employee representative before January 1, 1975.

§ 216.91 Spouse and survivor annuity.

If a person is entitled to both a spouse and survivor (child's or parent's) annuity, only the larger of the two annuities will be paid. However, if the person chooses, he or she can receive the smaller of the two annuities.

§ 216.92 Two survivor annuities.

If a person is entitled to two survivor (surviving spouse, child's, or parent's) annuities, only the larger of the two annuities will be paid. However, if the person chooses, he or she can receive the smaller of the two annuities.

Subpart J—Current Connection With the Railroad Industry

§ 216.95 General.

A current connection with the railroad industry is clear in most cases where entitlement or death immediately follows continuous years of railroad employment. However, there are cases in which the employee did not work for a railroad employer for a period of time before entitlement or death. In this situation, a test is provided to determine whether the employee can be considered to have a current connection with the railroad industry.

§ 216.96 When required.

(a) A current connection is required to qualify a person for the following types of railroad retirement benefits:

(1) An employee occupational disability annuity as described in § 216.6(a).

(2) A supplemental annuity, as described in Subpart C of this part.

(3) An employee or spouse windfall benefit, as described in §§ 216.82 and 216.83, in certain cases.

(4) A survivor annuity, as described in Subparts E, F, and G of this part.

(5) The lump-sum death payment described in Part 234 of this chapter.

(b) A current connection established when an employee's annuity began is effective for—

(1) Any annuity under this part for which the employee later becomes eligible; and

(2) Any survivor annuity under this part or a lump-sum death payment under Part 234 of this chapter.

§ 216.97 Regular current connection test.

An employee has a current connection with the railroad industry if he or she meets one of the following requirements:

(a) The employee works in creditable railroad service in at least 12 of the 30 consecutive months immediately before the earlier of—

(1) The month his or her annuity begins; or

(2) The month he or she dies.

(b) The employee works in creditable railroad service in at least 12 months in a period of 30 consecutive months and does not work in any regular non-railroad employment in the interval between the month the 30-month period ends and the earlier of—

(1) The month his or her annuity begins; or

(2) The month he or she dies.

§ 216.98 Special current connection test.

An employee who does not have a current connection under the regular test has a current connection only to qualify a person for a survivor annuity if—

(a) The employee would not be fully or currently insured under section 214 of the Social Security Act if his or her railroad service after 1936 were treated as social security earnings; or

(b) The employee has no quarters of coverage as defined in section 213 of the Social Security Act.

§ 216.99 What is regular non-railroad employment.

Regular non-railroad employment is full- or part-time employment for pay but not any of the following types of employment:

(a) Self-employment.

(b) Temporary work provided as relief by an agency of a Federal, State, or local government.

(c) Service inside or outside the United States for an employer under the Railroad Retirement Act, even if the employer does not conduct the main part of its business in the United States.

(d) Involuntary military service not creditable under the Railroad Retirement Act.

(e) Employment with the following agencies of the United States Government:

(1) Department of Transportation.

(2) Interstate Commerce Commission.

(3) National Mediation Board.

(4) Railroad Retirement Board.

(f) Employment entered into after early retirement by an employee who is receiving an annuity under ConRail's voluntary annuity program. This program is provided under the Staggers Rail Act of 1980 (Pub. L. 96–448).

§ 216.100 What amount of regular non-railroad employment will break a current connection.

The amount of regular non-railroad employment needed to break a current connection depends on when the 30-month period described in § 216.97 ends, as follows:

(a) If the 30-month period ends in the year before or in the same year as the month the annuity begins or the month the employee dies, the current connection is broken if the employee—

(1) Works in each month in the interval after the end of the 30-month period and before the month the annuity begins or the employee dies; or

(2) Works and earns at least $200 in wages in any three months within the interval described in paragraph (a)(1) of this section.

(b) If the 30-month period ends more than a year before the year in which the annuity begins or the employee dies, the current connection is broken if the employee—

(1) Works in any two consecutive years wholly or partially within the interval after the end of the 30-month period and before the month the annuity begins or the employee dies; and

(2) Earns at least $1,000 in wages in any year wholly or partially within the interval described in paragraph (b)(1) of this section, even if that year is not one of the two consecutive years described in paragraph (b)(1) of this section.

§ 216.101 Regular non-railroad employment that will not break a current connection.

Regular non-railroad employment will not break an employee's current connection if it is performed during the 30-month period described in § 216.97(b), in or after the month the annuity begins, or in the month the employee dies.

PARTS 217—[REDESIGNATED AS PART 230]

4. The current Part 217 is redesignated as Part 230. A new Part 217 is added to read as follows:

PART 217—APPLICATION FOR ANNUITY OR LUMP SUM

Subpart A—General

Sec.
217.1 Introduction.
217.2 Definitions.
217.3 Need to file an application.

Subpart B—Applications

217.5 When an application is a claim for an annuity or lump sum.
217.6 What is an application filed with the Board.
217.7 Claim filed with the Social Security Administration.
217.8 When one application satisfies the filing requirement for other benefits.
217.9 Effective period of application.
217.10 Application filed after death.
217.11 "Good cause" for delay in filing application.

Subpart C—Filing An Application

217.15 Where to file.
217.16 Filing date.
217.17 Who may sign an application.
217.18 When application is not acceptable.
217.19 Representative of the claimant selected after application is filed.
217.20 When a written statement is used to establish the filing date.
217.21 Deterred from filing.

Subpart D—Cancellation of Application

217.25 Who may cancel an application.
217.26 How to cancel an application.
217.27 Effect of cancellation.

Subpart E—Denial of Application

217.30 Reasons for denial of application.
217.31 Applicant's right to appeal denial.

Authority: Sec. 5, Pub. L. 93–445, 88 Stat. 1332 (45 U.S.C. 231d). Sec. 7, Pub. L. 93–445, 88 Stat. 1339 (45 U.S.C. 231f).

Subpart A—General

§ 217.1 Introduction.

This part describes how to apply for an annuity or lump-sum payment under this chapter. It contains the rules for the filing and cancellation of an application and the period of time the application is in effect.

§ 217.2 Definitions.

The following definitions are used in this part:

"Applicant" means a person who signs an application for an annuity or lump sum for himself or herself or for some other person.

"Application" refers only to a form described in § 217.6.

"Apply" or "File" means to sign a form or statement that the Railroad Retirement Board accepts as an application.

"Award" means to process a form to make a payment. An annuity is awarded on the date the payment form is processed.

"Claimant" means a person who files for an annuity or lump sum for himself or herself or the person for whom an application is filed.

§ 217.3 Need to file an application.

In addition to meeting other requirements, a person must file an application to become entitled to an annuity or lump sum. Filing an application will—

(a) Permit a formal decision on whether the person is entitled to an annuity or lump sum;

(b) Protect a person's entitlement to an annuity for as many as 12 months before the application is filed; and

(c) Provide the right to appeal if the person is dissatisfied with the decision (see Part 260 of this chapter).

Subpart B—Applications

§ 217.5 When an application is a claim for an annuity or lump sum.

An application is a claim for an annuity or lump sum if it meets all of the following conditions:

(a) It is on an application form completed and filed with the Board as described in § 217.6;

(b) It is signed by the claimant or by someone described in § 217.17 who can sign the application for the claimant;

(c) It is filed with the Board on or before the date of death of the claimant. (See § 217.10 for limited exceptions.)

§ 217.6 What is an application filed with the Board.

(a) *General.* An application filed with the Board is generally one that is filed on a form set up by the Board for that purpose. See Part 200 of this chapter for a list of application forms.

(b) *Claim filed with the Social Security Administration.* An application filed for benefits under Title II of the Social Security Act on one of the forms set up by the Social Security Administration for that purpose (except an application for a disability insurance benefit that terminated before the employee completed his or her 120th month of creditable railroad service) is also considered an application for an annuity or lump sum if it is filed as shown in § 217.7.

(c) *Claim filed with the Veterans Administration.* An application filed with the Veterans Administration on one of its forms for survivor benefits under section 3005 of Title 38, United States Code, is also considered an application for a survivor annuity.

§ 217.7 Claim filed with the Social Security Administration.

(a) *Claim is for life benefits.* An application for life benefits under Title II of the Social Security Act is an application for an annuity if the conditions either in paragraphs (a)(1), (a)(2), and (a)(3) or in paragraph (a)(4) of this section are met:

(1) The application was filed because the applicant did not know he or she was eligible for an annuity under the Railroad Retirement Act. The Board must have or receive evidence indicating why the applicant thought that he or she lacked eligibility for an annuity.

(2) The claimant would have been entitled to and would currently be entitled to an annuity under Subparts B or D of Part 216 of this chapter if the applicant had applied for the annuity on the date the social security application was filed.

(3) The applicant asks the Board in a written statement to consider the application for social security benefits as an application for an employee or spouse annuity.

(4) The application was filed because the employee had less than 10 years of creditable railroad service, and having established entitlement to social security benefits and continued working in railroad service, subsequently acquired 10 years of railroad service.

(b) *Claim is for death benefits.* An application for death benefits under Title II of the Social Security Act is an application for an annuity or lump sum if—

(1) The application is filed based on the death of an employee and the Board has jurisdiction for the payment of survivor benefits based on the compensation record of the deceased employee; and

(2) The claimant is eligible for an annuity or a lump-sum death payment on the date the application is filed.

§ 217.8 When one application satisfies the filing requirement for other benefits.

An annuity application filed with the Board is generally considered as an application for other benefits to which a person is or may be eligible. Therefore a claimant does not need to file another application to be entitled to any of the following types of benefits:

(a) An employee age annuity if—

(1) The employee's application for a disability annuity is denied and the employee is eligible for the age annuity on the date the application is filed; or

(2) The employee is entitled to a disability annuity in the month before the month he or she is 65 years old.

(b) An employee disability annuity if an application for an age annuity is denied and the employee is eligible for

the disability annuity on the date the application is filed.

(c) An accrued employee or supplemental annuity, or a residual lump sum, if a claimant is eligible for one of these payments when he or she files an application for a survivor annuity or lump-sum payment under this chapter.

(d) A surviving spouse annuity if he or she is entitled to a spouse annuity in the month before the month the employee died.

(e) A child's annuity if the wife of the employee had the child "in care" and was entitled to a spouse annuity in the month before the month the employee died.

(f) A surviving spouse annuity based on age, if the surviving spouse was entitled to a surviving spouse annuity based on disability in the month before the month he or she is 60 years old.

(g) A surviving spouse annuity based on age or disability if a widow or widower, who was receiving an annuity under § 216.30 (c) (3) of this chapter because he or she had the employee's child "in care", is eligible for an age or disability annuity when he or she no longer has an eligible child "in care".

(h) A spouse annuity based on age if a wife, who was receiving an annuity because she had the employee's child in her care, is eligible for an unreduced age annuity when she no longer has an eligible child in her care.

(i) A surviving spouse annuity under § 216.30 (c)(3) of this chapter if during the time the surviving spouse is entitled to an annuity based on disability, he or she has "in care" a child of the deceased employee.

(j) A benefit under Title II of the Social Security Act unless the applicant restricts the application only to an annuity.

§ 217.9 Effective period of application.

(a) *When effective period ends.* The effective period of an application ends on the date of the notice of an initial decision denying the claim. If a timely appeal is made (see Part 260 of this chapter) the effective period of the application ends on the date of the notice of the decision of the referee, on the date of the notice of the final decision of the Board, or when court review of the denial has been completed. After the effective period of an application ends, the person must file a new application for any annuity or lump sum to which the claimant believes he or she is eligible.

(b) *Application filed before claimant is eligible.*

(1) *General rule.* Except as shown in paragraph (b) (2) of this section, an application for an annuity must be denied if it is filed with the Board more than three months before the date an annuity can begin.

(2) *Application for disability annuity.* If the Board determines that a claimant for a disability annuity is disabled under Part 220 of this chapter, beginning with a date after the application is filed and before a final decision is made, the application is treated as though it was filed on the date the claimant became disabled. The claimant may be an employee, surviving spouse, or surviving child.

(c) *Application filed after the claimant is eligible.*

(1) *Application for lump-sum death payment.* An application for a lump-sum death payment under Part 234 of this chapter must be filed within two years after the death of the employee. This period may be extended under the Soldiers' and Sailors' Civil Relief Act of 1940, or when the applicant can prove "good cause" under § 217.11 of this chapter for not filing within the time limit.

(2) *Application for annuity unpaid at death.* An application for an annuity due but unpaid at death under Part 234 of this chapter must be filed within two years after the death of the person entitled to the annuity. This period may be extended under the Soldiers' and Sailors' Civil Relief Act of 1940, or when the applicant can prove "good cause" under § 217.11 of this chapter for not filing within the time limit.

(3) *Application for residual lump sum.* An application for a residual lump sum under Part 234 of this chapter may be filed at any time after the death of the employee.

§ 217.10 Application filed after death.

The claimant must generally be alive when an application is filed. The following are exceptions to this rule:

(a) A survivor eligible for an annuity or lump sum under this chapter may file an application to establish a period of disability if the employee dies before filing an application for a disability annuity. A period of disability is defined in Part 220 of this chapter. The application must be filed within three months after the month the employee died.

(b) A person who could receive payment for the estate of a person who paid the burial expenses of the deceased employee may file an application if the person who paid the burial expenses dies before applying for the lump-sum death payment under Part 234 of this chapter. The application must be filed within the two-year period shown in § 217.9 (c)(1).

(c) A surviving spouse may file an application for a spouse annuity after the death of the employee, if the surviving spouse was eligible for a spouse annuity in any month before the month the employee died. The spouse annuity is payable for any month of eligibility during the 12-month period before the application was filed.

§ 217.11 "Good cause" for delay in filing application.

(a) An applicant has "good cause" for a delay in the filing of an application for a lump-sum death payment or an annuity unpaid at death, as shown in § 217.9(c) (1) and (2), if the delay was due to—

(1) Circumstances beyond the applicant's control, such as extended illiness, mental or physical incapacity, or communication difficulties; or

(2) Incorrect or incomplete information furnished by the Board; or

(3) Efforts by the applicant to secure evidence without realizing that evidence could be submitted after filing an application; or

(4) Unusual or unavoidable circumstances which show that the applicant could not reasonably be expected to have been aware of the need to file an application within the set time limit.

(b) An applicant does not have good cause for a delay in filing if he or she was informed of the need to file within the set time limit but neglected to do so or decided not to file.

Subpart C—Filing An Application

§ 217.15 Where to file.

(a) *Applicant in U.S. or Canada.* An applicant who lives in the United States or Canada may file an application at any Board office in person or by mail. An applicant may also give the application to any Board field employee who is authorized to receive it at a place other than a Board office.

(b) *Application Outside U.S.* An applicant who lives outside the United States or Canada may file an application at any United States Foreign Service office. An applicant may also send the application to an office of the Board.

§ 217.16 Filing date.

An application filed in a manner and form acceptable to the Board is officially filed with the Board on the earliest of the following dates:

(a) On the date it is received at a Board office.

(b) On the date it is delivered to a field employee of the Board as described in § 217.15.

(c) On the date it is received at any office of the U.S. Foreign Service.

(d) On the date the application was mailed, as shown by the postmark, if using the date it is received will result in the loss or reduction of benefits.

(e) On the date the Social Security Administration considers the application filed, if it is filed with the Social Security Adminstration or the Veterans Administration.

§ 217.17 Who may sign an application.

An application may be signed according to the following rules:

(a) A claimant who is 18 years old or older, competent (able to handle his or her own affairs), and physically able to sign the application, must normally sign in his or her own handwriting. However, a parent or a person standing in place of a parent may sign an application for a student under 22 years old. A parent or a person standing in place of a parent must sign the application for a child who is not yet 18 years old, except as shown in paragraph (d) of this section.

(b) A claimant who is unable to write must make his or her mark. A Board representative or two other persons must sign as witnesses to a signature by mark.

(c) A claimant's representative, as described in Part 266 of this chapter, must sign the application if the claimant is incompetent (unable to handle his or her own affairs).

(d) A claimant who is a child between the ages of 16 and 18, is competent, as defined in paragraph (a) of this section, has no court appointed representative, and is not in the care of any person, may sign the application.

§ 217.18 When application is not acceptable.

(a) *Not properly signed.* The Board will ask the applicant to prepare a corrected application if—

(1) The original application was signed by someone other than the claimant or a person described in § 217.17; or

(2) The signature has been changed; or

(3) The signature is not readable or does not appear to be authentic.

(b) *Incomplete or not readable.* The Board will ask the applicant to prepare a supplemental application with certain items completed if—

(1) Any entries on the application are not readable or appear to be incorrect; or

(2) An important part of the aplication was not completed.

(c) *Obtaining corrected application.* If an application is not properly signed, the applicant must prepare a new application with a corrected signature. If the Board receives the corrected application within 30 days after the applicant is asked to prepare it, the Board will use the filing date of the original application to pay benefits. If the Board receives the corrected application more than 30 days after the notice to the applicant, the Board will use the filing date of the corrected application to pay benefits.

§ 217.19 Representative of the claimant selected after application is filed.

(a) *Before benefits awarded.* If the Board selects a representative for an incompetent claimant (see Part 266 of this chapter) after an application is filed but before the benefit is awarded, a new benefit application must be filed by the representative. However, benefits will be paid using the filing date of the original benefit application.

(b) *After benefits awarded* If the Board selects a representative after a monthly annuity was awarded to another person, the representative must apply as a substitute payee on a form specifically designed for that purpose. A new annuity application is not required.

§ 217.20 When a written statement is used to establish the filing date.

(a) *Statement filed with the Board.* A written statement indicating an intent to file a claim for an annuity or lump sum, filed with the Board as provided in §§ 217.15 and 217.16, can establish the filing date of an application. A form set up by the Board to obtain information about persons who may be eligible for an annuity or lump sum in a particular case is not by itself considered a written statement for the purpose of this section. The Board will use the filing date of the written statement if all of the following requirements are met:

(1) The statement gives a person's clear and positive intent to claim an annuity or lump sum for himself or herself or for some other person.

(2) The claimant or a person described in § 217.17 signs the statement.

(3) The person who signed the statement files an application with the Board on one of the forms described in Part 200 of this chapter within 90 days after the date a notice is sent advising the person of the need to file an application.

(4) The claimant is alive when the application is filed except as provided in § 217.10.

(b) *Statement filed with the Social Security Administration.* A written statement filed with the Social Security Administration can be used to establish the filing date of an application if, assuming the statement were an application, the conditions under § 217.7 are met and—

(1) The statement gives a clear and positive intent to claim benefits under Title II of the Social Security Act;

(2) The claimant or a person described in § 217.17 signs the statement;

(3) The statement is sent to the Board by the Social Security Administration;

(4) The person who signed the statement files an application with the Board on one of the forms described in Part 200 of this chapter within 90 days after the date a notice is sent advising the person of the need to file an application; and

(5) The claimant is alive when the application is filed except as provided in § 217.10.

§ 217.21 Deterred from filing.

A person who telephones or visits a Board office stating that he or she wishes to file for an annuity or lump sum, but puts off filing because of an action or lack of action by an employee of the Board, can establish a filing date based on that oral notice if the following conditions are met:

(a) There is evidence which establishes that the employee of the Board failed to—

(1) Tell the person that it was necessary to file an application on the proper form; or

(2) Tell the person that a written statement could protect the filing date; or

(3) Give the person the proper application form; or

(4) Correctly inform the person of his or her eligibility.

(b) The person files an application on one of the forms described in Part 200 of this chapter within 90 days after the date a notice is sent advising the person of the need to file an application.

(c) The claimant is alive when the application is filed except as provided in § 217.10.

Subpart D—Cancellation of Application

§ 217.25 Who may cancel an application.

An application may be cancelled by the claimant or a person described in § 217.17. If the claimant is deceased, the person who is or could be eligible for any annuity accrual under Part 234 of this chapter may cancel the application for the annuity.

§ 217.26 How to cancel an application.

An application may be cancelled under the following conditions:

(a) *Before an annuity is awarded.* The application may be cancelled if—

(1) The applicant files a written request with the Board at a place described in § 217.15 asking that the application be cancelled or stating that he or she wants to withdraw the application;

(2) The claimant is alive on the date the written request is filed or the claimant is deceased and the rights of no person other than the person requesting the cancellation will be adversely affected; and

(3) The applicant files the written request on or before the date the annuity is awarded.

(b) *After an annuity is awarded.* The application may be cancelled if—

(1) The conditions in paragraph (a) (1) and (2) of this section are met;

(2) Any other person who would lose benefits because of the cancellation consents to the cancellation in writing; and

(3) All annuity payments already made based on the application being cancelled are repaid or will be recovered.

§ 217.27 Effect of cancellation.

When a person cancels an application the effect is the same as though an application was never filed. When an employee cancels his or her application, any application filed by the employee's spouse is also cancelled. However, a request to cancel a survivor's application will cancel only the application of the survivor named in the written request. A person who cancels an application may reapply by filing a new application under this part.

Subpart E—Denial of Application

§ 217.30 Reasons for denial of application.

The Board will deny each application filed by or for an employee, spouse or survivor for one or more of the following reasons:

(a) The claimant does not meet the eligibility requirements for an annuity or lump sum under this chapter.

(b) The applicant files an application for other than a disability annuity more than three months before the date on which the eligible person's annuity can begin.

(c) The applicant does not submit the evidence required under this chapter to establish eligibility for an annuity or lump sum.

§ 217.31 Applicant's right to appeal denial.

Each applicant is given the right to appeal the denial of his or her application if he or she does not agree with the Board's decision. The appeals process is explained in Part 260 of this chapter.

5. A new Part 219 is added to read as follows:

PART 219—EVIDENCE REQUIRED FOR PAYMENT

Subpart A—General Evidence Requirements

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219.2 Definitions.
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219.37 Evidence of "good cause".

Authority: Sec. 7(b)(1), Pub. L. 93–455, (45 U.S.C. 231f(b)(1))

Subpart A—General Evidence Requirements

§ 219.1 Introduction.

This part contains the basic rules for the evidence which is required to support a person's claim for monthly or lump-sum benefits under the Railroad Retirement Act as described in Parts 216 and 234 of this chapter and Medicare coverage (see Parts 270–271 of this chapter) under title XVIII of the Social Security Act. Special evidence requirements for disability annuities are found in Part 220 of this chapter.

§ 219.2 Definitions.

As used in this subpart—

"Applicant" means the person who signs an application for an annuity or lump sum for himself, herself or for some other person.

"Apply" means to sign a form or statement that the Board accepts as an application.

"Benefits" means any employee annuity, spouse annuity, survivor annuity, or lump-sum payment under the Act.

"Convincing evidence" means one or more pieces of evidence that proves to the satisfaction of the Board that an individual meets a requirement for eligibility. See § 219.7 for the guides the Board uses in deciding whether evidence is convincing.

"Eligible" means a person meets all of the requirements for payment of an annuity, a lump sum or a benefit under section 202 of the Social Security Act but has not yet applied.

"Entitled" means that a person has applied and has proved his or her rights to benefits.

"Evidence" means any record, document or signed statement that helps to show whether a person is eligible for benefits. It may also be used to establish whether the person is still entitled to benefits.

§ 219.3 Who is responsible for furnishing evidence.

When evidence is required to prove a person's eligibility for, or right to continue to receive, annuity payments, that person or his or her representative (See Part 266 of this chapter) is responsible for obtaining the evidence and submitting it to the Board. An employee of the Board will advise each applicant what is needed and how to get it. If the evidence submitted is a foreign-language record or document, the Board will have it translated. All evidence and documents given to the Board are kept confidential and are not disclosed to anyone but the person who submitted them, except under the rules described in § 262.16 of this chapter. Section 13 of the Railroad Retirement Act provides criminal penalties for any persons who misrepresent the facts or make false

statements to obtain retirement benefits for themselves or someone else.

§ 219.4 When and where to furnish evidence.

When a person applies for benefits, the Board will ask that person for evidence to prove that he or she is eligible for the benefits.

After a person establishes entitlement to an annuity, the Board may ask for evidence to show that the person may continue to be entitled to an annuity or that his or her annuity payments should not be reduced or stopped. Part 218 of this chapter shows when annuity payments will be stopped. A person who lives inside the United States shall give his or her evidence to an employee of the Railroad Retirement Board office where the person files the application. Persons who live in an area where there is no Board office or persons who are unable to travel to a Board office may send evidence to the Board office closest to where they live. Persons who live outside the United States may take evidence to the Foreign Service Office closest to where they live, or send it to the headquarters office of the Board.

§ 219.5 Failure to furnish requested evidence.

(a) *Evidence to prove initial eligibility.* Usually the Board will ask a person to furnish specific kinds of evidence or information by a certain date, to prove initial eligibility for benefits. If the evidence or information is not received by that date, the Board may decide that the person is not eligible for benefits and will deny his or her application.

(b) *Evidence to prove continued entitlement.* When a person is already receiving an annuity, a Board employee may ask that person to produce by a certain date information needed to decide whether that person can continue to receive an annuity or whether the annuity should be reduced or stopped. If the information is not received by the date given, the Board may decide that the person is no longer entitled or that his or her annuity should be stopped or reduced under the Act.

(c) *What to do when required evidence will be delayed.* When the required evidence cannot be furnished within the specified time, the person who was asked to give the evidence or information should notify the Board and explain why there will be a delay. If this delay is caused by illness, failure to receive the information from another source, or a similar situation, the person will be given additional time to secure the evidence or information. If the information is not received within a reasonable time, as determined by the Board, the person who was asked to give the evidence or information will be notified of the effect that his or her failure to furnish the evidence or information will have on his or her receiving or continuing to receive benefits.

§ 219.6 Original records or copies as evidence.

(a) *General.* An applicant or an annuitant may be asked to show an original document or record as evidence to prove eligibility or continued entitlement to benefits. A Board employee will make a photocopy or transcript of these original documents or records and return the documents to the person who furnished them. A person may also submit copies of original records that are properly certified and some uncertified birth notifications. These types of records are described below in this section.

(b) *Certified copies of original records.* The Board will accept copies of original records or extracts from records if they are certified as true and exact copies of the original by—

(1) The official custodian of the record;

(2) A Board employee who is authorized to certify copies;

(3) A Veterans Administration employee, if the evidence was given to that agency to obtain veteran benefits;

(4) A Social Security Administration employee, if the evidence was given to that agency to obtain social security benefits;

(5) A United States Consular Officer or employee of the Department of State authorized to certify evidence received outside the United States; or

(6) An employee of a State agency or State Welfare Office authorized to certify copies of original records in the agency's or office's files.

(c) *Uncertified copies of original records.* The Board may accept uncertified photo copies of birth registration notifications as evidence when it is the practice of the local birth registrar to issue them in this manner.

§ 219.7 How the Board decides what is convincing evidence.

When the Board receives evidence, a Board employee examines it to see if it is convincing evidence. If it is, no other evidence is needed. In deciding whether the evidence is convincing, the Board employee decides whether—

(a) The information contained in the evidence was given by a person in a position to know the facts;

(b) There was any reason to give false information when the evidence was created;

(c) The information contained in the evidence was given under oath or in the presence of witnesses, or with the knowledge that there was a penalty for giving false information;

(d) The evidence was created at the time the event took place or shortly after;

(e) The evidence has been altered or has any erasures on it; and

(f) The information contained in the evidence agrees with other available evidence, including existing Board records

§ 219.8 Preferred evidence and other evidence.

When a person submits the type of evidence shown as "preferred" in §§ 219.11(a), 219.12(a)(1), 219.15(b), 219.16(b), 219.17(b), 219.18(b), 219.21(a), 219.23(b), 219.24(b), or 219.33(c) of this part, the Board will generally find it is convincing evidence. This means that unless there is information in the Board's records that raises a doubt about the evidence, other evidence to prove the same fact will not be needed. If preferred evidence is not available, the Board will consider any other evidence a person furnishes. If the other evidence consists of several different records or documents which all show the same information, the Board may determine that it is convincing evidence even though it is not "preferred" evidence. If the other evidence is not convincing by itself, the person will be asked to submit additional evidence. If the additional evidence shows the same information, all the evidence considered together may be convincing evidence. When the Board has convincing evidence of the facts that must be proven, or when it is clear that the evidence provided does not prove the necessary facts, the Board will make a formal decision about the applicant's rights to benefits.

Subpart B—Evidence of Age, Marriage, and Death

§ 219.10 When evidence of age is required.

(a) Evidence of age is required when the employee applies for an annuity under the Railroad Retirement Act or for Medicare coverage under title XVIII of the Social Security Act.

(b) Evidence of age is also required from a person who applies for a spouse's annuity, widow's, widower's parent's or child's annuity under the Railroad Retirement Act, or for

Medicare coverage under title XVIII of the Social Security Act.

§ 219.11 Types of evidence to prove age.

(a) *Preferred evidence.* The best type of evidence to prove a person's age is—

(1) A birth certificate or hospital birth record recorded before age 5;

(2) A church record of birth or baptism recorded before age 5; or

(3) Notification of registration of birth made before age 5.

(b) *Other evidence of age.* If an individual cannot obtain "preferred" evidence of age, he or she will be asked to submit other convincing evidence to prove age. The other evidence may be one or more of the following records with the records of highest value listed first; they are—

(1) Physician's or Midwife's birth record;

(2) Bible or other family record;

(3) Naturalization record;

(4) Military record;

(5) Immigration record;

(6) Passport;

(7) Census record or World War I draft registration;

(8) School record;

(9) Vaccination record;

(10) Insurance record;

(11) Labor Union or fraternal record;

(12) Employer's record; or

(13) A statement signed by the individual giving the reason why he or she cannot obtain other convincing evidence of age and the sworn statements of two other persons who have personal knowledge of the age that the individual is trying to prove.

§ 219.12 Evidence to prove death.

(a) *When evidence of the employee's death is required.* Evidence to prove the employee's death is always required for payment of any type of survivor benefit based on the deceased employee's record. See Part 216 for types of survivor benefits payable.

(1) Preferred evidence of death. The best evidence of a person's death is—

(i) A certified copy of or extract from the public record of death, coroner's report of death, or verdict of the coroner's jury of the State or community where death occurred; or a certificate by the custodian of the public record of death; or a certificate or statement of death issued by a local registrar or public health official;

(ii) A signed statement of the funeral director, attending physician, or intern of the institution where death occurred;

(iii) A certified copy of, or extract from, an official report or finding of death made by an agency or department of the United States; or

(iv) If death occurred outside the United States, an official report of death by a United States Consul or other employee of the State Department; or a copy of the public record of death in a foreign country.

(2) Other evidence of death. If the "preferred" evidence of death cannot be obtained, the individual who must furnish evidence of death will be asked to explain why and submit other convincing evidence such as sworn statements of two persons who have personal knowledge of the death. These persons must be able to swear to the date, time, place and cause of death.

(b) *When evidence to prove death of other persons is required.* Evidence to prove the death of persons other than the employee is required when—

(1) A person, who is eligible for survivor benefits, dies after the employee;

(2) A residual lump sum (See Part 234 of this chapter) is payable and a person whom the employee named to receive all or part of this benefit dies before the employee; or dies after the employee but before receiving his or her share of the benefit; or

(3) There is reasonable doubt of the death of—

(i) Any person who, if alive, has priority over the applicant;

(ii) Any spouse whose death is alleged to have ended a previous marriage; or

(iii) Any person whose end of entitlement would increase benefits to other entitled persons.

§ 219.13 Evidence of presumed death.

When a person cannot be proven dead but evidence of death is needed, the Board may presume he or she died at a certain time if the Board receives the following evidence:

(a) A certified copy of, or extract from, an official report or finding by an agency or department of the United States that a missing person is "presumed" to be dead as stated in Federal law (5 U.S.C. 5565). Unless other evidence is submitted showing an actual date of death, the Board will use the date on which the person was reported missing as the date of death.

(b) Signed statements by those in a position to know the facts and other records which show that the person has been absent from his or her residence for no apparent reason and has not been heard from for at least 7 years. If there is no evidence available that he or she is still alive, the Board will use as the date of death either the date he or she left home, the date ending the 7-year period, or some other date depending upon what the evidence shows is the most likely date of death.

(c) When a person has been missing for less than 7 years but may be presumed dead due to drowning or common disaster, (fire, accident, etc.), the Board will ask for signed statements from the applicant and individuals who know the circumstances surrounding the person's disappearance. The best evidence is statements from individuals who witnessed the drowning or saw the missing person at the scene of the accident shortly before it happened.

(d) If the applicant is the employee's grandchild or stepgrandchild but the evidence does not identify a parent, the grandchild or stepgrandchild's parent will be presumed to have died in the first month in which the employee became entitled to benefits.

§ 219.14 When evidence of marriage is required.

Documentary evidence of marriage is required when an applicant for a monthly annuity, lump-sum death payment, residual lump sum or Medicare coverage, claims to be the wife, husband, widow, widower or stepparent of the employee. An applicant may also be required to submit evidence of another person's marriage when that person's marriage is necessary to determine the applicant's entitlement to benefits under the Railroad Retirement Act. In deciding whether the marriage to the employee is valid or not in a life case, the Board will follow the law of the State where the employee had a permanent home when the applicant filed an application; in a death case, the Board will follow the law of the State where the employee had a permanent home when he or she died. See § 216.33(b) of this chapter for a definition of permanent home. What evidence will be required depends on whether the employee's marriage was a ceremonial marriage, a common-law marriage, or a marriage that can be deemed to be valid.

§ 219.15 Evidence of a valid ceremonial marriage.

(a) *Definition of valid "ceremonial marriage."* A valid "ceremonial marriage" is one that follows procedures set by law in the State or foreign country where the ceremony takes place. These procedures cover who may perform the marriage ceremony, what licenses or witnesses are needed and similar rules. A ceremonial marriage can be one that follows certain tribal Indian custom, Chinese custom or similar traditional procedures.

(b) *Preferred evidence.* Preferred evidence of a ceremonial marriage is—

(1) A copy of the public record of the marriage, certified by the custodian of the record or by a Board employee;

(2) A copy of the church record of the marriage certified by the custodian of the record or by a Board employee; or

(3) The original certificate of marriage.

(c) *Other evidence of a ceremonial marriage.* If preferred evidence of a ceremonial marriage cannot be obtained, the applicant must state why, in writing, and submit either—

(1) A sworn statement of the clergyman or official who performed the marriage ceremony; or

(2) Other convincing evidence such as the sworn statements of two persons who have knowledge of the marriage; preferably eyewitnesses to the marriage ceremony.

§ 219.16 Evidence of a common-law marriage.

(a) *Definition of "common-law marriage."* A "common-law" marriage is one considered valid under the law of certain States even though there was no formal ceremony. It is a marriage based upon an agreement to be married between two persons free to marry, who consider themselves married, and who live together as husband and wife. In some States certain other requirements (as dictated by the laws of the State) must be met.

(b) *Preferred evidence.* Evidence of a common-law marriage must give the reasons why the informant believes that a marriage exists. If the information described in this paragraph is not furnished on a form provided by the Board, it must be submitted in the form of a sworn statement. Preferred evidence of a common-law marriage is one of the following:

(1) If both the husband and wife are alive, each shall sign a statement and get signed statements from one blood relative of each. The statement of another individual may be submitted for each statement the husband or wife is unable to get from a relative. Each signed statement should show that—

(i) The husband and wife have a present agreement to be married and that they believe they are married; and

(ii) The husband and wife present themselves to the public as husband and wife.

(2) If either the husband or wife is dead, the surviving spouse shall sign a statement and get signed statements from two blood relatives of the dead spouse. The surviving spouse's statement should show that he or she and the dead spouse had an agreement that they believed themselves to be married and that they presented themselves to the public as husband and wife. The statements from relatives of the dead spouse should support the surviving spouse's statement.

(3) If both husband and wife are dead, the applicant shall get a signed statement from one blood relative of each dead spouse. Each statement should show that the husband and wife had an agreement that they believed themselves to be married and that they presented themselves to the public as husband and wife.

(4) Statements by relatives and other individuals described in paragraphs (b) (1), (2), and (3) of this section are not required when—

(i) The husband and wife entered into a ceremonial marriage which was void because of a legal impediment to the marriage. See § 216.35 for definition of legal impediment;

(ii) After the impediment was removed, the husband and wife continued to live together as man and wife until the employee filed an application or one of them died; and

(iii) A valid common-law marriage was established, under the law of the State in which they lived, by their continuing to live together as man and wife.

(c) *Other evidence of common-law marriage.* When preferred evidence of a common-law marriage cannot be obtained, the applicant will be asked to explain why and to furnish other convincing evidence of the marriage.

§ 219.17 Evidence of a deemed valid marriage.

(a) *Definition of "deemed valid marriage."* A "deemed valid marriage" is a ceremonial marriage entered into in good faith which would be valid if a legal impediment did not exist. An applicant may be the deemed spouse or widow or widower only if the applicant lives in the same household and no other person has been or is entitled to benefits as the legal spouse, widow, or widower.

(b) *Preferred evidence.* Preferred evidence of a deemed valid marriage is—

(1) Evidence of the ceremonial marriage as described in § 219.15(b);

(2) If both the employee and spouse are alive, the spouse's signed statement that he or she went through the ceremony in good faith and his or her reasons for believing the marriage was valid; or if the employee is dead, the widow or widower's signed statement that he or she went through the marriage ceremony in good faith and his or her reasons for believing it was valid;

(3) If required to remove a reasonable doubt, the signed statements of other persons who might have information about what the parties knew about any previous marriage or other facts showing whether the parties went through the marriage ceremony in good faith; and

(4) Evidence that the parties were living in the same household, if the employee is alive, when he or she applied for benefits or, if the employee is dead, when he or she died. See § 219.30(c) for the evidence required to demonstrate living in the same household.

(c) *Other evidence of a deemed valid marriage.* If preferred evidence of a deemed valid marriage cannot be obtained, the applicant must explain why and submit other convincing evidence of the marriage.

§ 219.18 Evidence that a marriage has ended.

(a) *When evidence is required.* Evidence of how a previous marriage ended may be required to determine whether a later marriage is valid. If a widow or widower remarried after the employee's death and that marriage was annulled, evidence of the annulment is required.

(b) *Preferred evidence.* Preferred evidence that a marriage has ended is—

(1) A certified copy of the decree of divorce or annulment; or

(2) Evidence of the death (See § 219.12(b)) of a party to the marriage.

(c) *Other evidence that a marriage has ended.* If preferred evidence that the marriage has ended cannot be obtained, the applicant must explain why and submit other convincing evidence that the marriage has ended.

Subpart C—Evidence for Child's and Parent's Benefits

§ 219.20 When evidence of a parent or child relationship is required.

A person who applies for parent's or child's benefits or for Medicare coverage is required to submit evidence of his or her relationship to the deceased employee. A spouse, under age 60, who applies for a spouse annuity because she has a child of the employee in care, is required to submit evidence of the child's relationship to the employee. The evidence the Board will request depends on whether the person is the employee's natural child, adopted child, stepchild, grandchild or stepgrandchild; or whether the person is the employee's natural parent or adopting parent.

§ 219.21 Evidence of natural parent or child relationship.

(a) *Preferred evidence.* If the eligible person is the natural parent of the employee, preferred evidence of the relationship is a copy of the employee's public or religious birth record. If the eligible person is the natural child of the

employee, preferred evidence of the relationship is a copy of the child's public or religious birth record.

(b) *Other evidence of parent or child relationship.* When preferred evidence of a parent or child relationship cannot be obtained, the Board may ask the applicant for evidence of the employee's marriage or of the marriage of the employee's parents if that is needed to remove any reasonable doubt of the relationship. To show that a person is the child of the employee, the person may be asked for evidence that he or she would be able to inherit the employee's personal property under State law where the employee had a permanent home (See § 216.33(b) of this chapter). When a spouse applies for benefits because of a child in care, the employee may be asked for a copy of any court order showing that he has been declared to be the natural parent of the child or a court order requiring the employee to contribute to the child's support because the child is his son or daughter.

§ 219.22 Evidence of stepparent or stepchild relationship.

If the eligible person is a stepparent or stepchild of the employee, the Board will ask for the evidence described in § 219.21 or § 219.23 which shows the person's natural or adoptive relationship to the employee's husband, wife, widow or widower. The Board will also ask for evidence of the husband's, wife's, widow's or widower's marriage to the employee. (See § 219.14–219.17).

§ 219.23 Evidence of relationship by legal adoption—parent or child.

(a) *Definition of legally adopted child.* A child who is legally adopted by the employee under applicable State law is a "child" of the employee. Legal adoption is different from equitable adoption in that the adoption proceedings are completed under applicable State law and are not defective. A child adopted after the employee's death by the widow or widower, under certain conditions, is deemed to be the employee's child. (See Part 216 Subpart F of this chapter).

(b) *Preferred evidence.* Preferred evidence of legal adoption is—

(1) A copy of the decree or order of adoption, certified by the custodian of the record;

(2) A photocopy of the decree or order of adoption; or

(3) If the widow or widower adopted the child after the employee's death, the evidence described in paragraph (b)(1) or (2) of this section; the widow's or widower's statement as to whether the child was living in the same household with the employee when he or she died (See § 219.30); what support the child was getting from another person or organization; whether the widow or widower had a deemed valid marriage with the employee; and evidence of that marriage (See § 219.17).

(c) *Other evidence of legal adoption.* In some States, the record of adoption proceedings is sealed and cannot be obtained without a court order. In this event, the Board will accept as proof of adoption an official notice received by the adopting parents at the time of adoption that the adoption has been completed; or a birth certificate issued as a result of the adoption proceeding.

§ 219.24 Evidence of relationship by equitable adoption.

(a) *Definition.* An equitably adopted child is a child who cannot qualify as a legally adopted child because the adoption proceedings are defective under State law; or a contemplated adoption was never completed. In some States, the law will consider a person to be the child of another if the other person agreed to adopt the child, the natural parents or the person caring for the child agreed to the adoption, the person and the child then lived together as parent and child, and certain other requirements are met.

(b) *Preferred evidence.* If the applicant is a child who had this type of relationship to the employee (or to the employee's wife, widow, widower, or husband), as defined in paragraph (a) of this section, the Board will ask for evidence of the agreement if it is in writing. The Board will also ask for written statements from the child's natural parents.

(c) *Other evidence.* If the agreement to adopt was not in writing, the Board will ask for other convincing evidence about the child's relationship to the adopting parents.

§ 219.25 Evidence of relationship of grandchild or stepgrandchild.

If the child is the grandchild or stepgrandchild of the employee, the Board will require the kind of evidence described in §§ 219.21–219.22 that shows the child's relationship to his or her parents and his or her parents' relationship to the employee.

§ 219.26 Evidence of a child's dependency.

(a) *When evidence of a child's dependency is required.* Evidence of a child's dependency on the employee is required when—

(1) The employee is receiving an annuity that can be increased under the Social Security Act Overall Minimum (See Part 229 of this chapter) by including a child, grandchild or a spouse who has a child in her care;

(2) A wife under age 65 applies for a full spouse annuity because she has a child or a grandchild of the employee in her care;

(3) A spouse windfall benefit may be payable based on a child; or

(4) A child or someone in behalf of a child applies for a child's annuity based on the deceased employee's record.

(b) *When the dependency requirement must be met.* Usually the dependency requirement must be met at one of the times shown in § 216.56 of this chapter.

(c) *Natural or adopted.* If the child is the employee's natural or adopted child, the Board may ask for the following evidence:

(1) A signed statement by someone who knows the facts that confirms this relationship and which shows whether the child was legally adopted by someone other than the employee. If the child was adopted by someone else while the employee was alive but the adoption was annulled, the Board may require a certified copy of the annulment decree or other convincing evidence of the annulment.

(2) A signed statement by someone in a position to know showing when and where the child lived with the employee and when and why they may have lived apart; and showing what contributions the employee made to the child's support and how the contributions were made.

(d) *Stepchild.* If the child is the employee's stepchild, the Board may ask for the following evidence:

(1) A signed statement by someone in a position to know showing when and where the child lived with the employee and when and why they may have lived apart.

(2) A signed statement by someone in a position to know showing that the child received at least one-half of his or her support from the employee for the year before one of the times shown in § 216.56 of this chapter and showing the income and support the child received in this period from any other source.

(e) *Grandchild or stepgrandchild.* If the child is the employee's grandchild or stepgrandchild, the Board will ask for evidence described in paragraph (d) of this section showing that the child was living with the employee and receiving at least one-half of his or her support from the employee for the year before one of the times shown in § 216.60 of this chapter. The Board will also ask for evidence of the employee's death or disability.

§ 219.27 Evidence of school attendance for child age 18 or older.

If a child age 18 or older applies for benefits as a student, the Board will ask for evidence that the child is attending school. After the child has started his or her school attendance, the Board will also ask (twice yearly) for evidence that he or she is continuing to attend school full time. The child will be asked to submit (on a form furnished by the board or other form acceptable to the Board) the following evidence:

(a) A signed statement that he or she is attending school full time and is not being paid by an employer to attend school.

(b) A statement from an official of the school verifying that the child is attending school full time. The Board will also accept as evidence a letter of acceptance from the school, receipted bill, or other evidence showing that the child has enrolled or been accepted at that school or is continuing in full-time attendance.

Subpart D—Other Evidence Requirements

§ 219.30 Evidence of "living with."

(a) *Definition of "living with."* A spouse, widow or widower is "living with" the employee if—

(1) He or she and the employee are living in the same household together;

(2) The employee is contributing to the spouse's, widow's or widower's support (see § 216.24 of this chapter); or

(3) The employee is under court order to contribute to the spouse's, widow's or widower's support.

The court order for support must be in effect on the day the spouse applies for a spouse's annuity or, if the employee is dead, the day of the employee's death. This type of evidence does not apply for a "deemed" widow or widower (see § 216.35 of this chapter) because he or she must have been living in the same household as the employee.

§ 219.31 Evidence of a parent's support.

If a person applies for a parent's annuity, the Board will ask for evidence to show that the parent received at least one-half support from the employee in the one-year period before the employee died. The Board may also ask the parent for signed statements from other people who know the facts about his or her sources of support. The Board will ask for the following evidence:

(a) The parent's signed statement showing his or her income, any other sources of support, and the amount from each source during the one-year period; and

(b) The parent's signed statement showing his or her expenses during the one-year period.

(c) If the statement described in paragraphs (a) and (b) of this section cannot be obtained, other convincing evidence that the parent received one-half of his or her support from the employee.

§ 219.32 [Reserved]

§ 219.33 Evidence of having a child in care.

(a) *Definition.* "Child in care" means that the mother or father exercises parental control and responsibility for the welfare and care of a child under age 18 or a mentally incompetent child age 18 or over or performs personal services for a mentally competent child age 18 or over who is disabled.

(b) *When evidence of having a child in care is required.* A person under age 65 who applies for a spouse's annuity on the basis of caring for a child, for an increase under the social security overall minimum based on a child, or for a mother's or father's annuity as a widow or widower, is required to furnish evidence that he or she has in care an eligible child of the employee as described in §§ 216.36–216.37 of this chapter. What evidence the Board will ask for depends on whether the child is living with the applicant or with someone else.

(c) *Preferred evidence of having a child in care.* Preferred evidence of having a child in care is—

(1) If the child is living with the applicant, the applicant's signed statement showing that the child is living with him or her.

(2) If the child is living with someone else—

(i) The applicant's signed statement showing with whom the child is living and why. The applicant must also show when the child last lived with him or her, how long the separation will last and what care and contributions he or she provides for the child; and

(ii) The signed statement of the person with whom the child is living showing what care the applicant provides and the sources and amounts of support received by the child. If the child is in an institution, an official there should sign the statement. If there is a court order or written agreement showing who has custody of the child, the Board will ask for a copy of this.

(d) *Other evidence.* If the preferred evidence described in paragraph (c)(2)(ii) of this section cannot be obtained, the Board will ask for other convincing evidence that the applicant has the child in care.

§ 219.34 Evidence of responsibility for or payment of burial expenses.

(a) *When evidence of burial expenses is required.* If a person applies for the lump-sum death payment because he or she is responsible for paying the funeral home or burial expenses of the employee or because he or she has paid some or all of these expenses, the Board will ask for evidence of this.

(b) *Type of evidence required.* The Board will ask for the following evidence: (1) The applicant's signed statement showing—

(i) That he or she accepted responsibility for the funeral home expenses or paid some or all of these expenses or other burial expenses; his or her relationship to the employee; and, if not related by blood or marriage, why he or she accepted responsibility for, or paid, these expenses;

(ii) Total funeral home expenses and, if necessary, the total of other burial expenses; and if someone else paid part of the expenses, the person's name, address, relationship to the employee, and the amount he or she paid;

(iii) The amount of cash or property the applicant expects to receive as repayment for any burial expenses he or she paid; and whether anyone has applied for any burial allowance from the Veterans' Administration or other governmental agency for these expenses; and

(iv) If the applicant is an owner or offical of a funeral home, a signed statement from anyone, other than an employee of the home, who helped make the burial arrangements showing whether he or she accepted responsibility for paying the burial expenses.

(2) Unless the person is applying as an owner or offical of a funeral home, a signed statement from the owner or official and, if necessary, from those who supplied other burial goods or services which shows—

(i) The name, address, and relationship to the employee of everyone who accepted responsibility for, or paid any part of, the burial expenses; and

(ii) Information which the owner or offical of the funeral home and, if necessary, the supplier has about the expenses and payments mentioned in paragraphs (b)(i)(ii) and (b)(i)(iii) of this section.

§ 219.35 Evidence of relationship of a person other than a parent or child.

When any person other than a child or parent applies for benefits due because of the employee's death or because of the death of a beneficiary, the Board may ask the applicant for evidence of

relationship. The type of evidence requested is dependent upon the amount of benefit payable and the applicant's relationship to the deceased employee or beneficiary. If there is more than one person eligible for the benefit, and all eligible persons agree on the relationship of each other eligible person, only one of the persons will be asked to furnish proof of relationship.

§ 219.36 Evidence of where the employee had a permanent home.

(a) *When evidence of the employee's permanent home is required.*

The Board may ask for evidence to prove where the employee had a permanent home at the time his or her spouse filed an application or, if earlier, the time the employee died if—

(1) The entitled person is applying for benefits as the employee's wife, husband, widow, widower, parent or child; and

(2) The entitled person's relationship to the employee depends upon the laws of the State where the employee had his or her permanent home when his or her wife or husband applied for benefits or when the employee died.

(b) *What evidence is required.* The Board will ask for the following evidence to establish the employee's permanent home:

(1) The eligible person's signed statement showing what the employee considered to be his or her permanent home.

(2) If the statement in paragraph (b)(1) of this section or other evidence of record raises a reasonable doubt in establishing the employee's permanent home, evidence of where the employee paid personal property taxes, or real estate taxes, or income taxes; or voted; or other convincing evidence may be required.

§ 219.37 Evidence of "good cause".

The principle of "good cause" is applied by the Board in determining whether to allow an application which is submitted after the statutory time limits to be acceptable for the lump-sum death payment or an annuity unpaid at death.

(a) *When evidence of "good cause" is required.* The Board may ask for evidence the applicant had "good cause" for delay as defined in Part 217 of this chapter when the applicant is applying for the lump-sum death payment or annuity unpaid at death described in Part 234 of this chapter more than two years after the employee dies.

(b) *What evidence is required to establish "good cause".* The Board will ask for the following evidence of "good cause":

(1) The applicant's signed statement explaining why he or she did not file the application for lump-sum death payment or annuity unpaid at death within the specified 2-year period.

(2) If the statement in paragraph (b)(1) of this section or other evidence raises a reasonable doubt whether there was good cause, other convincing evidence to establish "good cause."

6. A new Part 221 is added to read as follows:

PART 221—JURISDICTION DETERMINATIONS

Sec.

221.1 Introduction.
221.2 Railroad Retirement Board jurisdiction.
221.3 Social Security Administration jurisdiction.
221.4 When a jurisdiction decision may be reversed.

Authority: Sec. 7(b)(1), Pub. L. 94-547 (45 U.S.C. 231f(b)(1)).

§ 221.1 Introduction.

This part explains the factors involved in deciding whether the Social Security Administration or the Railroad Retirement Board will pay benefits to a railroad employee, and his or her eligible family members, both before and after the employee's death. The agency that has jurisdiction over the payment of benefits also has jurisdiction of the applicant's medicare coverage (see Part 270 of this chapter). The Board is responsible for making this decision.

§ 221.2 Railroad Retirement Board jurisdiction.

(a) *Life cases.* The Board has jurisdiction to pay monthly benefits to each living employee who has completed at least ten years (120 months) of creditable service under the Railroad Retirement Act, and to his or her eligible spouse. Creditable service is described in Part 220 of this chapter.

(b) *Death cases.* The Board has jurisdiction to pay monthly benefits or lump-sum death benefits to eligible survivors of a deceased employee, when the deceased employee has at least ten years (120 months) of service that is creditable under the Railroad Retirement Act and a current connection as described in Part 216 of this chapter. Lump-sum death benefits are described in Part 234 of this chapter. The Board also has jurisdiction to pay any residual benefits that may become payable at the death of an employee. Residual benefits are described in Part 234 of this chapter. The Board retains jurisdiction to pay any residual that may be payable even after jurisdiction has been transferred to the Social Security Administration as described in § 221.3.

§ 221.3 Social Security Administration jurisdiction.

The Board transfers jurisdiction (railroad service and compensation credits earned by the employee which the Social Security Administration considers in determining benefits payable) to the Social Security Administration when—

(a) *Life and death cases.* A living or deceased employee has less than 120 months of service that is creditable under the Railroad Retirement Act; or

(b) *Death cases.* A deceased employee has at least 120 months of service that is creditable under the Railroad Retirement Act (see Part 220 of this chapter) but does not have a current connection with the railroad industry as described in Part 216 of this chapter.

§ 221.4 When a jurisdiction decision may be reversed.

The Board may reverse a jurisdiction decision whenever evidence is received by the Board indicating that the original decision was incorrect.

PART 230—[REDESIGNATED FROM PART 217]

7. Former Part 217 titled Months Annuities Not Payable by Reason of Work is redesignated as Part 230. A new Part 217 titled Application for Annuity or Lump Sum was added (as explained in item 4 above).

PART 232—SPOUSES' ANNUITIES

Subpart A—[Removed]

§§ 232.201-232.204 [Removed]

8. Part 232 is amended by removing Subpart A and §§ 232.201 through 232.204 of Subpart B.

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

Subparts C and H—[Removed]

§§ 237.401, 237.404, and 237.406-237.410 [Removed]

9. Part 237 is amended by removing Subpart C, §§ 237.401, 237.404, and 237.406 through 237.410 of Subpart D, and Subpart H.

PART 238—RESIDUAL LUMP-SUM PAYMENTS

§ 238.5 [Removed]

10. Part 238 is amended by removing § 238.5.

PART 239—[Removed]

11. Part 239 is removed.

Dated: December 14, 1981.

By authority of the Board.

James T. Brown,

Chief Executive Officer.

[FR Doc. 82-4597 Filed 2-19-82; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 84

[CGD 81-008]

Annex I to Inland Navigation Rules; Positioning and Technical Details of Lights and Shapes; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects the authority citation given at the end of the final regulations giving the positioning and technical details of navigation lights and shapes for the new Inland Navigation Rules. The regulations were published on December 24, 1981, at 46 FR 62443. Only the citation to the Pub. L. was given; the parallel citation to the United States Code should also have been given, as was done in the citation following the listing of section numbers and titles at the beginning of the regulation. Part 84 is to be contained in Subchapter E—Inland Navigation Rules—of Title 33, Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT:
Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593, (202) 245-0108.

PART 84—ANNEX I: POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

Accordingly, the authority citation at the end of Part 84 of Title 33, Code of Federal Regulations, is corrected to read as follows:

(Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14))

Dated: February 16, 1982.

R.A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-4743 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 85

[CGD 81-006]

Annex II to the Inland Navigation Rules—Additional Signals for Fishing Vessels Fishing in Close Proximity; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects the authority citation following the listing of section numbers and titles at the beginning of the regulations providing trawlers and purse seiners with standardized signals to indicate specific fishing operations under the new Inland Navigation Rules. The regulations were published on December 21, 1981, at 46 FR 61845. Only the citation to the Public Law was given; the parallel citation to the United States Code should also have been given, as was done in the citation at the end of the regulations. Part 85 is to be contained in Supchapter E—Inland Navigation Rules—of Title 33, Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT:
Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593, (202) 245-0108.

PART 85—ANNEX II, ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY

Accordingly, the authority citation following the listing of section numbers and titles at the beginning of Part 85 of Title 33, Code of Federal Regulations, is corrected to read as follows:

Authority: Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071; 49 C.F.R. 1.46(n)(14).

Dated: February 16, 1982.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-4744 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 86

[CGD 81-009]

Annex III to the Inland Navigation Rules—Technical Details of Sound Signal Appliances; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final Rule; correction.

SUMMARY: This document corrects the authority citations given in the regulations establishing the technical details for the vessel sound signal appliances prescribed by the new Inland Navigation Rules. The regulations were published on December 21, 1981, at 46 FR 61845. The authority citations appear in two places—(1) following the listing of section numbers and titles at the beginning of the regulations, and (2) at the end of the regulations. Only the citation to the Public Law was given; the parallel citation to the United States Code should also have been given. Part 86 is to be contained in Subchapter E—Inland Navigation Rules—of Title 33, Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT:
Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593, (202) 245-0108.

PART 86—ANNEX III: TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES

Accordingly, Part 86 of Title 33, Code of Federal Regulations, is corrected as follows:

1. The authority citation following the listing of section numbers and titles at the beginning of the part is corrected to read:

Authority: Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14)

2. The authority citation at the end of the part is corrected to read:

(Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14))

Dated: February 16, 1982.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-4745 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD5 80-22R]

Drawbridge Operation Regulations; Stoney Creek, Md.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Maryland State Highway Administration, the Coast Guard is establishing new regulations governing operation of the drawbridge on Maryland Route 173 across Stoney Creek, mile 0.9, at Riviera Beach, Maryland, to permit the draw to remain closed to pleasure craft during peak vehicular traffic periods. This change is being made because significant vehicular traffic congestion has resulted at the bridge during morning and

evening rush hours when the draw has been opened to allow passage of a small number of boats. This action will accommodate the needs of vehicular traffic while providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment becomes effective on March 24, 1982.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Specialist, Office of Commander (oan), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23703, telephone (804) 398–6222.

SUPPLEMENTARY INFORMATION: On July 9, 1981, the Coast Guard published a proposed rule (46 FR 35532) concerning this amendment. The Commander, Fifth Coast Guard District, also published this proposal in Public Notice (5–489) dated July 22, 1981, which was included in Local Notice to Mariners No. 30 dated July 28, 1981. Interested persons were requested to submit comments, and three comments were received.

Drafting Information

The principal person involved in drafting this rule is Ann B. Deaton, Bridge Specialist, Fifth Coast Guard District, Aids to Navigation Branch, 431 Crawford Street, Portsmouth, Virginia 23705.

Discussion of Rule

The Maryland State Highway Administration requested the Coast Guard to establish new regulations governing operation of their drawbridge on Maryland Route 173 across Stoney Creek, mile 0.9, at Riviera Beach, Maryland. The request was made because significant vehicular traffic congestion resulting from opening of the draw had developed at the bridge during morning and evening rush hours. Currently, the bridge is required to be opened on signal for any vessel that wishes to pass. The Coast Guard evaluated the problem, and is now establishing a new regulation for this bridge whereby the draw will be opened only once during morning rush hours and once during evening rush hours for the passage of any accumulated pleasure craft. Vessels owned by the United States, commercial vessels and any vessel involved in an emergency will not be affected by this change. The draw shall continue to be opened on signal at any time for these vessels, and will be opened on signal for the passage of pleasure craft at all times not covered by the new restrictions. This cutback on the number of draw openings during rush hours will help to relieve traffic congestion during these peak vehicular traffic periods without unduly restricting navigation.

The regulation, as originally proposed, restricted all vessel traffic during morning and evening rush hours, with one opening during each period for any accumulated vessels. Three public comments were received in response to the proposed rule. One was from a private citizen in support of the proposed regulation. One was from a commercial waterway user requesting that commercial vessels be excluded from the restrictions since the restricted openings would hurt their business. One was from the Maryland Natural Resources Police who requested an exemption from the restrictions for emergency response vessels. These comments were considered, and the Coast Guard determined that these exemptions would be in the public interest. Accordingly, the restrictions will apply to pleasure craft only, and the Final Rule has been changed to reflect the exemptions for commercial and emergency response vessels.

There are no known businesses that will be economically impacted by the new regulation. Commercial vessels will be excluded from the restrictions. Only pleasure boats will be affected by the new regulation, and the only cost to these entities that could result would be from time delays and fuel consumption. However, pleasure boat operators may plan their trips around the new schedule, thus avoiding any delays or expense. Motor vehicle operators will be beneficially effected from an economic standpoint since motor vehicular delays at the bridge causing fuel consumption will be reduced.

Evaluation

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

Final Regulation

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended as follows:

By adding a new § 117.307 to read as follows:

§ 117.307 Stoney Creek, MD; bridge.

(a) The draw shall be opened on signal except that:

(1) From 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday except Federal and State Holidays, the draw need be opened only once at 7:30 a.m. and once at 5 p.m. if any pleasure craft are waiting to pass.

(2) The drawbridge shall be opened on signal at any time for vessels owned by the United States, commercial vessels and any vessel in an emergency involving danger to life or property. The signal to request an emergency opening is four or more short blasts of a whistle or horn.

(b) A copy of the regulations in this section shall be posted in a conspicuous place on both the upstream and downstream sides of the bridge.

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

Dated: November 30, 1981.

John D. Costello,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 82–4747 Filed 2–19–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD17–81–03R2]

Safety Zone; Gastineau Channel, Juneau, Alaska

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City and Borough of Juneau, Alaska the Coast Guard is establishing a Safety Zone in Gastineau Channel, Juneau Harbor, Juneau, Alaska. In the past it has been the practice of small vessels to anchor in Juneau Harbor in the area normally utilized for anchoring and maneuvering by large passenger vessels and Alaska Marine Highway System Ferries. These small, privately owned vessels create a hazardous situation for any large cruise ships or ferries attempting to moor at or anchor near the passenger terminals. This regulation is necessary to prohibit

any small vessel from anchoring in the harbor area during the cruise ship season and, thereby, to eliminate the hazardous condition.

EFFECTIVE DATE: This amendment becomes effective on June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Commander H. D. Jacoby, Captain of the Port, Southeast Alaska, 612 Willoughby Ave., Juneau, Alaska 99801; (907) 586-7298.

SUPPLEMENTARY INFORMATION: On November 5, 1981, the Coast Guard published a notice of proposed rulemaking (46 FR 54973) concerning these regulations. The Coast Guard Captain of the Port, Southeast Alaska, also published this proposal in Local Notice to Mariners No. 48, dated November 24, 1981 and in a public notice dated November 25, 1981. No public hearings were held; however, interested persons were given an opportunity to submit written comments.

The preamble to the notice of proposed rulemaking provides a thorough explanation of the background and need for this regulation and the effect of this safety zone on small vessel owners and other entities.

Drafting Information

The principal persons involved in drafting this regulation are CDR H. D. Jacoby, Captain of the Port, Southeast Alaska, and LCDR John Unzicker, Project Attorney, Assistant Legal Officer, Seventeenth Coast Guard District.

Discussion of Comments

A total of six comments from groups and individuals were received on this rulemaking. The Coast Guard has given consideration to these comments in formulating this final rule. They are discussed generally in the following paragraphs.

Three comments were supportive of the regulation without reservation.

One comment expressed a concern that smaller transient vessels will be barred from anchorage anywhere in the main harbor area of Juneau. This commenter suggested that the limits of the zone be changed to allow for small vessel anchorage near the southwest shore of Gastineau Channel along Douglas Island. Another commenter requested that small, private vessels be allowed to anchor temporarily in the zone for the purpose of fishing. In view of the above comments and the fact that most of the maneuvering of large vessels takes place near the passenger terminals, the size of the zone has been reduced. The final rule will permit vessels to anchor in the southwest half of the channel for any purpose without contributing to a hazardous situation in the harbor area.

The Captain of the Port does not agree that the safety zone is unjustified, as one commenter suggested, and has rejected the following comments in support of that commenter's position:

1. That the safety zone provides no additional margin of safety and is solely an accommodation to local pilots;

2. That it will prohibit the use of the harbor by other vessels;

3. That the area has not been designated in any manner as an approved anchorage;

4. That the regulation does not limit the use of the area by small aircraft;

5. That the regulation does not limit the size or number of large vessels permitted within the zone; and

6. That the proposal does not fully explain the criteria the Captain of the Port will use in exercising his discretion.

With respect to the preceding comments, the Captain of the Port has identified a hazardous situation—small vessels that anchor in the Juneau harbor during the summer adversely affect the safe maneuvering of large passenger vessels—and has drafted regulations to deal with this hazard. He will continue to monitor activities within the Zone and be responsive to safety needs in the least intrusive manner available.

One comment suggested that the regulation define "large passenger vessel". The final rule specifically defines those vessels to which the regulation applies.

Only one commenter requested a public hearing. Since interest in a public hearing is minimal and there has been no showing that an oral presentation will aid the rulemaking process, no public hearing will be held.

Summary of Final Evaluation

This regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. This document has been prepared and reviewed under the Department of Transportation's Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 dated May 22, 1980), and is considered to be nonsignificant. An economic evaluation has not been conducted because the expected economic impact is so minimal as not to warrant the evaluation. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule will not have a significant economic impact on a substantial number of small entities.

Final Regulation

PART 165—SAFETY ZONES

In consideration of the foregoing, § 165.1702 is added to Part 165 of Title 33, Code of Federal Regulations to read as follows:

§ 165.1702 Gastineau Channel, Juneau, Alaska.

(a) The waters within the following boundaries are a Safety Zone: A line beginning at the Standard Oil Company Pier West Light (LLNR 3217) located at position 58°17.9′ N. latitude, 134°24.8′ W. longitude; to Rock Dump Lighted Buoy 2A (LLNR 3213) located at position 58°17.2′ N. latitude, 134°23.8′ W. longitude; thence northwest along the north shore of Gastineau Channel to the point of origin. This zone is effective 24 hours per day from June 1 through September 30, annually.

(b) *Special Regulations:* (1) All vessels may transit or navigate within the safety zone.

(2) No vessel, other than passenger carrying vessels of 500 gross tons and over (including cruise ships and ferries), may anchor within the safety zone without the express consent of the Captain of the Port, Southeast Alaska.

(92 Stat. 1475 (33 U.S.C. 1225); 49 CFR 1.46(n)(4))

Dated: February 2, 1982.

H. D. Jacoby,

Commander, U.S. Coast Guard, Captain of the Port, Southeast Alaska.

[FR Doc. 82-4746 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Parts 539, 650, 695, 708, 714, and 740

Removal of Miscellaneous Regulations

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends Title 34 of the Code of Federal Regulations (CFR) by removing certain obsolete parts. These regulations are no longer needed for the reasons described in this document. The Secretary takes this action to eliminate unnecessary regulations.

EFFECTIVE DATE: Part 539 is removed effective October 1, 1982. Parts 650, 695, 708, 714, and 740 are removed effective February 22, 1982.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, 400 Maryland

Avenue SW. (Room 2129, FOB-6), Washington, D.C. 20202-6261. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: Under Executive Order 12291, effective February 17, 1981, we are reviewing, and, where possible, eliminating existing Department regulations. After reviewing certain Department regulations, we have determined that they are now obsolete. The purpose of this document is to remove these regulations from Title 34 of the CFR. Grants previously awarded by the Department of Education remain subject to the regulations in effect at the time the grants were made.

We are removing the following parts:

Part 539—Educational Services for Cuban and Haitian Entrant Children. These regulations were issued under the authority of Section 303 of Title III of the Elementary and Secondary Education Act of 1965, as amended. Title III is repealed by the Education Consolidation and Improvement Act of 1981, effective October 1, 1982. These regulations are therefore removed as of that date.

Part 650—Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships. Revised regulations for this program were published on January 14, 1981 at 46 FR 3400, as part of the regulations for Graduate and Professional Study Fellowships in 34 CFR Part 649. Part 650 was inadvertently not removed after issuance of the new regulations.

Part 695—Incentive grants for State student financial assistance training program. These regulations are obsolete. The program has expired.

Part 708—Research grants program. These regulations are obsolete. Projects are now funded under more specific program regulations.

Part 714—Education and work grants program. These regulations are obsolete. Projects are now funded under more specific program regulations.

Part 740—National alcohol and drug abuse prevention program. These regulations apply to grants and are therefore unnecessary. This program is implemented only through contracts.

The publication of this document as a proposed rule for public comment is unnecessary because it concerns only the removal of obsolete regulations from the CFR.

(Catalog of Federal Domestic Assistance Numbers 84.138, 84.085, 84.096, 84.117, 84.008)

Dated: February 12, 1982.

T. H. Bell,

Secretary of Education.

Title 34 of the Code of Federal Regulations is amended as follows:

PART 539—EDUCATIONAL SERVICES FOR CUBAN AND HAITIAN ENTRANT CHILDREN [REMOVED]

1. Part 539 is removed effective October 1, 1982.

PART 650—DOMESTIC MINING AND MINERAL AND MINERAL FUEL CONSERVATION FELLOWSHIPS [REMOVED]

2. Part 650 is removed.

PART 695—INCENTIVE GRANTS FOR STATE STUDENT FINANCIAL ASSISTANCE TRAINING PROGRAM [REMOVED]

3. Part 695 is removed.

PART 708—RESEARCH GRANTS PROGRAM [REMOVED]

4. Part 708 is removed.

PART 714—EDUCATION AND WORK GRANTS PROGRAM [REMOVED]

5. Part 714 is removed.

PART 740—NATIONAL ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM [REMOVED]

6. Part 740 is removed.

[FR Doc. 82-4637 Filed 2-19-82; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL-2049-6]

Approval and Promulgation of Implementation Plans; Alabama: SO_2 Revision for Jackson County

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: After an eighteen-month extension granted by EPA (to July 1, 1980), Alabama on June 9, 1980, submitted a plan revision showing attainment of the secondary sulfur dioxide standard in Jackson County, as required by Part D of Title I of the Clean Air Act. EPA today announces its approval of the revision.

EFFECTIVE DATE: This action will be effective on April 23, 1982 unless notice is received by March 24, 1982 that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Archie Lee of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

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

Library, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

Division of Air Pollution Control, Alabama Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36130.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Lee, Air Programs Branch, EPA Region IV at the above address and telephone number 404/881-3286 or FTS 257-3286.

SUPPLEMENTAL INFORMATION: On September 6, 1979, Alabama submitted to EPA Part D implementation plan revisions for the attainment of the national standards for sulfur dioxide in Jackson, Colbert, and Lauderdale Counties. These revisions satisfactorily showed attainment of both the primary and secondary standards in Colbert and Lauderdale Counties, but only of the primary standard in Jackson County. The state obtained an eighteen-month extension (to July 1, 1980) for the submittal of the secondary plan for Jackson County. A revision showing attainment of the secondary sulfur dioxide standard in this area was submitted on June 9, 1980.

The Jackson County control strategy demonstration uses air quality diffusion modeling of TVA's Widows Creek plant to show attainment of the 24-hour primary and 3-hour secondary standard for sulfur dioxide. The modeling was done with a re-calculated good engineering practice (GEP) stack height based on a re-evaluation of the plant facility's height.

After re-examining the building dimensions and re-calculating the GEP height and inputting the revised GEP height into the model, the current emission limit was found to be sufficient to attain the secondary ambient standard.

Action. Based on the foregoing, EPA hereby approves Alabama's revision for the attainment of the secondary sulfur dioxide standard in Jackson County.

The public should be advised that this action will be effective April 23, 1982. However, if notice is received within 30 days that someone wishes to submit

adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before April 23, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, this action only applies to one facility.

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

(Secs. 110 and 172, Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: February 16, 1982.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

In § 52.50, paragraph (c) is amended by adding subparagraph (35) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(35) Revision for Jackson County secondary sulfur dioxide nonattainment area, submitted on June 9, 1980, by the Alabama Air Pollution Control Commission.

[FR Doc. 82-4730 Filed 2-19-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL-2047-3]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: On August 25, 1981, the State of Michigan submitted Consent Order No. 16–1981 for the Marathon Oil Company as revisions to the State Implementation Plan (SIP). Consent Order No. 16–1981 satisfies EPA's conditional approval of Michigan's R336.1603 by providing detailed compliance schedules for the Marathon Oil Company in Muskegon County containing the increments of progress required by 40 CFR Part 51.15. EPA has reviewed this consent order and approves it as a revision to the Michigan SIP. The purpose of this notice is to announce receipt of this consent order, discuss the results of EPA's review, and to announce final approval of this SIP revision request.

EFFECTIVE DATE: This final rulemaking action will be effective on April 23, 1982, unless notice that someone wishes to submit adverse or critical comments is received within 30 days.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written comments on these actions should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6037.

SUPPLEMENTARY INFORMATION:

Muskegon County (Order No. 16–1981)—Marathon Oil Company

On August 25, 1981, the State of Michigan submitted Consent Order No. 16–1981 for the Marathon Oil Company in Muskegon County, concerning the Volatile Organic Compounds (VOC) emissions from the company's truck gasoline loading rack. Michigan's Rule 336.1609 sets forth limitations for VOC emissions from gasoline bulk terminals handling over 5,000,000 gallons of gasoline per year. This rule is one of 18 rules containing stationary source controls representing Reasonably Available Control Technology (RACT), effective January 18, 1980, and is part of the federally approved Michigan SIP. EPA conditionally approved R336.1603 based on the State of Michigan's commitment to submit detailed compliance schedules containing the increments of progress required by 40 CFR Part 51.15.

Consent Order No. 16–1981 contains a compliance schedule which includes the following increments: (1) Dates by which the company shall submit plans, specifications, and applications for an installation permit, (2) dates for control device manufacturers orders, (3) dates for notification of installation, (4) a date of notification of equipment operation, (5) a date for submission of detailed report of equipment testing and (6) a date by which proof of attainment of required VOC emission limitations shall be submitted. The final compliance date is December 31, 1982 and the emission limitation is 0.7 pounds of organic vapor per 1000 gallons of organic compound loaded. This final compliance date is consistent with the attainment date of the ozone NAAQS. In addition, this revision will not adversely affect Michigan SIP's meeting the "reasonable further progress" requirement of the Act.

Conclusion—EPA Evaluation

EPA has reviewed Consent Order No. 16–1981 for the Marathon Oil Company, Muskegon County. EPA has determined that this order contains enforceable emission limitations and control measures. EPA has also determined that Consent Order No. 16–1981 was found to be consistent with applicable States rules (Michigan R336.1609 and R336.1603) and federal regulations (40 CFR 51.15 and 51.1(Q)).

EPA, therefore, approves Consent Order No. 16–1981 as part of the Michigan SIP. EPA believes that this is a noncontroversial rulemaking action, and is taking immediate final rulemaking action. On September 4, 1981 (46 FR 44476) EPA published a general notice explaining this special rulemaking procedure. This action will be effective April 23, 1982. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose the action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator certified on January 27, 1981 (46 FR 8709), that approvals or conditional approvals of SIP's under Sections 110 and 172 of the Clean Air Act and revisions of attainment status designations under section 107(d) would not, if promulgated, have a significant economic impact on a substantial number of small entities. Today's action approves an action submitted by the State pursuant to the provisions of Section 110 of the Act and imposes no new requirements beyond those which the State has already imposed.

This regulation was exempted from review by the Office of Management and Budget (OMB) under section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before April 23, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110, Clean Air Act (42 U.S.C. Section 7410))

Dated: February 12, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

Note.—Incorporation by reference of the SIP for the State of Michigan was approved by the Director's of Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

1. Section 52.1170 is amended by adding paragraph (c)(43) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

* * * * *

(43) On August 25, 1981, the State of Michigan, Department of Natural Resources (MDNR), submitted to EPA Consent Order No. 16–1981 for the Marathon Oil Company in Muskegon County. Consent Order No. 16–1981 satisfies USEPA's conditional approval of R336.1603 by providing detailed compliance schedules containing the increments of progress required by 40 CFR Part 51.15.

* * * * *

2. Section 52.1175 is amended by adding a compliance schedule for the Marathon Oil Company to paragraph (e).

§ 52.1175 Compliance schedules.

* * * * *

(e) * * *

* * * * *

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
*	*	*	*	*
Muskegon County				
*	*	*	*	*
Marathon Oil	Muskegon	336.1603	July 31, 1981	Dec. 31, 1982.
*	*	*	*	*

* * * * * * *

[FR Doc. 82-4728 Filed 2-19-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL-2016-5]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval by the Environmental Protection Agency of a revision to the New York State Implementation Plan (SIP). This action has the effect of allowing the Consolidated Edison Company of New York, Inc. to burn fuel oil with a maximum sulfur content of 1.5 percent, by weight, in units 2 and 3 of its Arthur Kill generating facility and in unit 3 of its Ravenswood generating facility, all located in New York City, for up to two years from February 22, 1982. Receipt of this implementation plan revision request from New York State was announced in the **Federal Register** on September 28, 1981 at 46 FR 47470, where a full description of the proposed revision is contained.

EFFECTIVE DATE: This action becomes effective February 22, 1982.

ADDRESSES: Copies of the SIP revision submitted by New York State, public comments received and a "Technical Support Document" to today's action are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Copies of the State's submission are also available for inspection during normal business hours at the following location: The Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278 (212) 264–2517.

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1981 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). The State's revision request was submitted in accordance with all EPA requirements under 40 CFR Part 51, including a public hearing which was held by the State on July 27, 1981. The State requested EPA approval of a "special limitation," issued by the State under the provisions of Part 225.2, Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. The effect of this "special limitation" is to allow the Consolidated Edison Company of New York, Inc. (Con Edison) to use fuel oil with maximum sulfur content of 1.5 percent, by weight, in units 2 and 3 of its Arthur Kill generating facility and in unit 3 of its Ravenswood generating facility, all located in New York City. The current, normally applicable regulatory limitation on fuel oil sulfur content is 0.3 percent, by weight. A similar SIP revision of one-year duration had been previously approved by EPA on August 11, 1980 (45 FR 53138). With the addition

of several new conditions imposed by the State, this current SIP revision is a continuation of the earlier one.

A notice of proposed rulemaking on the State's SIP revision request was published in the **Federal Register** on September 28, 1981 (46 FR 47470). The reader is referred to this September 28 notice for a detailed description of the State's revision request. In its September 28 notice EPA advised the public that comments would be accepted as to whether the proposed revision to the New York SIP should be approved or disapproved. During the comment period, which ended on October 28, 1981, EPA received five comments.

II. Discussion of Comments Received

Comments were received from the Office of the Attorney General of the State of Connecticut, the New Jersey Department of Environmental Protection, the Middlesex County Air Quality Planning Committee, the Department of Political Studies, Adelphi University, and the Consolidated Edison Company of New York, Inc.

Certain of these comments will be briefly discussed in today's notice. However, a complete discussion of all the comments received and EPA's response to them appears in a separate "Technical Support Document" to today's notice. This document is available for public review at the locations identified in the "Addresses" section of today's notice.

A. The Office of the Attorney General of the State of Connecticut

1. Comments. The Office of the Attorney General of the State of Connecticut in a letter dated October 22, 1981 expressed its opposition to EPA's proposal to approve the New York SIP revision affecting Con Edison. The State asserted that increased air pollution emissions from the Con Edison facilities would exacerbate an existing violation of the secondary particulate matter national ambient air quality standard in Connecticut and, therefore, would interfere with Connecticut's attempts to attain this standard. It is also claimed by Connecticut that the New York SIP revision would interfere with Connecticut's maintenance of the primary sulfur dioxide and particulate matter national ambient air quality standards, and would interfere with the State's plan to prevent significant deterioration of air quality and to protect visibility.

Connecticut further contended that, if EPA approves the New York SIP revision for a maximum period of up to two years from today's date instead of from the date when the last SIP revision affecting Con Edison expired (August 11, 1981), it would constitute EPA approval of a violation of federal law. Connecticut requested that the EPA Administrator immediately require Con Edison to comply with the existing federally approved New York SIP which, since August 11, 1981, has prohibited Con Edison from using fuel oil with a sulfur content greater than 0.3 percent, by weight, at the affected Con Edison facilities. Connecticut claimed that Con Edison has burned nonconforming fuel oil after the SIP approval to do so expired.

2. EPA Response. It should be noted that New York has not requested a change to the 0.1 pounds per million BTU particulate matter emission limitation as contained in its SIP. This limitation is not being changed as a result of today's action and is applicable to Con Edison's emissions regardless of what sulfur content fuel oil is being burned. Additional discussion of this issue with respect to predicted particulate matter impacts in Connecticut is contained in the "Technical Support Document" to today's action.

Additionally, Connecticut has not shown and EPA cannot find any basis for determining that the increases in particulate matter or sulfur dioxide emissions which would result from EPA approval of the New York SIP revision will prevent attainment or maintenance of national ambient air quality standards or will interfere with measures to prevent significant deterioration of air quality or to protect visibility in Connecticut. EPA notes that the prevention of significant deterioration (PSD) baseline has not been triggered in Connecticut

In light of today's action to approve the use of 1.5 percent sulfur content fuel oil at the affected Con Edison units, EPA believes that Connecticut's request that EPA order Con Edison to burn fuel oil with a maximum sulfur content of 0.3 percent is unwarranted. Also, EPA believes that it is appropriate to begin its two year approval of New York's SIP revision request as of the effective date of its approval rather than as of some earlier date. This does not constitute an approval by EPA of the use by Con Edison of nonconforming fuel during the period between the expiration of EPA's approval of New York's earlier SIP revision and the effective date of today's action. The SIP revision which is the subject of today's action was not submitted by New York until August 7, 1981 and has been processed as rapidly as possible.

B. New Jersey State Department of Environmental Protection

1. Comments. In its October 27, 1981 letter the New Jersey State Department of Environmental Protection (NJDEP) stated its belief that the New York SIP revision represents an inequitable use of the available sulfur dioxide increment in the New Jersey-New York-Connecticut Interstate Air Quality Control Region. NJDEP also expressed concern that approval of the Con Edison "special limitation" would threaten the maintenance of New Jersey and national ambient air quality standards in the vicinity of Perth Amboy, New Jersey. NJDEP also pointed out that EPA's notice of proposed rulemaking incorrectly noted that the New Jersey 24-hour secondary sulfur dioxide standard had not been violated during the period when the earlier Con Edison "special limitation" was in effect. Violations were recorded in December 1980 and January 1981, according to the NJDEP. NJDEP expressed its desire for implementation of several of the conditions placed by New York on the "special limitation." Therefore, NJDEP has requested that EPA clearly specify the extent to which the conditions on the "special limitation" are federally enforceable SIP provisions. Finally, NJDEP expressed its support of EPA's proposal to limit its approval of the New York SIP revision to a maximum period of two years.

2. EPA Response. With regard to New Jersey's comments concerning interstate "equity" of air quality impacts, particularly the consumption of available sulfur dioxide PSD increments, this temporary relaxation is not expected to impede growth in New Jersey. Furthermore, EPA is aware that the States of New York and New Jersey are currently discussing common policies for interstate air pollution problems, including equitable allocation of PSD increments, in the context of permanent coal conversions.

As indicated in its notice of proposed rulemaking, EPA is concerned over the unusually high 24-hour concentrations of sulfur dioxide recorded on a few recent occasions at Perth Amboy, New Jersey. Although no violations of the national ambient air quality standards have occurred, the high concentrations require further investigation. To this end, the State of New York has required as a condition on its "special limitation" that Con Edison conduct a comprehensive evaluation of these high concentrations by December 31, 1981.

EPA acknowledges that it incorrectly stated in its notice of proposed

rulemaking that the New Jersey 24-hour secondary sulfur dioxide ambient air quality standard had not been violated. In the last twelve consecutive months there have been 24-hour concentrations in excess of the State standard of 260 ug/m³. However, under Section 110(a)(2)(E) of the Clean Air Act EPA is required to consider only the impact on national ambient air quality standards and not stricter state standards. Consequently, based on the available information, EPA has determined that it has not been shown that the increased emissions from the Con Edison "special limitation" prevents the maintenance of sulfur dioxide national ambient air quality standards in New Jersey.

The nineteen conditions specified by New York State as part of the Con Edison "special limitation" were submitted to EPA for approval as a revision to the New York SIP. Upon EPA approval they are federally enforceable to the extent that they are necessary to meet the criteria of section 110 of the Clean Air Act.

C. Middlesex County Air Quality Planning Committee

1. Comments. In an October 21, 1981 letter the Middlesex County Air Quality Planning Committee also brought up the comment raised by the NJDEP regarding the elevated concentrations of sulfur dioxide at Perth Amboy, New Jersey. They also expressed concern that the Con Edison "special limitation" would use up a large portion of the available sulfur dioxide 24-hour PSD increment in the Perth Amboy, New Jersey area and thereby limit future economic growth.

2. EPA Response. EPA acknowledges that the use of higher sulfur fuel oil at the Con Edison facility would temporarily consume up to 41 percent of the available 24-hour sulfur dioxide PSD increment in a small portion of New Jersey. Despite this temporary increment consumption, the proposed New York SIP revision is unlikely to preclude new source growth. This is because under the Con Edison "special limitation" the use of higher sulfur content fuel oil is only authorized for a two-year period. Therefore, any proposed new or modified source affected by EPA's PSD regulation which would commence operation after this two-year period could be reviewed as if the "special limitation" did not exist.

D. Department of Political Studies, Adelphi University

1. Comments. The Department of Political Studies at Adelphi University in a letter dated October 23, 1981 raised several issues concerning the technical rationale for extending the Con Edison "special limitation." One of the issues concerned whether the existing sulfur dioxide monitoring network operated by the New York State Department of Environmental Conservation is adequate for assessing the air pollution impact in New York from Con Edison's use of high sulfur content fuel oil.

2. EPA Response. EPA has conducted an independent review and analysis of sulfur dioxide data measured at all impacted sites in New York. Based on this review, EPA concludes that the data base from New York operated monitors is adequate for determining that the sulfur dioxide national ambient air quality standards are being attained throughout this impact area.

E. Consolidated Edison Company of New York, Inc.

1. Comments. Con Edison, in a letter dated October 27, 1981, stated that the continued use of high sulfur fuel oil should be approved as it will result in substantial fuel cost savings for the Company's customers without either causing a violation of any national ambient air quality standard or impeding regional economic growth. According to Con Edison, recently analyzed air quality data support the conclusion that no violations of national ambient air quality standards have occurred and, in fact, indicate that the annual average sulfur dioxide levels at the critical monitoring stations in New York City have continued on a downward trend for the past two years.

Con Edison also noted that it is actively pursuing its coal conversion application now pending before the State of New York, and intends to submit applications and environmental impact statements for the conversion of the affected units to coal by November 10, 1981 as required by Condition (1) of the pending "special limitation."

2. EPA Response. EPA supports the need to reduce energy costs and believes that this goal is not inconsistent with the air quality goals contained in the Clean Air Act. However, the Clean Air Act does not authorize EPA to apply such considerations in evaluating SIP revision requests. EPA has determined that measured sulfur dioxide levels at the most critical monitors in Manhattan have remained at or below the levels measured one year ago.

EPA notes that, according to New York State, Con Edison did submit by November 10, 1981 applications and environmental impact statements for the conversion of the affected units to coal as required by Condition (1) of the pending "special limitation."

III. Final Determination

Based on EPA's review of the New York submittal and the comments received, EPA has concluded that: (1) The revision will not violate the national ambient air quality standards in New York; (2) the revision will not prevent attainment or maintenance of national ambient air quality standards in Connecticut or New Jersey; and (3) the revision will not interfere with Connecticut or New Jersey's PSD measures since the entire increment for sulfur dioxide is available. Therefore, the revision meets the requirements of section 110 of the Clean Air Act, including section 110(a)(2)(E), and is approved.

Furthermore, this action is being made effective immediately because it imposes no hardship on the affected sources, and no purpose would be served by delaying its effective date.

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

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

The Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291.

Dated: February 12, 1982.

John W. Hernandez, Jr.,

Acting Administrator, Environmental Protection Agency.

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter 1, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

1. Section 52.1670, paragraph (c) is amended by adding new subparagraph (64) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(64) Revision submitted on August 7, 1981 by the New York State Department of Environmental Conservation which grants a "special limitation" to relax to 1.5 percent, by weight, for up to two years from February 22, 1982, the sulfur-in-fuel oil limitation applicable to units 2 and 3 of Consolidated Edison of New York State, Inc.'s Arthur Kill generating facility and to unit 3 of its Ravenswood generating facility, all located in New York City.

[FR Doc. 82-4729 Filed 2-19-82; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 60

[A-6-FRL-2055-8]

Delegation of Authority to the State of Louisiana for New Source Performance Standards (NSPS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA, Region 6, has delegated the authority for implementation and enforcement of NSPS to the Louisiana Department of Natural Resources (LDNR), Air Quality Division. Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 60 are delegated to the LDNR. Any of such authority and responsibilities may be redelegated by the Department to its Director or staff.

EFFECTIVE DATE: January 25, 1982.

ADDRESS: Copies of the State request and State-EPA agreement for delegation of authority are available for public inspection at the Air Branch, Environmental Protection Agency, Region 6, First International Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: William H. Taylor, Air Branch, Environmental Protection Agency, Region 6, First International Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; (214) 767-1594 or (FTS) 729-1594.

SUPPLEMENTARY INFORMATION: On December 17, 1981, the State of Louisiana submitted to EPA, Region 6, a request for delegation of authority to the LDNR for the implementation and enforcement of the NSPS program. After a thorough review of the request and information submitted, the Regional Administrator determined that the State's pertinent laws and the rules and regulations of the LDNR were found to provide an adequate and effective procedure for the implementation and enforcement of the NSPS program.

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

Effective immediately, all information pursuant to 40 CFR Part 60 by the sources locating in the State of Louisiana should be submitted directly to the State agency at the following address: Louisiana Department of Natural Resources, Air Quality Division, P.O. Box 44066, Baton Rouge, Louisiana 70804.

(Sec. 111 of the Clean Air Act, as amended (42 U.S.C. 7411))

Dated: February 9, 1982.

Frances E. Phillips,

Acting Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Section 60.4 paragraph (b) is amended by revising subparagraph (T) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(A) – (S)

(T) State of Louisiana, Program Administrator, Air Quality Division, Louisiana Department of Natural Resources, P.O. Box 44066, Baton Rouge, Louisiana 70804.

* * * * *

[FR Doc. 82-4702 Filed 2-19-82; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Parts 60 and 61

[A-6-FRL-2057-1]

New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to the State of Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has delegated the authority for implementation and enforcement of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (except demolition and renovation of buildings containing asbestos) to the Arkansas Department of Pollution Control and Ecology (ADPCE). The State specified in its request that delegation of authority for demolition and renovation of buildings containing asbestos, would not be accepted. Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 60 and 40 CFR Part 61 are delegated to the ADPCE. Any of such authority and responsibilities may be redelegated by the Department to its Director or staff.

EFFECTIVE DATE: September 14, 1981.

ADDRESS: Copies of the State request and State-EPA agreement for delegation of authority are available for public inspection at the Air Branch, Environmental Protection Agency, Region 6, First International Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; (214) 767-1594 or (FTS) 729-1594.

FOR FURTHER INFORMATION CONTACT: William H. Taylor, Air Branch, address above, Telephone: (214) 767-1594 or (FTS) 729-1594.

SUPPLEMENTARY INFORMATION: On July 1, 1981, the State of Arkansas submitted to EPA, Region 6, a request for delegation of authority to the ADPCE for the implementation and enforcement of the NSPS and NESHAP programs (except demolition and renovation of buildings containing asbestos). After a thorough review of the request and information submitted, the Regional Administrator determined that the State's pertinent laws and the rules and regulations of the ADPCE were found to provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAP programs.

Under Executive Order 12291, EPA must judge whether a publication is "major" and therefore subject to the requirements of a regulatory impact analysis. The delegation of authority is not "major", because it is an administrative change, and no additional burdens are imposed on the parties affected.

The delegation letter to Arkansas was submitted to OMB and determined not to be a major rule under E.O. 12291.

Effective immediately, all information pursuant to 40 CFR 60 and 61 by sources locating in the State of Arkansas should be submitted to the State agency at the following address: Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209.

(Secs. 101 and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601))

Dated: February 2, 1982.

Frances E. Phillips,

Acting Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Section 60.4 paragraph (b) is amended by revising subparagraph (E) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(E) State of Arkansas, Program Administrator, Air and Hazardous Materials Division, Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209.

* * * * *

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Section 61.04 paragraph (b) is amended by revising subparagraph (E) to read as follows:

§ 61.4 Address.

* * * * *

(b) * * *

(E) State of Arkansas, Program Administrator, Air and Hazardous Materials Division, Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209 (with the exception of (1)(d) Demolition and Renovation of Buildings Containing Asbestos).

* * * * *

[FR Doc. 82-4701 Filed 2-19-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 62

[A-4—FRL-2047-2]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Alabama: Plans for Control of Sulfuric Acid Mist and Phosphate Fluorides; and Florida: Plan for Control of Sulfuric Acid Mist

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to section 111(d) of the Clean Air Act and EPA's implementing guidelines, the States of Alabama and Florida have adopted and submitted to EPA plans for the control of "designated" pollutants. The Alabama Air Pollution Control Commission has submitted plans for the control of phosphate fluorides and sulfuric acid mist from existing facilities. The Florida Department of Environmental Regulation (DER) has submitted a plan for the control of sulfuric acid mist. EPA today announces its approval of these plans.

EFFECTIVE DATE: This action will be effective on April 23, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by the respective States may be examined during normal business hours at the following locations:

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

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

Division of Air Pollution Control, Alabama Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36130

Bureau of Air Quality Mgmt., Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

FOR FURTHER INFORMATION CONTACT: Mr. Archie Lee, EPA Region IV, Air Programs Branch, at the above listed address and phone 404/881-3286 or FTS 257-3286.

SUPPLEMENTAL INFORMATION: In accordance with section 111 of the Clean Air Act (amended August 1977, Pub. L. No. 95-95), "Standards of Performance for New Stationary Sources," EPA has promulgated standards of performance for certain pollutants (those for which National Ambient Air Quality Standards have been published) and non-criteria pollutants, and apply to "new" sources (i.e., new, modified, or reconstructed sources) which commenced construction after the date on which EPA proposed standards for that particular source category.

Paragraph (d) of section 111 requires States to develop plans for the control of emissions of the same non-criteria, or designated, pollutants from existing sources, which are regulated from the new source category. "Existing" sources were defined as those which are present prior to the date on which EPA proposed new source performance standards for that particular source category. The requirements for such plans are set forth in subpart B of 40 CFR Part 60 (November 17, 1975; 40 FR 53346).

On May 18, 1978, Alabama submitted a plan for controlling sulfuric acid mist from existing sulfuric acid producers pursuant to 111(d) of the Clean Air Act. Sulfuric acid mist limitations were adopted by the Alabama Air Pollution Control Commission in 1972 as part of the original State Implementation Plan approved by EPA on May 31, 1972. The established acid mist emission limitation for sulfuric acid producers (0.25 kg/metric ton or 0.5 pounds per ton) is consistent with the recommended emission limitation in EPA's final guideline document. This regulation specifies emission standards and test methods. The three sulfuric acid producers in the State of Alabama are reported to be in compliance with the applicable emission standards.

On December 14, 1978, Florida submitted a plan for controlling sulfuric acid mist emissions from sulfuric acid producers. An additional submittal was made on March 17, 1979. Legal authority to carry out the plan is provided by the Florida statutes. The submitted regulations also specify emission standards and test methods. The plan provides for an emission limit of 0.30 pounds per ton except for that portion of the Jacksonville (Florida)—Brunswick (Georgia) Interstate Air Quality Control Region, as defined in 40 CFR 81.91, for which the emission limit is 0.50 pounds per ton. EPA has evaluated the Alabama and Florida plans by comparing them with the requirements for the State plans for designated facilities, as set forth in subpart B of 40 CFR Part 60, Adoption and Submittal of State Plans for Designated Facilities, and with the EPA guideline document, Control of Sulfuric Acid Mist Emissions from Existing Production Units (EPA-450/2-77-019).

The Alabama and Florida plans control acid mist emissions from sulfuric acid producers that were in operation or were under construction before August 17, 1971. The acid production processes that are controlled are described in 40 CFR 60.81(a). These sources must conduct continuous emission monitoring as provided in Appendix P of 40 CFR Part 51. EPA approves the Alabama and Florida plan since they completely satisfy EPA requirements.

On April 10, 1980, Alabama submitted a 111(d) plan for controlling fluoride emissions from the phosphate fertilizer industry. This plan was reviewed in the

light of the previously referenced requirements set forth in subpart B of 40 CFR Part 60. The fluoride emission limits are equivalent to those recommended by the EPA guideline document, Controlling Fluoride Emissions from Phosphate Fertilizer Plants (EPA–450/2–77–005).

It should be pointed out that at the time of State adoption, there were no existing phosphate fertilizer plants subject to these regulations. However, the modification of an existing superphosphate unit to produce triple superphosphate was possible. Therefore, Alabama adopted fluoride emission limiting regulations for existing fertilizer plants instead of issuing a negative declaration.

Action: EPA is today approving the Alabama and Florida plans for the control of sulfuric acid mist from existing sulfuric acid plants and the Alabama plan for the control of fluorides from existing phosphate fertilizer plants. This is being done without prior proposal because the changes are noncontroversial and have limited impact and no comments are anticipated as all affected sources are reported to be in compliance with the applicable State regulation.

The public should be advised that this action will be effective on April 23, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before April 23, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. In addition, this action only applies to sources that are reported in compliance with the applicable regulations.

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

Incorporation by reference of State plans for designated facilities and pollutants was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 111 and 301(a) of the Clean Air Act (42 U.S.C. 7411 and 7601(a))

Dated: February 12, 1982.

Anne M. Gorsuch,

Administrator.

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

Part 62 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. Subpart B, consisting of §§ 62.100 and 62.110, is added as follows:

* * * * *

Subpart B—Alabama

Sulfuric Acid Mist from Existing Sulfuric Aid Plants

Sec.
62.100 Identification of plan.

Fluoride Emissions from Phosphate Fertilizer Plants

Sec.
62.110 Indentification of plan.

* * * * *

Subpart B—Alabama

Sulfuric Acid Mist from Existing Sulfuric Acid Plants

§ 62.100 Identification of plan.

(a) Title of plan: "State of Alabama Plan for Control of Sulfuric Acid Mist Emissions from Existing Sulfuric Acid Production Units."

(b) The plan was officially submitted on May 18, 1980.

(c) The plan includes the following types of sulfuric acid plants:

(1) Acid plants operated by Reichhold Chemical Company in Tuscaloosa, Stauffer Chemical Company in Mobile, and Estech Chemical in Dothan.

(2) There are no oleum plants.

(3) There are no sulfur burning plants.

(4) There are no bound sulfur feedstock plants.

Fluoride Emissions from Phosphate Fertilizer Plants

§ 62.110 Identification of plan.

(a) Title of plan: "State of Alabama Plan for Control of Flouride Emissions from Existing Phosphate Fertilizer Plants."

(b) The plan was officially submitted on April 10, 1978.

(c) The plan currently does not identify any sources subject to its fluoride emission limits.

2. Subpart K, consisting of § 62.2350, is added as follows:

Subpart K—Florida

Sulfuric Acid Mist from Existing Sulfuric Acid Plants

§ 62.2350 Identification of plan.

(a) Title of plan: "State of Florida Plan for Control of Sulfuric Acid Mist Emissions from Existing Sulfuric Acid Production Units."

(b) The plan was officially submitted on December 14, 1978.

(c) The plan includes the following types of sulfuric acid plants.

(1) Acid plants operated by Occidental Petroleum Company in Hamilton County, AMAX Phosphate Inc. in Manatee County, Conserv Chemical in Nichols, Farmland Industry in Bartow County, W.R. Grace Company in Polk County, Royster Fertilizer in Polk County, USS Agrichemicals in Polk County, Central Farmers Co-op in Polk County, Agrico Chemical Company in Polk County, Gardinier, Inc., in Hillsborough County, and ESTECH in Polk County.

(2) There are no oleum plants.

(3) There are no sulfur burning plants.

(4) There are no bound sulfur feedstock plants.

[FR Doc. 82–4588 Filed 2–19–82; 8:45 am]

BILLING CODE 6560–38–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6118

[OR–4011]

Oregon; Partial Revocation of Executive Order

Correction

In FR Doc. 82–3054, published at page 5422, on Friday, February 5, 1982, on page 5423, in the first column, in the first indented paragraph, in the second line "Section 205" should be corrected to read "Section 204".

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Parts 71, 201, 208, and 1392

Deletion of Regulations Pertaining to Certain Social Services Programs Under the Social Security Act

AGENCY: Office of Human Development Services, HHS.

ACTION: Final rule.

SUMMARY: Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981, combined the social services programs administered under title XX of the Social Security Act in the States and in the Territories under titles I, IV–A, X, XIV and XVI(AABD), into a single block grant known as "The Title XX Block Grant to States for Social Services." The block grant program is effective October 1, 1981. Since existing regulations governing those programs do not apply to the block grant program, this rule deletes both entire Parts and references within a Part that apply to the above grant-in-aid programs. These regulations also remove the Department's day care requirements which were issued under statutory authorities that no longer exist as a result of various changes made by Pub. L. 97–35.

EFFECTIVE DATE: This rule is effective on February 22, 1982.

FOR FURTHER INFORMATION, CONTACT: Mrs. Johnnie U. Brooks, Room 722–E, Hubert H. Humphrey Building, Department of Health and Human Services, 200 Independence Avenue SW., Washington, D.C. 20201.

SUPPLEMENTARY INFORMATION:

I. Removal of 45 CFR, Subtitle A, Part 71—HHS Day Care Requirements

45 CFR Part 71, the HHS Day Care requirements, contains the conditions that child day care services provided to children outside their own homes must meet in order to be eligible to receive Federal funds from the Department. The HDS programs to which these rules applied were title XX of the Social Security Act (SSA) in the States; title IV–A Services in the Territories; the Work Incentive Program (WIN); title IV–B, Child Welfare Services; and the Developmental Disabilities Program (DD).

Sections 2351 through 2354 of Pub. L. 97–35, The Omnibus Budget Reconciliation Act of 1981, amended title XX of the SSA to establish the social services block grant program effective October 1, 1981. It combined social service programs under title XX of the SSA in the States and under titles I, IV–A, X, XIV, and XVI(AABD) in the Territories, into a single block grant program. Social services in the States and Territories formerly provided under those titles are now governed by the authorizing statute and block grant rules at 45 CFR Part 96 (46 FR 48582, October 1, 1981). One of the purposes of the block grant is to increase State flexibility and to allow States to establish and maintain their own standards for certain services. In keeping with this thrust, section 2005(a)(7) of the SSA, as amended, states that when social services block grant funds are used to provide child day care services, the service must meet applicable standards of State and local law. A conforming amendment to the Social Security Act (Section 2353(s) of Pub. L. 97–35), repeals the provision that requires day care services provided under titles IV–A and B of of the SSA to meet the same requirements as day care funded under the title XX grant-in-aid program. Therefore, there is no longer a legislative basis for the application of Federal day care rules to child day care services funded with titles XX, IV–A and IV–B funds.

The Department's decision to apply the HHS day care rules to the DD and WIN programs was based on Section 582(d) of title V of the Economic Opportunity Act of 1964 (42 USC 2932(d)) which required the Secretary as far as possible to apply a common set of program standards and regulations to day care provided by programs under his jurisdiction. Section 683(a) of Pub. L. 97–35 repealed title V of the Economic Opportunity Act. Since the statutory authority under which we issued Federal standards for day care funded under WIN and DD no longer exists, we are therefore removing 45 CFR Part 71.

II Changes to 45 CFR, Chapter II: Part 201—Grants to States for Public Assistance Programs; and Part 208—Assistance to Aged Individuals in Institutions for Mental Diseases

As described above, Pub. L. 97–35, combined certain social services programs, including the former title XX categorical grant-in-aid program, into a title XX social services block grant to the States and Territories. 45 CFR Part 201, which is only applicable to grant-in-aid programs, still contains certain references to title XX in those sections related to State plans, deferral of claims, etc. We are therefore amending §§ 201.15 and 201.66 to delete references to title XX, since it is no longer a categorical grant-in-aid program.

In addition, we are using this opportunity to delete references inadvertently left in 45 CFR 201.15 and 201.66 which refer to title VI—Grants to States for Services to the Aged, Blind, or Disabled which was repealed by Pub. L. 93–647, effective October 1, 1975.

Part 208 required State plans under titles I and XVI (ADBD) of the Social Security Act to provide among other things, social services, individual treatment plans, etc., for aged individuals living in mental institutions. Section 2184 of Pub. L. 97–35 amended titles I and XVI to remove the program which was implemented by 45 CFR Part 208. Therefore, Part 208 is removed and reserved.

III Changes to 45 CFR, Chapter XIII—Office of Human Development Services

Subchapter J—Social Services for Individuals and Families Under Titles I, IV–A, X, XIV and XVI (AABD) of the Social Security Act.

45 CFR Part 1392 is amended to delete references to the HHS Day Care Requirements at 45 CFR Part 71. We are also deleting reference to the Federal Interagency Day Care Requirements (FIDCR), which are no longer in effect. These references were in §§1392.10 and 1392.18. They were published in final form on July 17, 1981 (46 FR 37049). We will make additional changes to Part 1392 when the Child Welfare Regulations are published elsewhere in the CFR.

IV Waiver of Notice and Comment Procedures

Since these regulations either simply delete rules which implemented statutory provisions that have been deleted or make only technical changes, we have determined that it is unnecessary to use notice and comment procedures in issuing these regulations.

V Impact Analysis

The Department has determined that this is not a major rule as defined in Executive Order 12291. Therefore, a regulatory impact analysis is not required.

Consistent with the provisions of The Regulatory Flexibility Act (5 U.S.C. Sec. 605(b)), the Secretary certifies that this rule will not have significant economic impact on a substantial number of small entities.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Programs No. 13.642, Social Services for Low Income and Public Assistance Recipients; No. 13.630, Developmental Disabilities—Basic Support, and 13.631, Developmental Disabilities—Special Projects; No. 13.646 Work Incentive Program (WIN)).

Dated: January 18, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: February 1, 1982.

Richard S. Schweiker,

Secretary.

For the reasons set forth in the Preamble, the following changes to Title 45 of the CFR are made:

1. Changes to 45 CFR Subtitle A

PART 71—HHS DAY CARE REQUIREMENTS [RESERVED]

Department of Health and Human Services, General Administration, Part 71—*HHS Day Care Requirements* is removed and the Part is reserved.

2. Changes to 45 CFR Chapter II

PART 201—GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

a. 45 CFR 201.15(a) is revised to remove references to titles VI and XX to read as follows:

§ 201.15 Deferral of claims for Federal financial participation.

(a) *Scope.* Except as otherwise provided, this section applies to all claims for Federal financial participation submitted by States pursuant to titles I, IV, X, XIV, XVI, or XIX of the Social Security Act.

* * * * *

b. 45 CFR 201.66(a) is revised to remove references to titles VI and XX to read as follows:

§ 201.66 Repayment of Federal funds by installments.

(a) *Basic Conditions.* When a State has been reimbursed Federal funds for expenditures claimed under titles I, IV-A, X, XIV, XVI, (AABD), or XIX which are later determined to be unallowable for Federal financial participation, the State may make repayment of such Federal funds in installments provided:

* * * * *

PART 208—ASSISTANCE TO AGED INDIVIDUALS IN INSTITUTIONS FOR MENTAL DISEASES

c. 45 CFR Part 208 is removed and the Part reserved.

3. Changes to45 CFR, Chapter XIII—Office of Human Development Services

PART 1392—SERVICE PROGRAM FOR FAMILIES AND CHILDREN; TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

45 CFR 1392.10 and 1392.18(c) are revised to remove reference to the HHS day care requirements which are removed by these regulations and to the obsolete Federal Interagency Day Care requirements (FIDCR) to read as follows:

§ 1392.10 Training.

(a) For social services programs under title IV-A, the State agency shall:

(1) Provide for a training program to improve the operation of the program and to assure a high quality of service; and

(2) Implement its training program in accordance with the requirements of 45 CFR 235.61 through 235.65, except that copies of the annual training plan required by 45 CFR 235.62(c) shall be made available upon request to the Regional Administrator, Office of Human Development Services.

(b) For child welfare services programs under title IV-B, there must be staff development on a continuing, progressive and comprehensive basis for all staff responsible for the development and provision of services. Such staff development shall include orientation, in-service training and educational leave. Provision shall be made for increasing each year the number of educational leaves for professional training to assure an adequate number of professional staff for these programs.

§ 1392.18 Child care services.

* * * * *

(c) All child care services must meet the following standards:

(1) *In-home care.* (i) Homemaker service under agency auspices must meet the standards established by the State agency which must be reasonably in accord with the recommended standards of related national standard setting organizations, such as the Child Welfare League of America and the National Council for Homemaker Services.

(ii) Child care provided by relatives, friends, or neighbors must meet standards established by the State agency that, as a minumum, cover age, physical and emotional health, capacity and time of the caretaker to provide adequate care; hours of care; maximum number of children to be cared for; feeding and health care of the children.

(2) *Out-of-home care.* Effective July 1, 1980, FFP is available for the costs of out-of-home child day care services if the services meet applicable State and local standards.

* * * * *

[FR Doc. 82-4740 Filed 2-19-82; 8:45 am]

BILLING CODE 4130-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 80 422; RM 3199]

Bio Medical Telemetry Operations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On April 21, 1981, the Federal Communications Commission published regulations amending the Special Emergency Radio Service rules to permit the use of F2 and F9 emission on certain frequencies in the 155 MHz range within 50 miles of cities having populations in excess of 600,000. The first Errata made certain necessary corrections to the frequency list which appeared as Appendix B to that Report and Order but inadvertently included an inappropriate limitation on one frequency. This Second Errata removes that limitation.

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

FOR FURTHER INFORMATION CONTACT: Mr. Arthur C. King, Private Radio Bureau (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Released: February 3, 1982.

Appendix B to the Report and Order in this proceeding (published April 20, 1981, 46 FR 22590, adopted March 26, 1981) detailed changes to the Special Emergency Radio Service frequency table. The Errata to that Report and Order (46 FR 31422; June 16, 1981) made corrections to five 155 MHz frequencies and included a limitation on the frequency 155.340 MHz which was inappropriate, specifically, limitation (25). This Errata deletes limitation (25) from that frequency. In § 90.53(a), revise the Special Emergency Radio Service frequency table to remove limitation 25 as follows:

Frequency or band	Class of station	Limitations
	* * * * *	
155.340	do	10.29
	* * * * *	

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-4494 Filed 2-19-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 173, and 179

[Docket No. HM-166H; Amdt. Nos. 172-70, 173-150, and 179-29]

Dispersant and Refrigerant Gases; Removal of Obsolete Compliance Reporting Requirements; (Correction)

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule issued under Docket HM-166H; Dispersant and Refrigerant gases; Removal of Obsolete Compliance Reporting Requirements, which was published in the **Federal Register** on Thursday, October 8, 1981 (46 FR 49883). This action is necessary to correct minor errors that were made in the publication process and in the original document. This correction will not impose an undue burden on persons affected by the regulations.

EFFECTIVE DATE: July 1, 1982. However, compliance with the regulations as amended herein, is authorized immediately.

ADDRESS: Copies of supporting documents, Regulatory Evaluation and Environmental Assessment are available for inspection and reproduction at the following address: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Room 8426, 400 Seventh Street, S.W., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-472-2726).

SUPPLEMENTARY INFORMATION: Except for the preamble, the entire final rule is being republished because several entries printed in the § 172.101 Hazardous Materials Table were underlined instead of being in italics and because of other minor noncontroversial omissions and errors. Changes which have been made by this correction are (1) certain words and numbers in Column (2) of the § 172.101 Table which were underlined are now in italics; (2) reference to § 173.314 and § 173.315 has been added to Column (5)(b) of the § 172.101 Table and to the § 173.314 and § 173.315 Tables in order to completely eliminate the need for DOT-E 3193 and DOT-E 5200, for the entries Chloropentafluoroethane (*R-115*) and Chlorotrifluoromethane (*R-13*); (3) Dichlorodifluoromethane and Difluoroethane mixture (constant boiling mixture) (R-500) has been deleted from the § 173.304(a)(2) Table because of the reference in § 172.101 to Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.; (4) the deletion entry for Dichlorodifluoromethane and dichloroethane mixture (constant boiling mixture) in the § 173.314(a) Table has been corrected by changing "dichloroethane" to read "difluoroethane". Also, in the § 173.314(a) Table, reference to Note 25 has been added to Bromotrifluoromethane in order to provide for shipments by cargo vessel, as authorized by DOT-E 3193. Note 23 has been added after DOT-105A100W for Chlorodifluoroethane (R-142b) (1-Chloro-1,1-difluoroethane) reflect new construction requirements and the reference to DOT-114A340 has been corrected to read DOT-114T340W and 114J340W. Reference to Note 28 has been deleted for Chlorodifluoromethane (R-22) since it is not a flammable gas, and Note 13 added to simplify tank car marking requirements. Reference to Note 28 has been deleted for Dichlorodifluoromethane (R-12) because this material is a nonflammable gas. For Difluoroethane (R-152a), a flammable gas, reference to DOT-114A340W has been corrected to read DOT-114T340W and 114J340W and Note 23 has been deleted as no longer necessary. For Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s., reference to Note 13 has been added to simplify tank car marking requirements and reference to Notes 23 and 27 have been deleted because they are not applicable; (5) paragraph (h) in § 173.315 has been added as proposed in the notice. This paragraph was inadvertently omitted during the rulemaking process; and (6) Note 9 has been added to Difluoroethane (R-152a) and to Refrigerant gas, n.o.s. or dispersant gas, n.o.s. in the § 173.315 Table to simplify tank marking requirements.

Except for the preamble, the final rule published at page 49883 of the issue of October 8, 1981 is corrected to read as follows:

In consideration of the foregoing, 49 CFR Parts 172, 173 and 179 are amended to read as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101 the Hazardous Materials Table is amended by deleting or adding as indicated by the entries listed below:

§ 172.101 Hazardous Materials Table

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	* * *	*		*	*		*	*			
	(Delete)										
	* * *	*		*	*		*	*			
	Dichlorodifluoromethane	Nonflammable gas.	UN1028	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*).	Nonflammable gas.	UN2602	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-dichlorotetrafluoroethane mixture.	Nonflammable gas.	NA1956	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Dichlorodifluoromethane-monochlorodifluoromethane mixture.	Nonflammable gas.	NA1956	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichloromonofluoromethane mixture.	Nonflammable gas.	NA1956	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture.	Nonflammable gas.	NA1956	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichlorotrifluoroethane mixture.	Nonflammable gas.	NA1956	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	1,1-Difluoro-1-chloroethane. *See* Difluoro-monochloroethane.										
+	Difluoroethane	Flammable gas.	UN1030	Flammable gas.	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
+	Difluoromonochloroethane	Flammable gas.	UN2517	Flammable gas.	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Dispersant gas *or* Refrigerant gas. *See* 173.314 Note 13 *and* 173.315 Note 9.										
	Monobromotrifluoromethane	Nonflammable gas.	UN1009	Nonflammable gas.	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	
	Monochlorodifluoromethane	Nonflammable gas.	UN1018	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Monochloropentafluoroethane	Nonflammable gas.	UN1020	Nonflammable gas.	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Monochlorotetrafluoroethane	Nonflammable gas.	UN1021	Nonflammable gas.	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	
	Monochlorotrifluoromethane	Nonflammable gas.	UN1022	Nonflammable gas.	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Refrigerant gas. *See* Dispersant Gas										
	* *	*		*	*		*	*			
	(Add)										
	* *	*		*	*		*	*			
	Bromotrifluoromethane (*R-13B1 or H-1301*)	Nonflammable gas.	UN1009	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	1-Chloro-1,1-difluoroethane. *See* Chlorodifluoroethane (*R-142b*).										
+	Chlorodifluoroethane (*R-142b*) *or* (1-Chloro-1,1-difluoroethane).	Flammable gas.	UN2517	Flammable gas.	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Chlorodifluoromethane (*R-22*)	Nonflammable gas.	UN1018	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1	
	Chlorodifluoromethane and chlorpentafluoroethane mixture (*constant boiling mixture*) (*R-502*). *See* Refrigerant gas, n.o.s.										
	Chloropentafluoroethane (*R-115*)	Nonflammable gas.	UN1020	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Chlorotetrafluoroethane (*R-124*)	Nonflammable gas.	UN1021	Nonflammable gas.	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	
	Chlorotrifluoromethane (*R-13*)	Nonflammable gas.	UN1022	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane (*R-12*)	Nonflammable gas.	UN1028	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*) (*R-500*). *See* Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.										
	Dichlorodiflouoromethane (*R-12*) and dichlorotetrafluoroethane (*R-114*) mixture. *See* Refrigerant gas, n.o.s. *or* Disperant gas, n.o.s.										
	Dichlorodifluoromethane (*R-12*) and chlorodifluoromethane (*R-22*) mixture. *See* Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.										
	Dichlorodifluoromethane *R-12* and trichlorofluoromethane (*R-11*) mixture. *See* Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.										
	Dichlorodifluoromethane (*R-12*), trichlorofluoromethane (*R-11*) and chlorodifluoromethane (*R-22*) mixture. *See* Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.										

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Dichlorodifluoromethane (*R-12*) and trichlorotrifluoroethane (*R-113*) mixture. *See* Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.	.....	.....	.....			.....	.....			
	Difluoroethane (*R-152a*)	Flammable gas.	UN1030	Flammable gas.	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1,2	
	Dispersant gas, n.o.s. *See* Refrigerant gas, n.o.s.	.....	.....	.....			.....	.....			
	Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.	Nonflammable gas.	UN1078	Nonflammable gas.	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.	Flammable gas.	NA1954	Flammable gas.	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1,2	
	Trifluoromethane and chlorotrifluoromethane mixture (*constant boiling mixture*) (*R-503*). *See* Refrigerant gas, n.o.s.	.....	.....	.....			.....	.....			

PART 173—SHIPPERS—GENERAL REGULATIONS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.300, paragraph (i) is added to read as follows:

§ 173.300 Definitions.

* * * * *

(i) *Refrigerant gas or Dispersant gas.* The term "Refrigerant gas" or "Dispersant gas" applies to all flammable or nonflammable, nonpoisonous refrigerant gases, dispersant gases (fluorocarbons) listed in §§ 172.101, 173.304(a)(2), 173.314(c), 173.315(a)(1) and 173.315(h), and mixtures thereof, or any other compressed gas meeting one of the following:

(1) A nonflammable mixture containing not less than 50% fluorocarbon content, having a vapor pressure not exceeding 260 psig at 130° F.

(2) A flammable mixture containing not less than 50% fluorocarbon content, not over 40% by weight of a flammable component, having a vapor pressure not exceeding 260 psig at 130° F.

3. In § 173.304, the following named gases listed in the Table in paragraph (a)(2) are deleted or added to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(j) (see notes following table)
* * *	* * *	* * *
(Deleted)		
* * *	* * *	* * *
Dichlorodifluoromethane (see Note 8)	119	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-4E225; DOT-9; DOT-39; DOT-41; DOT-3E1800.
Difluoroethane (see Note 8)	79	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-4BW225; DOT-3E1800.
Difluoromonochloroethane (see Note 8)	100	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-3E1800; DOT-39.
Monochlorodifluoromethane (see Note 8).	105	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4B240ET; DOT-4E240; DOT-39; DOT-41; DOT-3E1800.
Monochloropentafluoroethane (see Note 8).	110	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-3E1800; DOT-39.
Monochlorotrifluoromethane (see Note 8).	100	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-39.
* * *	* * *	* * *
(Add)		
* * *	* * *	* * *
Bromotrifluoromethane (R-13B1 or H-1301).	124	DOT-3A400; DOT-3AA400; DOT-3B400; DOT-4A400; DOT-4AA480; DOT-4B400; DOT-4BA400; DOT-4BW400; DOT-3E1800; DOT-39.
Chlorodifluoroethane (R-142b) 1-chloro-1, 1-difluoroethane) (see Note 8).	100	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-4BW225; DOT-3E1800; DOT-39.
Chlorodifluoromethane (R-22) (see Note 8).	105	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4B240ET; DOT-4E240; DOT-39; DOT-41; DOT-3E1800.
Chloropentafluoroethane (R-115) (see Note 8).	110	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-3E1800; DOT-39.

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(j) (see notes following table)
Chlorotrifluoromethane (R-13) (see Note 8).	100	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-39.
Dichlorodifluoromethane (R-12) (see Note 8).	119	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-4E225; DOT-9; DOT-39; DOT-41; DOT-3E1800.
Difluoroethane (R-152a) (see Note 8)	79	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-4BW225; DOT-3E1800.
Refrigerant gas, n.o.s. or Dispersant gas, n.o.s. (see Note 8).	Not liquid full at 130°F.	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4E240; DOT-9; DOT-39.
* * * *	* * *	

4. In § 173.314, the following named gases listed in the Table in paragraph (c) are deleted or added as indicated; Note 4 is revised; and Notes 28 and 29 are added to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
* * * *	* * *	
(Delete)		
* * * *	* * *	
Dichlorodifluoromethane; Note 13	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture); Note 13.	Note 22	DOT-106A500X, 110A500W, Note 25. DOT-105A300W.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	Note 21	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-monochlorodifluoromethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-monofluorotrichloromethane mixture; Note 13.	Note 22	DOT-106A500X, 110A500W, Note 25.
	Note 21	DOT-105A300W. DOT-112A340W, 114A340W.
Dichlorodifluoromethane-trichloromonofluoromethane monochlorodifluoromethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	123, Note 21	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Difluoroethane	79	DOT-106A500X, 110A500W, Note 25.
	79	DOT-112T400W, 112J400W.
	84	DOT-105A300W, Note 23.
Difluoromonochloroethane; Note 13	100	DOT-106A500X, 110A500W, Note 25. DOT-105A100W. Notes 4 and 23.
Monobromotrifluoromethane	124	DOT-110A800W, Note 7 and 13.
	140	DOT-105A500W, Note 13.
Monochlorodifluoromethane; Note 13	105	DOT-106A500X, 110A500W, Note 25.
	110	DOT-105A300W.
	108	DOT-112A400W.
Monochlorotetrafluoroethane; Note 13	125	DOT-106A500X, 110A500W, Note 25.
	126	DOT-112A400W.
* * * *	* * *	
(Add)		
* * * *	* * *	
Bromotrifluoromethane (R-13B1 or H-1301).	124	DOT-100A800W, Notes 13 and 25.
	140	DOT-105A500W, Note 13.
Chlorodifluoroethane (R-142b) (l-Chloro-l,l-difluoroethane); Notes 4, Note 13.	100	DOT-106A500X, 110A500W, Note 25. DOT-105A100W, Note 23. DOT-114T340W, 114J340W, Notes 28 and 29.
Chlorodifluoromethane (R-22); Note 13	105	DOT-106A500X, 110A500W, Note 25.
	110	DOT-105A300W.
	108	DOT-112A400W.
	Note 21	DOT-114A340W, Note 29.
Chloropentafluoroethane (R-115); Note 13.	Note 21	DOT-106A500X, 110A500W, Note 25. DOT-105A300W, Note 23. DOT-114A340W, Note 29.
Chlorotetrafluoroethane (R-124); Note 13.	125	DOT-106A500X, 110A500W, Note 25.
	126	DOT-112A400W.
Chlorotrifluoromethane (R-13); Note 13	Note 21	DOT-106A500X, 110A500W, Note 25. DOT-105A300W, Note 23. DOT-114A340W, Note 29.
Dichlorodifluoromethane (R-12); Note 13	119	DOT-106A500X, 110A500W, Note 25.
	123	DOT-112A340W, 114A340W, Note 29.
	125	DOT-105A300W.

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
Difluoroethane (R-152a); Note 4, Note 13.	79	DOT-106A500X, 110A500W, Note 25.
	79	DOT-112T400W, 112J400W, 114T340W, 114J340W, Notes 28 and 29.
	84	DOT-105A300W, Note 23.
Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s. Note 13.	Note 21	DOT-106A500X, 110A500W, Note 25. DOT-105A300W, Note 23. DOT-112A340W, 114A340W, Notes 28 and 29.
* * * * * * *		

Note 4: For tank cars other than DOT-106A and DOT-110A used for the transportation of liquefied flammable gases, interior pipes of loading and unloading valves must be equipped with excess-flow valves of approved design.

* * * * * * *

Note 28: DOT-114A340W tank cars may be equipped with bottom outlets, except that the bottom outlets must be rendered inoperative and effectively sealed to preclude bottom unloading when transporting flammable gases.

Note 29: A maximum safety relief valve setting of 280.5 psig is authorized on DOT Specification 114A340W tank car tanks.

* * * * * * *

5. In § 173.315, the following named gases listed in the Table in paragraph (a)(1) are deleted or added as indicated; the Table in paragraph (h) is revised by changing the heading in the second column and the named gases are deleted or added to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
* * * * * * *				
(Delete)				
* * * * * * *				
Dichlorodifluoromethane (See Note 9)	119	do	DOT-51, MC-330, MC-331.	150.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (See Note 9).	See par. (c) of this section.	do	MC-330, MC-331	250.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture (See Note 9).	119	do	DOT-51, MC-330, MC-331.	150.
Dichlorodifluoromethane-monofluorotrichloromethane mixture (See Note 9).	See par. (c) of this section.	do	do	150.
Difluoroethane	79	do	MC-330, MC-331	150.
Difluoromonochloroethane (See Note 9)	100	do	MC-330, MC-331	100.
Monobromotrifluoromethane (See Note 9).	133	See Note 7	DOT-51, MC-330, MC-331.	365.
Monochlorodifluoromethane (See Note 9).	105	See Note 7	DOT-51, MC-330, MC-331.	250.
* * * * * * *				
(Add)				
* * * * * * *				
Bromotrifluoromethane (R-13B1 or H-1301); (See Note 9).	133	See Note 7	DOT-51, MC-330, MC-331.	365.
Chlorodifluoroethane (R-142b) (1-Chloro 1,1-difluoroethane); (See Note 9).	100	See Note 7	DOT-51, MC-330, MC-331.	100.
Chlorodifluoromethane (R-22); (See Note 9).	105	See Note 7	DOT-51, MC-330, MC-331.	250.
Chloropentafluoroethane (R-115); (See Note 9).	See par. (c) of this section.	See Note 7	DOT-51, MC-330, MC-331.	See par. (c)(1) of this section.
Chlorotrifluoromethane (R-13); (See Note 9).	See par. (c) of this section.	See Note 7	DOT-51, MC-330, MC-331.	See par. (c)(1) of this section.
Dichlorodifluoromethane (R-12); (See Note 9).	119	See Note 7	DOT-51, MC-330, MC-331.	150.
Difluoroethane (R-152a); (See Note 9)	79	See Note 7	DOT-51, MC-330, MC-331.	150.
Refrigerant gas, n.o.s. or Dispersant gas, n.o.s. (See Note 9).	See par. (c) of this section.	See Note 7	DOT-51, MC-330, MC-331.	See par. (c)(1) of this section.
* * * * * * *				

(h) * * *

Kind of gas	Gaging device permitted for filling purposes
* * * * * *	
(Delete)	
* * * * * *	
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	None.
Dichlorodifluoromethanedichlorotetrafluoroethane mixture.	None.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	None.
* * * * * *	
(Add)	
* * * * * *	
Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.	None.
* * * * * *	

PART 179—SPECIFICATION FOR TANK CARS

6. Section 179.105-9 is removed.

§ 179.105-9 [Reserved]

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034, nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321) et seq.)). A regulatory evaluation and an environmental assessment are available for review in the docket. I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

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

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-4219 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

Foreign Fishing and Groundfish of the Bering Sea and Aleutian Islands Area; Reserve Retention

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

ACTION: Notice of reserve retention.

SUMMARY: This notice announces the retention of reserve amounts of fish that were eligible on February 2, 1982, for apportionment to the total allowable level of foreign fishing (TALFF) or domestic annual harvest (DAH), under provisions of the fishery management plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Area and implementing regulations. Due to uncertainty about the adequacy of initial estimates of DAH, the Secretary of Commerce is retaining all of the specified reserves for possible later apportionment. This action will ensure that fish are available for increased U.S. harvest later in 1982.

EFFECTIVE DATE: February 22, 1982.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone: 907-586-7221.

SUPPLEMENTARY INFORMATION: The Director, Alaska Region, National Marine Fisheries Service, after considering all factors specified by regulation, has determined that the U.S. fishing effort is insignificant at this time in the management area but is expected to increase rapidly as seasonal weather conditions improve, and that large amounts of fish are expected to be harvested by U.S. vessels in 1982. The Regional Director has received no comments with respect to this action, as solicited in 50 CFR 611.93(b)(2)(iii)(D) and 675.20(b)(3)(iv).

This action is taken under authority of the regulations specified at 50 CFR 611.93(b)(2) and 675.200b) and is taken in compliance with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. In addition, it does not contain any collection of information request, as defined in the Paperwork Reduction Act of 1980.

(16 U.S.C. 1801 et seq.)

Dated: February 17, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-4735 Filed 2-19-82; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 671

Tanner Crab Off Alaska

Correction

In FR Doc. 82-2814, appearing at page 5008, in the issue of Wednesday, February 3, 1982, make the following change:

On page 5009, in the third column, the file line should read:

[FR Doc. 82-2814 Filed 1-29-82; 5:04 pm]

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 47, No. 35
Monday, February 22, 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 945

Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oreg.; Proposed Change in Fiscal Period and Budget Increase

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the Idaho-Eastern Oregon Potato Committee's fiscal period to August 1 through July 31 of the following year. By making this change the committee's annual audit and total disposition figures will more nearly reflect the actual operation of the order during the season. It would also amend the current budget to increase allowable expenses for the 1981–82 fiscal period. An increase is necessary because the change in fiscal period would add two months to the current fiscal period.

DATE: Comments due March 30, 1982.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Draft Impact Analysis relating to this rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulate the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Potato Committee, established under the order, is responsible for its local administration.

The committee has requested that the fiscal period be changed from June 1–May 31 to August 1–July 31 of each year. The current fiscal period of June 1–May 31 has been in effect for more than three decades. During that time better varieties and newer storage techniques and equipment have extended the shipping season for Idaho potatoes until today these potatoes are available all year. The first of the new crop potatoes are usually harvested in early August. The committee could begin operations on assessment income generated during that fiscal period, and not need to rely on a reserve from the previous year's funds for the first two months. The committee believes that the proposed change in the fiscal period would make the fiscal year concurrent with the crop year. Because of this, the fiscal and statistical information generated during the year would more closely follow the actual shipping season. Both the financial audit performed at the end of the year and the total disposition figures would more nearly coincide.

Because the current fiscal period would be extended for two months, it would be necessary to increase the committee's budget in order to provide for the necessary expenses incurred during this period. The committee therefore recommends the budget be increased from $68,487 to $80,487, an increase of $12,000. The rate of assessment of $0.0026 per hundredweight would remain unchanged.

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Sections 945.111 and 945.234 would be revised to read as follows:

§ 945.111 Fiscal period.

The fiscal period that began June 1, 1981, shall end July 31, 1982. Each year thereafter "fiscal period" shall mean the period beginning August 1 and ending the following July 31.

§ 945.234 Expenses and assessment rate.

Expenses of $80,487 by the Idaho-Eastern Oregon Potato Committee are authorized, and an assessment rate of $0.0026 per hundredweight is established for the fiscal period ending July 31, 1982. Unexpended funds shall be carried over as a reserve.

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

Dated: February 16, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–4732 Filed 2–19–82; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1094

Milk in the New Orleans-Mississippi 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 order provisions affecting the regulatory status of milk plants under the New Orleans-Mississippi Federal milk order. This action was requested by a cooperative association operating a balancing plant located in the marketing area. The proposed suspension would remove for March and April 1982 the requirement that a cooperative must deliver at least 50 percent of its members' producer milk to pool distributing plants each month to qualify its balancing plant as a pool plant under the order.

DATE: Comments are due no later than March 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing

Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447–4829.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any 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 and the inclusion of March 1982 in the suspension period if this is found necessary. The initial request for the action was received on February 11, 1982.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the New Orleans-Mississippi marketing area is being considered for March and April 1982: In § 1094.7(c) the words "50 percent or more of the."

All persons who want to comment on the proposed suspension should send two copies of their comments to the Hearing Clerk, U.S. Department of Agriculture, Washington, DC 20250, not later than March 1, 1982. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include March 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 make inoperative for March and April 1982 the provision requiring a cooperative to deliver at least 50 percent of its producer milk to pool distributing plants to qualify its supply-balancing plant as a pool plant. The suspension was requested by Gulf Dairy Association, Inc., a cooperative that operates a pool balancing plant under the New Orleans-Mississippi order.

In support of its request, the cooperative contends that it was barely able to meet the 50 percent delivery standard for its balancing plant in the spring of 1981. With its milk production virtually unchanged but deliveries to pool distributing plants down substantially, the association claims it will probably be unable to qualify such plant as a pool plant during March and April this year without making uneconomic milk movements.

Market data indicate producer deliveries for January-November 1981 were up about 2 percent from the same period a year ago while the market's Class I sales were down 3.4 percent. Specifically, with respect to the proponent cooperative, its production for the last four months (October 1981-January 1982) was essentially unchanged from the same 4-month period a year ago. However, deliveries to pool distributing plants, which are used to qualify the cooperative's balancing plant, decreased significantly. For instance, during that same 4-month period, the cooperative's deliveries to pool distributing plants were down almost 10 percent from a year earlier.

Thus, the cooperative estimates that it may be necessary to haul as many as 50 loads of milk per month to distributing plants during March and April in order to maintain pool status for its balancing plant at Kentwood, Louisiana. The cooperative states that it would get a transportation allowance to so move the milk because the federal order uniform price at the distributing plants supplied by the association is 18 cents higher than at the balancing plant. In effect, other producers would be paying through the marketwide pool much of the cost to move the milk to distributing plants when it was not needed there. Additional plant handling also would be involved in that the milk would have to be unloaded and received at the distributing plants and then reloaded and shipped back to the cooperative's balancing plant. The association maintains that this would be an inefficient way to pool milk.

To the extent possible, the association wants to avoid such uneconomic movements. However, the association intends to pool all of its milk and move its producer milk supplies in such a manner that pool status for its balancing plant will be maintained. Proponent states that the suspension is warranted to assure that producers regularly supplying a portion of the market's fluid milk needs will continue to share in the proceeds of the market's Class I sales during March and April of this year without the necessity of inefficient handling and transportation of the milk.

Signed at Washington, D.C., on February 17, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-4731 Filed 2-19-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-AWP-1]

Proposed Alteration of VOR Federal Airway V-190

Correction

In FR Doc. 82-3667, published at page 6284, on Thursday, February 11, 1982, on page 6285, in the second column in the first paragraph under *"V-190 [Amended]"*, in the second to last line "290°" should be corrected to read "269°".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 34

Commodity Option Transactions on Exempted Securities; Certificates of Deposit and Foreign Currencies

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed Rules.

SUMMARY: The Commodity Futures Trading Commission ("CFTC") is proposing to adopt a new Regulation § 34.1 for the purpose of exempting from Parts 32 and 33 of the CFTC's regulations, any transaction in an option on exempted securities (as defined in section 3 of the Securities Act of 1933, as amended, 15 U.S.C. 77c, and in section 3(a)(12) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78c(a)(12)), on a certificate of deposit, or on a foreign currency, if such transaction is conducted on a national securities exchange registered with and regulated by the Securities and Exchange Commission ("SEC"). If adopted, regulation § 34.1 would further

the recently announced jurisdictional agreement between the CFTC and the SEC, which contemplates the trading of such options on national securities exchanges.

DATE: Comments must be received on or before March 24, 1982.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Mark D. Young, Assistant General Counsel, Commodity Futures Trading Commission, Office of the General Counsel, 2033 K Street NW., Washington, D.C. 20581, (202) 254–9880.

SUPPLEMENTARY INFORMATION: On December 7, 1981, the CFTC and the SEC announced that they have reached agreement on a range of jurisdictional issues and that the agencies would begin to implement that agreement to the full extent permitted by existing law. One aspect of the agreement provides that the SEC will regulate trading in options on exempted securities, on certificates of deposit, and on foreign currencies if conducted on registered national securities exchanges. Options on foreign currencies not conducted on a registered national securities exchange continue to be subject to CFTC regulation under the agreement.

Section 4c(c) of the Commodity Exchange Act, 7 U.S.C. 6c(c) (Supp. III 1979), and CFTC Rule 32.11, 17 CFR 32.11 (1981) generally prohibit trading in options on commodities[1] unless specified requirements are met. Part 33 of the CFTC's Regulations adopted in part under sections 4c(b) and 4c(c) of the Act, 7 U.S.C. 6c(b) and 6c(c), has established numerous requirements for permissible trading in certain commodity options. 46 FR 54500 (Nov. 3, 1981). Proposed regulation § 34.1, if adopted, would exempt from the prohibition of section 4c(c) and from Parts 32 and 33 of the Regulations any transaction in an option on exempted securities, certificates of deposit, and foreign currency if conducted on a national securities exchange registered with and regulated by the SEC.[2] Other option transactions in commodities would remain subject to all of the provisions of sections 4c(b) and 4c(c) of the Act, as well as Parts 32 and 33 of the CFTC's Regulations.

To the extent it is applicable, pursuant to Section 3(a) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman, on behalf of the CFTC, certifies that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities, particularly since no substantive regulation by the CFTC is contemplated by the rule.

In consideration of the foregoing, the CFTC, pursuant to the authority contained in sections 2(a)(1), 4c(b), 4c(c) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 2, 6c(b), 6c(c) and 12a(5) (1976 and Supp. III 1979) hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations by adding a new Part 34 as follows:

PART 34—COMMODITY OPTION TRANSACTIONS EXEMPTED FROM COMMISSION REGULATION

Sec.

34.1 Commodity option transactions on exempted securities, certificates of deposit and foreign currencies.

Authority: Secs. 2(a)(1), 4c(b), 4c(c) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 2, 6c(b), 6c(c) and 12a(5) (1976 and Supp. III 1979).

§ 34.1 Commodity option transactions on exempted securities, certificates of deposit and foreign currencies.

The provisions of Parts 32 and 33 of this chapter shall not apply to any commodity option transaction involving an option on any exempted security, as defined in Section 3 of the Securities Act of 1933, as amended, 15 U.S.C. 77c, and section 3(a)(12) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78c(a)(12), on any certificate of deposit, or on any foreign currency, that is traded on a national securities exchange registered with the Securities and Exchange Commission under Section 6 of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78f.

Issued in Washington, D.C., on February 16, 1982, by the Commission.

Jane K. Stuckey,

Secretary of the Commission, Commodity Futures Trading Commission.

[FR Doc. 82-4699 Filed 2-19-82; 8:45 am]

BILLING CODE 6351-01-M

[1] Certain exempted securites (*e.g.*, Treasury securities and debt securities guaranteed by the Government National Mortgage Association), certificates of deposit, and foreign currencies are within the definition of "commodity" under the Commodity Exchange Act since they are the subject of a futures contract. See section 2(a)(1) of the Act, 7 U.S.C. 2 (1976).

[2] The issues of whether these provisions of the Act and the CFTC's regulations now apply to the trading of options on exempted securities on national securities exchanges and the authority of the SEC to regulate option transactions in exempted securities have been fully briefed and argued and are under review by the U.S. Court of Appeals for the Seventh Circuit in "Board of Trade of the City of Chicago v. Securities and Exchange Commission," No. 81-1660. In that case, on November 4, 1981, the Court stayed the SEC's order approving options on exempted securities, specifically, options on certificates issued or guaranteed by the Government National Mortgage Association. In the event that the stay is vacated, proposed Regulation § 34.1 would remove any possibility that the prohibitions in section 4c(c) and CFTC § 32.11 as well as Parts 32 and 33 of the CFTC's regulations would impede trading in options on exempted securities on national securities exchanges subject to regulation by the SEC. Promulgation of the proposed regulation would not, of course, affect the issue of the SEC's authority.

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 219

National Forest System Land and Resource Management Planning

AGENCY: Forest Service, USDA.

ACTION: Proposed Rule.

SUMMARY: In March 1981, the Presidential Task Force on Regulatory Relief identified as a high priority for review the rule which guides land and resource management planning on the National Forest System. As a result of this review, the Secretary is proposing changes in the existing rule to streamline the land management planning process and better direct the process towards the desired result of maximizing net public benefits from management of National Forest System lands. The major changes are revisions in the content and purpose of the regional plan, reorganization of the material, and other technical revisions which are intended to clarify and simplify planning procedures.

DATE: Comments must be received by April 23, 1982.

ADDRESS: Comments may be mailed to: R. Max Peterson, Chief (1920), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles R. Hartgraves, Director, Land Management Planning, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, Telephone (202) 447–6697.

SUPPLEMENTARY INFORMATION: Prior to the issuance of 36 CFR 219, Subpart A, the Forest Service updated and improved land use and resource plans under instructions in Title 8200 of the Forest Service Manual. These plans provided for multiple use direction for public lands. Building on existing Forest Service planning practice, the National Forest Management Act of 1976 established comprehensive guidance for National Forest System land and resource management planning. The regulation to implement planning provisions of the Act was issued

September 17, 1979, at 44 FR 53928–53999. Under this regulation, each National Forest and Region is currently developing updated land and resource management plans. The existing National Forest System land and resource management planning regulation was identified by the Presidential Task Force on Regulatory Relief for reassessment and possible modification.

Objective

The Administration is committed to streamlining the regulatory process as well as to adoption of regulations that promote management efficiency and maximize net public benefits. The Forest Service's experience in implementing the existing land and resource management planning regulation has revealed areas where the planning process can be improved. This proposed revision of the existing planning regulation is intended to clarify and simplify planning procedures, thereby improving planning efficiency. It is also intended to improve the process of analyzing resource management opportunities and evaluating the economic effects of alternatives. The proposed changes will promote better public understanding as well as facilitate agency interpretation and implementation of the planning process. The changes are responsive to the President's Executive Order 12291 to develop regulations that have the objective of maximizing net public benefits.

Summary of Proposed Changes

1. Reorganization of Text. The proposed rule would revise the table of contents to improve the organization of text and to reduce some of the misinterpretation of the existing regulation which stems from the present outline. There are four major changes in the organization of the Table of Contents. They are (1) addressing the regional planning process separately from the forest planning process, (2) changing the heading of § 219.13 to reduce the present confusion between overall management requirements and specific standards and guidelines to be developed in regional and forest plans, (3) clarifying forest planning requirements, and (4) changing the sequence of material to provide a more logical flow and progression of information.

The following redesignation table allows comparison of the existing Table of Contents for 36 CFR 219, Subpart A, to that in the proposed rule:

Existing Rule (September 17, 1979)	Proposed Rule
219.1 Purpose	219.1 Purpose.
219.2 Scope and Applicability.	219.2 Scope and Applicability.
219.3 Definitions	219.3 Definitions and Terminology.
219.4 Planning Levels	219.4 Planning Levels.
219.5 Regional and Forest Planning Process.	219.5 Interdisciplinary Approach.
219.6 Interdisciplinary Approach.	219.6 Public Participation.
219.7 Public Participation	219.7 Coordination of Public Planning Efforts.
219.8 Coordination of Public Planning Efforts.	219.8 Regional Planning—General Procedure.
219.9 Regional Planning Procedure.	219.9 Regional Plan Content.
219.10 Regional Planning Actions.	219.10 Forest Planning—General Procedure.
219.11 Forest Planning Procedure.	219.11 Forest Plan Content.
219.12 Forest Planning Actions.	219.12 Forest Planning Process.
219.13 Management Standards and Guidelines.	219.13 Forest Planning—Resource Integration Requirements.
219.14 Research	219.14 Management Requirements.
219.15 Revisions of Regulations.	219.15 Research.
219.16 Transition Period	219.16 Transition Period.

2. Section 219.1—Purpose. Along with minor editorial changes, § 219.1 would be amended by deleting §219.1 (b) because the principles cited repeat language in statutes and statements made in other sections of the regulation. The primary amendment is the addition of language to support the President's Executive Order 12291 on regulatory review that resulting plans will be designed to maximize net public benefits from the National Forest System.

3. Section 219.2—Scope and Applicability would be amended to delete unnecessary language.

4. Section 219.3—Definitions and Terminology. The following terms and their definitions would be added:

"Cost efficiency", which is replacing the term "economic efficiency" throughout the text of the proposed rule, so that all resources will not be required to be valued where values are not quantifiable;

"Net public benefits"; and "Receipt shares."

Definitions for the following terms would be clarified: "even-aged system", "silvicultural system", and "uneven-aged system."

The following terms and their definitions would be deleted and, if used, standard dictionary definitions will apply:

"Guideline", "Policy", and "Standard".

The following terms and their definitions would also be deleted for the following reasons:

"Assessment" and "Program"—these terms are covered in specific detail in proposed § 219.4;

"Integrated pest management"—this term would no longer be used in the text of the regulations. The concept, however, would be incorporated into proposed § 219.14.

Definitions for the following terms would be amended for clarification: "Corridor", "Goal", "Goods and services", "Long-term sustained yield capacity", "Management concern", "Management intensity", "Management practice", "Objective", "Real dollar value", and "Suitability".

The following two terms would be amended to be consistent with statutory language:

"Base timber harvest schedule" and "timber harvest schedule", which are changed to read respectively "base sale schedule" and "sale schedule."

5. Section 219.4—Planning Levels would redescribe forest and regional planning levels more succinctly and clearly. The section on forest level planning would delete detailed requirements which are contained in other sections of these regulations.

6. Section 219.5—Regional and Forest Planning Process would be established as two separate sections. The text of the existing regulation applies specifically to forest planning and should be moved to a new proposed § 219.12—Forest Planning—Process. This planning process does not apply to the development of a regional plan, which is not a statutory requirement.

7. Section 219.6—Interdisciplinary Approach. This section is being renumbered § 219.5. It would be streamlined by deleting a list of functions of the interdisciplinary team. The list is more appropriately Forest Service Manual material.

8. Section 219.7—Public Participation. This section is being renumbered § 219.6. Several editorial changes are being made, including the elimination of nonsubstantive language and repetitive language that is contained elsewhere in the regulation. References to Forest Service handbooks are also being deleted.

Detailed material, which is more appropriate as manual or handbook direction, is being deleted.

Reference to national planning is being deleted because these rules apply specifically to the development of forest and regional plans.

Public notice given for forest planning activities is being increased to 30 days, which is more consistent with other time frames required by the Council of Environmental Quality in the environmental analysis process.

The amount of time allowed for written response on regional planning activities is being reduced to 60 days, which is considered a more reasonable amount of time. The time allowed for

public review of the draft environmental impact statement and draft plan remains 3 months.

9. Section 219.8—Coordination of Public Planning Efforts. This section is being renumbered § 219.7.

Specific procedural requirements relating to public participation are being eliminated, which will allow for greater flexibility to meet changing situations.

The requirement of "notifying" owners of intermingled private lands has been eliminated. This had become an almost impossible requirement. The requirement to coordinate Forest Service activities to the extent practical has been retained.

10. Section 219.9—Regional Planning Procedure. This section would be redesignated as § 219.8—Regional Planning—General Procedure, and amended to clarify the role of the regional plan.

Minor editorial changes are being made. Language repeated elsewhere in the existing regulation or which can be covered through reference to the National Environmental Policy Act would be deleted.

Under the existing rules, approval of regional plans is not subject to the Forest Service administrative appeals procedures (36 CFR 211.19). The proposed rule would make the appeals provision applicable to regional plans and, thus, provide consistent appeal procedures for both forest and regional plans.

Section 219.9(e) is being amended to clarify that the standard for determining significance of amendments for planning purposes is different than that for determining significance for purposes of preparing environmental documents under National Environmental Policy Act provisions.

11. A new § 219.9—Regional Plan Content is being added, which basically incorporates the existing § 219.9(h) and includes specific standards and guidelines to be addressed in the regional plan, now contained in existing § 219.10.

12. Section 219.10—Regional Planning Actions. This section would be removed because (1) its requirements are repeated elsewhere in this regulation and (2) the list of management concerns was not all-inclusive and is more appropriately Forest Service Manual material.

13. Section 219.11—Forest Planning Procedure. This section would be redesignated § 219.10—Forest Planning—General Procedure and amended to make editorial changes and to remove unnecessary language.

Revisions in the forest plan approval process (§ 219.11 (c)) would provide that the Record of Decision will be prepared according to the National Environmental Policy Act procedures and will accompany the environmental impact statement. In addition to NEPA procedures, the record of decision for approval of a plan includes a comparison of the net public benefits of the selected alternative.

Revisions remove language which add provisions to the Forest Service administrative appeal process pursuant to 36 CFR 211.19. The amendment would result in a consistent application of the Forest Service administrative appeal procedures.

Section 219.11(e) would be revised to clarify that the standard for determining the significance of amendment for planning purposes is different than that for preparation of environmental documents under the National Environmental Policy Act provisions.

Section 219.11(g) is being revised to clarify the original intent of the Forest Service that "alternatives" are to be considered by the interdisciplinary team and separate "alternative plans" are not required to be developed.

14. A new § 219.11—Forest Plan Content is being added. Revisions would be made in requirements for forest plan content, now contained in existing § 219.11(h). The existing rule requires inclusion of material in the plan content which is also contained in the environmental statement document. This proposed rule removes duplicative material from the plan document, resulting in a streamlined, easier-to-read document.

15. A new § 219.12—Forest Planning-Process, is being added which basically incorporates the existing § 219.5, and also includes monitoring requirements which are now in various sections of the existing regulations.

16. Section 219.12—Forest Plan Actions. This section would be redesignated § 219.13 and retitled Forest Planning—Resource Integration Requirements. This section would be amended to make several changes, correct section references, and include a section subheading for "timber." Within this section several amendments have been made to make it clear that plans should be designed to maximize net public benefits.

An additional criterion for examination of a departure alternative was included under the existing § 219.12(d)(1)(iii). The inclusion of this criterion directs all National Forests to analyze the effects of a nondeclining flow policy, if it appears that an increase in net public benefits will result.

Section 219.12(b)(1)(ii) would be amended to specify that 20 cubic feet per acre is the minimum standard for biological growth potential. This measurement is consistent with the *An Analysis of the Timber Situation in the United States Report*, 1952–2030.

Section 219.12(b)(2)(iii) is being amended to refer to a "financial analysis" rather than "economic analysis", which is consistent with Forest Service economic policy.

Section 219.12 (d)(1)(ii) (D)(iii) (C)(2) is being amended to delete the requirement that forest plans containing a departure from the base timber harvest schedule (proposed to be called base sale schedule) must be approved by the Chief, Forest Service. This revision will allow all forest plan approvals to be processed in the same manner. The appeals process would also apply consistently to all plans.

Section 219.12(e)—Wilderness Designation is being amended to limit the size of roadless areas to be evaluated for wilderness when the Forest Plan is revised. The proposed 5,000-acre limitation is consistent with RARE II criteria. Section 219.12(e) may be further revised in response to pending legislation which, if enacted, may significantly change the process of evaluating lands for wilderness designation. Ongoing litigation may also result in further revision of this section.

17. Section 219.13—Management Standards and Guidelines is being redesignated § 219.14 and retitled "Management Requirements" to more clearly convey their intent. Redundant text would be eliminated and some editorial changes made.

Section 219.13(b)(6) would be transferred to § 219.10.

Section 219.13(d)(1) would be amended to provide minimum criteria for openings to be used in regional planning.

Section 219.13(d)(2)(i) would be amended to provide a more specific and correct definition of "total costs."

Section 219.13(h)(2) would be amended to add a requirement to the suitability test that harvest flows be able to be planned for periodic yields.

Section 219.13(h)(4) would be amended to describe the meaning of "adequately" stocked (restocking) following final timber harvest.

18. Section 219.14—Research is being redesignated § 219.15.

19. Section 219.15—Revisions of Regulations is being deleted because review of regulations is already required by Executive Order.

20. Section 219.16—Transition Period. This section would be amended to add

provisions and requirements applicable to the land management plan for the Mount St. Helens area, Gifford Pinchot National Forest, Washington.

Environmental Impact

An environmental assessment and report addressing the impacts of the proposed regulation and the need for a fuller analysis has been prepared and is printed as Appendix A.

In summary, the regulations in their present form are considered "major" under the criteria listed in Executive Order 12291, Section 1, Item b. Nevertheless, the specific effects of implementing them, or their revisions in whatever form, are virtually impossible to quantify. These regulations are formulated to direct the process of preparing and revising land management plans. Consequently, they have no direct effect on the quality of the environment or the economy. They only establish procedures, standards and guidelines for planning future commitments.

Four alternatives for revision of the regulation were considered. These include (1) completely rewrite regulations for the purpose of changing basic planning concepts and methodology and management requirements; (2) revise regulations to be more responsive to the President's Executive Order to develop regulations that maximize net public benefits and to clarify and simplify planning procedures; (3) continue with the current regulations and do not make any changes until after the first cycle of forest planning (1983), and (4) seek revisions of the NFMA (which mandates promulgation of planning regulations) to permit development and implementation of land and resource management planning procedures through agency manuals or handbooks rather than through a formal regulatory process.

Considering the volume and intensity of planning activity undergone since September 1979, the compelling need to meet statutory planning deadlines, and the publics' stated commitment to "see through" the first cycle of planning under the NFMA regulations, Alternative 2 is proposed as the preferred alternative. It promises simplicity, accountability, mimimum conflict, and precise direction, all in a context of maximizing net public benefits.

Regulatory Impact

The Assistant Secretary for Natural Resources and Environment has determined that the regulations in their present form are considered "major" as defined in Executive Order 12291. Normally this would require that a regulatory impact analysis be prepared. However, the specific effects of implementing the regulations, or revisions in whatever form, are virtually impossible to quantify. This regulations is formulated to direct the process of preparing and revising land management plans. Consequently, they have no direct effect on the quality of the environment or the economy. They only establish procedures, and standards and guidelines for planning future commitments. Proposed revisions to these regulations do not impact the economy nor increase cost of prices for consumers, individual industries, Federal, State, or local government agencies of geographic regions. They do not adversely affect competition, employment, investment productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export-based markets. Since the intent of these regulations is that the forest plan would be based on the type of analysis which would be required in a regulatory impact analysis, the Office of Management and Budget has waived the requirement to carry out a regulatory impact analysis.

Small Entity Impact

The Assistant Secretary of Natural Resources and Environment has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. The proposed rule imposes no direct or indirect costs on small entities. It requires no paperwork or recordkeeping; it does not affect the competitive position of small entities in relation to large entities; it does not affect the ability of a small entity to stay in the market; and it does not require that small entities obtain professional assistance to meet regulatory requirements.

For the reasons set forth in the preamble, it is proposed to revise Part 219—Planning, Subpart A—National Forest System Land and Resource Management Planning, Title 36 of the Code of Federal Regulations, and the accompanying Table of Contents to read as follows:

1. The Table of Contents for 36 CFR, Part 219—Planning, Subpart A—National Forest System Land and Resource Management Planning, is revised to read as follows:

PART 219—PLANNING

Subpart A—National Forest System Land and Resource Management Planning

Sec.
219.1 Purpose.
219.2 Scope and applicability.
219.3 Definitions and terminology.
219.4 Planning levels.
219.5 Interdisciplinary approach.
219.6 Public participation.
219.7 Coordination of public planning efforts.
219.8 Regional planning—general procedure.
219.9 Regional plan content.
219.10 Forest planning—general procedure.
219.11 Forest plan content.
219.12 Forest planning—process.
219.13 Forest planning—resource integration requirements.
219.14 Management requirements.
219.15 Research.
219.16. Transition period.

Authority:—Secs. 6 and 15, 90 Stat. 2949, 2952, 2958 (16 U.S.C. 1604, 1613); and 5 U.S.C. 301.

2. 36 CFR 219, Subpart A—National Forest System Land and Resource Management Planning, is revised to read as follows:

Subpart A—National Forest System Land and Resource Management Planning

§ 219.1 Purpose.

The regulations in this subpart set forth a process for developing, adopting, and revising land and resource management plans for the National Forest System as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (hereafter, "RPA"). These regulations prescribe how land and resource management planning is to be conducted on National Forest System lands. The resulting plans shall be designed to maximize net public benefits in an environmentally sound manner, and provide for multiple use and sustained yield of goods and services from the National Forest System.

§ 219.2 Scope and applicability.

The regulations in this subpart apply to the National Forest System, which includes special areas, such as wilderness, wild and scenic rivers, national recreation areas, and national trails. Whenever the special area authorities require additional planning, the planning process under this subpart shall be subject to those authorities.

§ 219.3 Definitions and terminology.

For purposes of this subpart the following words shall have these meanings:

Allowable sale quantity: The quantity of timber that may be sold from the area of capable, available, and suitable land covered by the forest plan for a time period specified by the plan. This quantity is usually expressed on an annual basis as the average annual allowable sale quantity.

Base sale schedule: The timber sale schedule in which the quantity of timber planned for sale and harvest for any future decade is equal to or greater than the planned sale and harvest for the preceding decade of the planning period and this planned sale and harvest for any decade is not greater than the long-term sustained yield capacity.

Biological growth potential: The average net growth attainable in a fully stocked natural forest stand.

Capability: The potential of an area of land to produce resources, supply goods and services, and allow resource uses under an assumed set of management practices and at a given level of management intensity. Capability depends upon current conditions and site conditions such as climate, slope, landform, soils and geology, as well as the application of management practices, such as silviculture protection from fire, insects, and disease.

Corridor: A linear strip of land identified for the present or future location of transportation or utility rights-of-way within its boundaries.

Cost efficiency: The usefulness of specified inputs (costs) to produce specified outputs (benefits). In measuring cost efficiency, some outputs (such as environmental, economic, or social impacts) are not assigned monetary values, but are achieved at specified levels in the least cost manner. Cost efficiency is usually measured using present net value, although use of benefit-cost ratios and rates-of-return may sometime be appropriate.

Diversity: The distribution and abundance of different plant and animal communities and species within the area covered by a land and resource management plan.

Even-aged system: The combination of actions that results in the creation of stands in which trees of essentially the same age grow together. Managed even-aged forests are characterized by a distribution of the stands of varying ages (and therefore tree sizes) throughout the forest area. The difference in age between trees forming the main canopy level of a stand will not exceed 20 percent of the age of the stand at maturity. Regeneration in a particular stand is obtained during a short period at or near the time that a stand has reached the desired age or size for regeneration and is harvested. Cutting methods producing even-aged stands are clearcut, shelterwood, or seed tree.

Goal: A concise statement that describes a desired condition to be achieved sometime in the future. It is normally expressed in broad, general terms, and is timeless in that it has no specific date by which it is to be completed. Goal statements form the principal basis from which objectives are developed.

Goods and services: The various outputs including on-site uses produced by forest and rangeland resources.

Long-term sustained yield capacity: The highest uniform wood yield from lands being managed for timber production that may be sustained under a specified management intensity consistent with multiple-use objectives.

Management concern: An issue or problem requiring resolution, or a condition which constrains the range of management practices identified by the Forest Service in the planning process.

Management direction: A statement of multiple-use and other goals and objectives, the management prescriptions, and the associated standards and guidelines for attaining them.

Management intensity: The management practice or combination of management practices and their associated costs designed to obtain different levels of goods and services.

Management practice: A specific activity, measure, or treatment.

Management prescription: Management practices and intensity selected and scheduled for application on a specific area to attain multiple-use and other goals and objectives.

Multiple use: The management of all the various renewable surface resources of the National Forests System so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some lands will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

Net public benefits: The overall value to the nation of all outputs and positive effects (benefits) less all associated inputs and negative effects (costs) whether they can be quantitatively valued or not. Net public benefits are measured by both quantitative and qualitative criteria rather than a single measure or index. The maximization of net public benefits to be derived from management of units of the National Forest System is consistent with the principles of multiple use and sustained yield.

Objective: A concise time specific statement of measurable planned results that respond to pre-established goals. It forms the basis for further action planning that defines precise steps to be taken and resources to be used in controlling work to be done to achieve identified goals.

Planning area: The area of the National Forest System covered by a regional or forest plan.

Present net value: The difference between the discounted value (benefits) of all outputs to which monetary values or established market prices are assigned and the total discounted costs of managing the planning area.

Public issue: A subject or question of widespread public interest relating to management of the National Forest System.

Public participation activities: Meetings, conferences, seminars, workshops, tours, written comments, survey questionnaires, and similar activities designed or held to obtain comments from the general public and specific publics about National Forest System land management planning.

Real dollar value: A monetary value which compensates for inflation.

Receipt shares: The portion received by State and county governments of receipts received from Forest Service resource management; such as the Forest Service 25 percent fund payments.

Responsible line officer: The Forest Service employee who has been delegated the authority to carry out a specific planning action.

Sale schedule: The quantity of timber planned for sale by time period, from the area of land covered by the forest plan. The first period, usually a decade, of the selected sale schedule provides the allowable sale quantity. Future periods are shown to establish that sustained yield will eventually be achieved and maintained.

Silvicultural system: The entire process by which forest stands are tended, harvested, and replaced. It includes all cultural practices performed during the life of the stand such as regeneration cutting, fertilization, thinning, improvement cutting, and use

of genetically improved sources of tree seeds and seedlings to obtain multiple resource benefits. Silvicultural systems can be distinguished as either even or uneven-aged.

Suitability: The appropriateness of applying certain resource management practices to a particular area of land, as determined by an analysis of the economic and environmental consequences and the alternative uses foregone. A unit of land may be suitable for a variety of individual or combined management practices.

Sustained-yield of the several products and services: The achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the National Forest System without impairment of the productivity of the land.

Timber production: The growing, tending, harvesting and regeneration of regulated crops of industrial wood. Industrial wood includes logs, bolts or other round sections cut from trees for industrial or consumer use, except fuelwood.

Uneven-aged system: The combination of actions needed to simultaneously maintain continuous high-forest cover, recurring regeneration of desirable species, and the orderly growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products. Cutting is usually regulated by specifying the number or proportion of trees of particular sizes to retain within each area, thereby maintaining a planned distribution of size classes. Cutting methods that develop and maintain uneven-aged stands are single-tree selection and group selection.

§ 219.4 Planning levels.

(a) Planning requires a continuous flow of information and management direction among the three Forest Service administrative levels: national, regional, and forest. Management direction shall include requirements for analysis to determine programs that produce maximum net public benefits, consistent with locally derived information about production capabilities; reflect conditions and circumstances observed at all levels; and become increasingly specific as planning progresses from the national to the forest level. In this structure, regional planning is a principal process for conveying management direction from the national level to the forest level and for conveying information from Forest level to the national level. The process is essentially iterative in that the information from the forest level flows up to the national level where in turn information in the RPA Program flows back to the forest level.

(b) *Planning levels and relationships.* (1) *National.* The Chief, Forest Service, shall develop the RPA Renewable Resource Assessment and Program (hereafter, "Assessment and Program") according to sections 3 and 4 of the RPA.

(i) *Assessment.* The Assessment shall include analysis of present and anticipated uses, demand for, and supply of the renewable resources of forest, range, and other associated lands with consideration of, and an emphasis on, pertinent supply and demand and price relationship trends; and inventory of present and potential renewable resources and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government; a description of Forest Service programs and responsibilities in research, cooperative programs, and management of the National Forest System; and analysis of important policy issues and consideration of laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range and other associated lands. The Assessment shall be based on the future capabilities of forest and rangelands and shall include information generated during the regional, forest, and other planning processes.

(ii) *Program.* The Program shall consider the costs of supply and the relative values of both market and nonmarket outputs. The alternatives considered shall include national renewable resource goals and quantified objectives for resource outputs and other benefits and shall be designed to represent a range of expenditure levels sufficient to demonstrate full opportunities for management. A portion of each national objective developed in the selected Program shall be distributed to each region and be incorporated into each regional plan. Resource production objectives shall be tentatively selected for each forest planning area. In formulating the objectives for each region and forest planning area, local supply capabilities and market conditions will be considered.

(2) *Regional.* Each Regional Forester shall develop a regional plan. The regional plan shall respond to and incorporate direction established under the Program. Consistent with resource capabilities, regional plans reflect the goals and objectives of the Program. Regional plans shall establish regional standards and guidelines required by § 219.9(a)(4). For planning purposes, the regional plan shall display tentative resource production objectives for each Forest from the RPA Program. The plan shall also provide guidance for resolving major regional public issues and management concerns, and provide for general coordination of National Forest System, State and Private Forestry (S&PF) and Research programs.

(3) *Forest.* Forest plans will be developed for administrative units of the National Forest System. One forest plan may be prepared for all lands for which a Forest Supervisor has responsibility; or separate forest plans may be prepared for each National Forest, or combination of National Forests, within the jurisdiction of a single Forest Supervisor. A single forest plan may be prepared for the entire Tongass National Forest. These forest plans shall constitute the land and resource management plans as required under sections 6 and 13 of the RPA. A range of resource production alternatives shall be formulated and evaluated, including at least one alternative which responds to and incorporates the tentative RPA Program resource production objectives displayed in the regional plan. Based on this evaluation, the Forest Supervisor shall recommend, and the Regional Forester will select, objectives for incorporation into the forest plan. The Regional Forester will approve the forest plan.

§ 219.5 Interdisciplinary approach.

(a) A team representing several disciplines shall be used for regional and forest planning to insure coordinated planning of the various resources. The team is to coordinate and integrate planning activities. Through interactions among its members, the team shall integrate knowledge of the physical, biological, economic and social sciences, and the environmental design arts in the planning process. The team shall consider problems collectively, rather than separating them along disciplinary lines.

(b) The responsible line officer, in appointing team members, shall determine and consider the qualifications of each team member on the basis of the complexity of the issues and concerns to be resolved through the plan. The team shall collectively represent diverse specialized areas of professional and technical knowledge applicable to the area. The responsible line officer may use whatever combination of Forest Service staff and

other Federal government personnel as necessary to achieve an interdisciplinary approach. The team is encouraged to consult other persons when required specialized knowledge does not exist within the team itself.

§ 219.6 Public participation.

(a) Public participation throughout the planning process is encouraged.

(b) Public involvement in the preparation of draft environmental impact statements for forest and regional plans shall conform to the requirements of the National Environmental Policy Act and associated implementing regulations (hereafter, "NEPA procedures"). Public comments shall be analyzed according to NEPA procedures.

(c) Public participation activities, as deemed appropriate by the responsible line officer, shall be used early and often throughout the development of plans.

(d) Requests by the public to discuss the progress of the planning or to review informal planning documents shall normally be honored. The responsible line officer may deny part or all of a request if complying with the request would unreasonably burden, inhibit or interfere with the planning or decisionmaking process, and if that denial is permitted under the Freedom of Information Act.

(e) The primary purpose of public participation is to broaden the information base upon which planning decisions are made. Public participation activities also will help in monitoring and evaluation of implemented plans.

(f) All scheduled public participation activities shall be documented by a summary of the principal issues discussed, comments made, and a register of participants.

(g) At least 30 days' public notice shall be given for public participation activities associated with the development of regional and forest plans. Any notice requesting written comments on regional planning shall allow at least 60 calendar days for responses. A similar request on forest planning shall allow at least 30 calendar days for responses. Draft regional and forest plans and environmental impact statements shall be available for public comment for at least 3 months (refer to §§ 219.8(c) and 219.10(b)).

(h) The responsible line officer shall attend or provide for adequate representation at public participation activities.

(i) Copies of approved plans shall be available for public review.

(1) The Assessment and the Program shall be available at national headquarters and all Regional Offices, Research Stations, S&PF Area Offices, Forest Supervisors' offices, and in all District Rangers' offices;

(2) The regional plan shall be available at national headquarters, that regional office and regional offices of contiguous regions, each Forest Supervisor's office of forests within and contiguous to that region, and each District Ranger's office in that region;

(3) The forest plan shall be available at the regional office for the forest, the Forest Supervisor's office, Forest Supervisors' offices contiguous to the forest, District Rangers' offices in the forest, and at least one additional location determined by the Forest Supervisor, which shall offer convenient access to the public; and

(4) The above plans may be made available at other locations convenient to the public.

(j) Documents considered in the development of plans shall be available at the office where the plans were developed.

§ 219.7 Coordination of public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes. Coordination shall comply with NEPA procedures.

(b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the State Clearinghouse (OMB Circular A-95) for circulation among State agencies. The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted, and to the heads of county boards for the counties involved. These notices shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures (40 CFR 1501.7).

(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments and Indian tribes. The intensity of the review shall be appropriate to the planning level and requirements of the envisioned plan and shall include:

(1) Consideration of the objectives of other Federal, State and local governments, and Indian tribes, as expressed in their plans and policies;

(2) An assessment of the interrelated impacts of these plans and policies;

(3) A determination of how each Forest Service plan should deal with the impacts identified; and

(4) Where conflicts with Forest Service planning are identified, consideration of alternatives for their resolution.

(d) Forest planning activities should be coordinated to the extent practical with owners of lands that are intermingled with, or dependent for access upon, National Forest System lands. The results of this coordination shall be included in the plan as part of the review required in paragraph (c) of this section. The responsible line officer may individually notify these owners of forest planning activities where he determines that notice provided for the general public in these regulations is likely to be inadequate.

(e) In developing the forest plan, the responsible line officer shall seek input from the other Federal, State and local governments and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.

§ 219.8 Regional planning—general procedure.

(a) *Regional plan.* A plan shall be developed for each administratively designated region in the Nationl Forest System. Regional planning shall provide regional standards and guidelines for regional issue resolution, and reflect general coordination of National Forest System, State and Private Forestry, and Research programs.

(b) *Responsibilities.* The Chief, Forest Service, shall establish agency-wide policy for regional planning and approve all regional plans. The Regional Forester is responsible for the preparation and implementation of the regional plan and for preparation of the environmental impact statement for the regional plan.

(c) *Public review of plan and environmental impact statement.* A draft and final environmental impact statement shall be prepared for the proposed standards and guidelines in the plan according to NEPA procedures. To the extent feasible, a single process shall be used to meet planning and NEPA requirements. The draft statement shall indentify a preferred alternative. Beginning on the date of publication of the notice of availability of the draft environmental impact statement in the **Federal Register**, the statement and the proposed plan shall be available for public comment for at least 3 months at convenient locations in the vicinity of

the lands covered by the plan. During this period, and in accordance with the provisions in § 219.6, the Regional Forester or his designee shall publicize and hold public participation activities as deemed appropriate for adequate public input.

(d) *Plan approval.* The Chief, Forest Service, shall review the proposed plan and the final environmental impact statement and either approve or disapprove the plan.

(1) *Approval.* The Chief, Forest Service, shall prepare, to accompany the plan and the final environmental impact statement, a concise public record of decision which documents the approval. The record of decision shall be prepared according the NEPA procedures (40 CFR 1505.2). The approved plan shall not become effective until at least 30 days after publication of the notice of availability of the final environmental impact statement in the Federal Register.

(2) *Disapproval.* The Chief, Forest Service, shall return the plan and final environmental impact statement to the Regional Forester with a written statement of the reasons for disapproval. The Chief, Forest Service, may also specify a course of action to be undertaken by the Regional Forester in order to remedy the deficiencies, errors, or omissions of the plan or environmental impact statement.

(e) *Public appeal of approval decisions.* The provisions of 36 CFR 211.19 apply to any administrative appeal of the Chief's decision to approve a regional plan. Decisions to disapprove a plan, and other decisions made during the regional planning process prior to issuance of a record of decision approving the plan, are not subject to administrative appeal.

(f) *Amendment.* The Regional Forester may amend the regional plan. Based on an analysis of the objectives, guidelines, and other contents of the regional plan, the Regional Forester shall determine whether the proposed amendment would result in a significant change in the plan. If the change resulting from the proposed amendment is determined to be significant, the Regional Forester shall follow the same procedure for amendment as that required for development and approval of a regional plan. If the change resulting from the amendment is determining not to be significant for the purposes of the planning process, the Regional Forester may implement the amendement following appropriate public notification and satisfactory completion of NEPA procedures.

(g) *Planning records.* The Regional Forester shall develop and maintain a system that records decisions and activities that result from the process of developing a regional plan. These records document the accomplishment of legal and administrative planning requirements. They include at least the draft environmental impact statement, final environmental impact statement, regional plan, record of decision, a work plan to guide and manage planning, the procedures used in completing each action, and the results of these actions.

(h) Public participation and coordination activities shall be adapted to the circumstances of regional planning. Particular efforts shall be made to involve regional and national representatives of interest groups.

§ 219.9 Regional plan content.

(a) The regional plan shall contain:

(1) A summary of the analysis of the regional management situation, including a brief description of the existing management situation and the major issues and management concerns which need to be addressed at the regional level to facilitate forest planning;

(2) A description of management direction including programs, goals and objectives;

(3) A display of each forest planning area's tentative resource production objectives from the current RPA Program;

(4) Management standards and guidelines, including those needed to address regional issues and management concerns, and specific standards and guidelines for the following:

(i) Prescribing according to geographic areas, forest types, or other suitable classifications, appropriate systems of silviculture to be used within the region;

(ii) Establishing the maximum size, dispersal, and size variation of tree openings created by the application of even-aged management considering factors in § 219.14(d);

(iii) Defining the management intensities and utilization standards to be used in determining harvest levels for the region;

(iv) Designating transportion corridors and associated direction for forest planning, such as management requirements for corridors, for transmission lines, pipelines, and water canals. (The designation of corridors is not to preclude the granting of separate rights-of-way over, upon, under, or through the Federal lands where the authorized line officer determines that confinement to a corridor is not appropriate.) (43 U.S.C. 1763, 36 CFR 251.56); and

(v) Identifying in forest plans significant current and potential air pollution emissions from management activities, other sources in and around the forest planning area, and measures needed to coordinate air quality control with appropriate air quality regulation agencies.

(5) A description of the monitoring and evaluation necessary to determine and report achievements and effects of the plan.

(6) A description of measures for coordination of National Forest System, State and Private Forestry, and Research programs.

(b) Each regional plan shall provide guidance for the resolution of the major issues and management concerns which need to be addressed at the regional level to facilitate forest planning. Public participation and coordination, the current RPA Program and Assessment, and the existing forest and resource plans shall be used as sources of information in meeting this requirement. Data and information requirements established nationally will be followed in structuring and maintaining required data.

§ 219.10 Forest planning—general procedure.

(a) *Responsibilities.* (1) *Forest Supervisor.* The Forest Supervisor has overall responsibility for the preparation and implementation of the forest plan and preparation of the environmental impact statement for the forest plan. The Forest Supervisor appoints and supervises the interdisciplinary team.

(2) *Interdisciplinary team.* The team under the direction of the Forest Supervisor implements the public participation and coordination activities. The team shall continue to function even though membership may change, and shall monitor and evaluate planning results and recommend revisions and amendments. The interdisciplinary team shall develop a forest plan using the planning process established in § 219.12, including the steps in paragraph (b) of this section.

(b) *Public review of plan and environmental impact statement.* A draft and final environmental impact statement shall be prepared for the proposed plan according to NEPA procedures. The draft environmental impact statement shall identify a preferred alternative. Beginning on the date of the publication of the notice of availability in the Federal Register, the draft evironmental impact statement and proposed plan shall be available for public comment for at least 3 months, at convenient locations in the vicinity of

the lands covered by the plan. During this period, and in accordance with the provisions in § 219.6, the Forest Supervisor shall publicize and hold public participation activities as deemed appropriate to obtain adequate public input.

(c) *Plan approval.* The Regional Forester shall review the proposed plan and the final environmental impact statement and either approve or disapprove the plan.

(1) *Approval.* The Regional Forester shall prepare, to accompany the plan and final environmental impact statement, a concise public record of decision which documents the approval. The record of decision shall be prepared according to NEPA procedures (40 CFR 1505.2). The approved plan shall not become effective until at least 30 days after publication of the notice of availability of the final environmental impact statement in the **Federal Register.**

(2) *Disapproval.* The Regional Forester shall return the plan and final environmental impact statement to the Forest Supervisor with a written statement of the reasons for disapproval. The Regional Forester may also specify a course of action to be undertaken by the Forest Supervisor in order to remedy the deficiencies, errors, or omissions of the plan or environmental impact statement.

(d) *Public appeal of approval decision.* The provisions of 36 CFR 211.19 apply to any administrative appeal of the Regional Forester's decision to approve a forest plan. Decisions to disapprove a plan, and other decisions made during the forest planning process prior to the issuance of a record of decision approving the plan, are not subject to administrative appeal.

(e) *Plan implementation.* As soon as practicable after approval of the plan, the Forest Supervisor shall ensure that, subject to valid existing rights, all outstanding and future permits, contracts, cooperative agreements, and other instruments for occupancy and use of affected lands are consistent with the plan. Subsequent administrative activities affecting such lands, including budget proposals, shall be based on the plan. The Forest Supervisor may change proposed scheduling to respond to differences between planned annual budgets and funds actually appropriated.

(f) *Amendment.* The Forest Supervisor may amend the forest plan. Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan. If the change resulting from the proposed amendment is determined to be significant, the Forest Supervisor shall follow the same procedure as that required for development and approval of a forest plan. If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Forest Supervisor may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures.

(g) *Revision.* A forest plan shall ordinarily be revised on a 10-year cycle or at least every 15 years. It also may be revised whenever the Forest Supervisor determines that conditions or demands of the public in the area covered by the plan have changed significantly or when changes in RPA policies, goals, or objectives would have a significant effect on forest level programs. The interdisciplinary team may, through the monitoring and evaluation process, recommend a revision of the forest plan at any time. Revisions are not effective until considered and approved in accordance with the requirements for the development and approval of a forest plan. The Forest Supervisor shall review the conditions on the land covered by the plan at least every 5 years to determine whether conditions or demands of the public have changed significantly.

(h) *Planning records.* The Forest Supervisor and interdisciplinary team shall develop and maintain a system that records the decisions and activities that result from the process of developng a forest plan. Records that support analytical conclusions made and alternatives considered by the team and approved by the Forest Supervisor throughout the planning process shall be maintained. Such supporting records provide the basis for the development of the forest plan and associated documents required by NEPA procedures.

§ 219.11 Forest plan content.

The forest plan shall contain the following:

(a) A brief summary of the analysis of the managment situation, including demand and supply conditions for resource commodities and services, production potentials, and use and development opportunities;

(b) Forest multiple-use goals and objectives that include a description of the desired future condition of the forest or grassland, and the quantities of goods and services that are expected to be produced or provided during the RPA planning periods;

(c) Multiple-use prescriptions and associated standards and guidelines for each management area including proposed and probable management practices such as the planned timber sale program; and

(d) Monitoring and evaluation requirements that will provide a basis for a periodic determination and evaluation of the effects of management practices.

§ 219.12 Forest planning—process.

(a) *Forest plan.* The preparation, revision, or significant amendment of a forest plan shall comply with the requirements established in this section. The planning process adapts to changing conditions by identifying public issues, management concerns, and use and development opportunities.

It consists of a systematic set of interrelated actions that lead to management direction. The planning process includes at least those actions set forth in paragraphs (b) through (k) of this section. Some actions may occur simultaneously, and it may be necessary to repeat an action as additional information becomes available. The environmental impact statement for each forest plan shall be prepared according to NEPA procedures. To the extent feasible, a single process shall be used to meet planning and NEPA requirements.

(b) *Identification of purpose and need.* The interdisciplinary team shall identify and evaluate public issues, management concerns, and resource use and development opportunities, including those identified through public participation activities and coordination with other Federal agencies, State and local governments, and Indian tribes throughout the planning process. All public issues and management concerns are investigated and evaluated in order of their apparent importance. The Forest Supervisor shall determine the major public issues, management concerns, and resource use and development opportunities to be addressed in the planning process.

(c) *Planning criteria.* Criteria shall be prepared to guide the planning process. Criteria apply to collection and use of inventory data and information, analysis of the management situation, and the design, formulation, and evaluation of alternatives. Criteria designed to achieve the objective of maximizing net public benefits shall be included, specific criteria may be derived from:

(1) Laws, executive orders, regulations, and Forest Service Manual policy;

(2) Goals and objectives in the Program and regional plans;

(3) Recommendations and assumptions developed from public issues, management concerns, and resource use and development opportunities;

(4) The plans and programs of other Federal agencies, State and local governments and Indian tribes;

(5) Ecological, technical and economic factors; and

(6) The resource management requirements in § 219.14.

(d) *Inventory data and information collection.* Each Forest Supervisor shall obtain and keep current inventory data appropriate for planning and managing the resources under his or her administrative jurisdiction, and will assure that the interdisciplinary team has access to the best available data. This may require that special inventories or studies be prepared. The interdisciplinary team shall collect, assemble, and use data, maps, graphic material, and explanatory aids, of a kind, character, and quality, and to the detail appropriate for the management decisions to be made. Data and information needs may vary as planning problems develop from identification of public issues, management concerns, and resource use and development opportunities. Data shall be stored for ready retrieval and comparison and periodically shall be evaluated for accuracy and effectiveness. Common data definitions and standards to assure uniformity of information between all planning levels shall be established by the Chief, Forest Service. As information is recorded using common data definitions and standards, it shall be applied in any subsequent planning process. Information developed according to common data definitions and standards shall be used in the preparation of the 1990, and subsequent Assessments and Programs.

(e) *Analysis of the managment situation.* The analysis of the management situation is a determination of the ability of the planning area covered by the forest plan to supply goods and services in response to society's demand. The primary purpose of this analysis is to provide a basis for formulating a range of reasonable alternatives. The analysis may examine the capability of the unit to supply outputs both with and without legal requirements, but as a minimum the following shall be estimated:

(1) The minimum level of management, which complies with applicable laws and regulations, including prevention of significant or permanent impairment of the long-term productivity of the land, and which would be needed to maintain the unit as part of the National Forest System and to manage uncontrollable outputs and uses, together with associated costs and outputs;

(2) The maximum capabilities of the unit to provide various mixes of goods and services, which assumes that management direction complies with applicable laws and regulations, including prevention of significant or permanent impairment of long-term productivity of the land, together with associated costs and outputs;

(3) For forest planning areas with significant resource outputs that have an established market price, the mix of resource uses, combined with a schedule of outputs and costs, derived from management direction which will maximize the present net value of those outputs that have an established market price;

(i) Compliance with the minimum requirements of applicable laws and regulations, including prevention of significant or permanent impairment of the productivity of the land, shall be a constraint in this analysis;

(ii) Compliance with a base sale schedule of timber harvest, as described in § 219.13(d)(1)(i), and scheduling the harvest of even-aged stands generally at or beyond culmination of mean annual increment of growth, as described in § 219.13(d)(1)(ii)(C) shall not be constraints in this analysis;

(iii) Policies and budgets shall not be constraints in this analysis;

(4) For all forest planning areas, the mix of resource uses, combined with a schedule of outputs and costs, derived from management direction which will maximize the present net value of those outputs that are assigned a monetary value. Paragraphs (e)(3)(i) through (iii) of this section shall apply to this analysis;

(5) The current level of goods and services provided by the unit and the most likely amount of goods and services expected to be provided in the future if current management direction continues;

(6) Projections of demand, using best available techniques, with both price and nonprice information. To the extent practical, demand will be assessed as a price-quantity relationship;

(7) The potential to resolve public issues and management concerns; and

(8) The need, as a result of this analysis, to establish or change management direction.

(f) *Formulation of alternatives.* A range of reasonable alternatives shall be formulated by the interdisciplinary team according to NEPA procedures.

(1) The primary goal in formulating alternatives is to provide an adequate basis for identifying the alternative that maximizes net public benefits, subject to the management requirements of § 219.14.

(2) Alternatives shall provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during this planning process.

(3) Alternatives shall reflect a range of resource outputs and expenditure levels.

(4) Each alternative shall represent to the extent practicable the most cost efficent combination of management practices examined that can meet the objectives established in the alternative.

(5) The beginning point for formulating alternatives is the maximum present net value assessment developed in §§ 219.12(e)(3) and (4). Alternatives shall be developed to facilitate evaluation of the effects on present net value, benefits, and costs of achieving various levels of multiple-use, environmental outputs, and social effects that are not assigned monetary values.

(6) At least one alternative shall be developed which responds to and incorporates the RPA Program goals and objectives displayed in the regional plan.

(7) At least one alternative shall reflect current program (no action alternative), which is the current level of goods and services provided by the unit and the most likely amount of goods and services expected to be provided in the future if current management direction continues and current budget is updated for changing costs over time.

(8) Each alternative will state at least:

(i) The condition and uses that will result from long-term application of the alternative;

(ii) The goods and services to be produced, and the timing and flow of these resource outputs;

(iii) Resource management standards and guidelines; and

(iv) The purposes of the management direction proposed.

(g) *Estimated effects of alternatives.* The physical, biological, economic, and social effects of implementing each alternative shall be estimated, displayed, and compared in the environmental impact statement. These effects include at least the following:

(1) The expected outputs for the planning periods, including appropriate marketable goods and services, as well as nonmarket items, such as recreation and wilderness use; wildlife and fish; protection and enhancement of soil,

water, and air; and preservation of aesthetic and cultural resource values;

(2) The relationship of expected outputs to the RPA goals and objectives for the forest displayed in the current regional plan;

(3) Direct and indirect benefits and costs, analyzed in sufficient detail to estimate:

(i) the expected real-dollar costs (discounted when appropiate), including investment, administrative and operating costs of the agency and all other public and private costs required to manage the forest up to the point where the outputs are valued and the environmental consequences are realized;

(ii) the expected real-dollar value (discounted when appropriate) of all outputs attributable to each alternative to the extent that monetary values can be assigned to nonmarket goods and services using quantitative and qualitative criteria when monetary values may not reasonably be assigned;

(iii) the economic effects of alternatives, including impacts on present net value, gross returns to the Federal Government, receipt shares, income and employment in affected areas; and

(iv) the monetary opportunity costs (changes in present net value and in gross returns to the Federal Government) associated with the management standards and resource outputs in each alternative that were not assigned monetary values but are included at specified levels, in comparison with the maximum present net value assesment developed in §§ 219.12(e) (3) and (4).

(4) Other environmental consequences of implementing each alternative, according to NEPA procedures.

(h) *Evaluation of alternatives.* The interdisciplinary team shall evaluate the significant physical, biological, economic, and social effects of each management alternative using planning criteria. The evaluation shall include a comparative analysis of the aggregate effects of the management alternatives and shall compare present net value, gross returns to the Federal Government, social and economic impacts, outputs of goods and services, and overall protection and enhancement of environmental resources. The alternative that comes nearest to maximizing the public benefits shall be identified. The Forest Supervisor shall review the interdisciplinary team's evaluation and shall recommend to the Regional Forester a preferred alternative to be identified in the draft environmental impact statement and displayed as the proposed plan.

(i) *Preferred alternative recommendation.* After publication of the draft environmental impact statement and proposed plan, public comments shall be evaluated and, as necessary, alternatives shall be revised. The Forest Supervisor shall recommend a preferred alternative to be identified in the final environmental impact statement and displayed as the proposed plan.

(j) *Selection of alternative.* The Regional Forester shall review the proposed plan and final environmental impact statement and either approve or disapprove the plan in accordance with § 219.10(c). The record of decision for approval of a plan shall include, in addition to the requirements of NEPA procedures (40 CFR 1505.2), comparison of the net public benefits of the selected alternative with:

(1) The net public benefits of any other alternative considered which is environmentally preferable to the selected alternative; and

(2) The net public benefits of any other alternative considered which comes nearer to maximizing present net value.

(k) *Monitoring and evaluation.* At intervals established in the plan, implementation shall be evaluated on a sample basis to determine how well objectives have been met and how closely management standards and guidelines have been applied. Based upon this evaluation, the interdisciplinary team shall recommend to the Forest Supervisor such changes in management direction, revisions, or amendments to the forest plan as deemed necessary.

Monitoring requirements identified in the forest plan shall provide for:

(1) A quantitative estimate of performance comparing outputs and services with those projected by the forest plan;

(2) Documentation of the measured prescriptions and effects, including significant changes in productivity of the land; and

(3) Documentation of costs associated with carrying out the planned management prescriptions as compared with costs estimated in the forest plan.

§ 219.13 Forest planning—resource integration requirements.

(a) The criteria in paragraphs (b) through (m) of this section provide the minimum requirements for integrating planning for individual resources on a forest into a proposed forest plan. Additional planning criteria may be found in the guidelines for managing specific resources set forth in the Forest Service Manual and Handbooks.

(b) *Timber resource land suitability.* During the planning process each forest plan shall designate lands which are not suited for timber production in accordance with the criteria in paragraphs (b)(1) through (4) of this section.

(1) During the analysis of the management situation, data on all National Forest System lands within the planning area shall be reviewed, and those lands within any one of the categories described in paragraphs (b)(1)(i) through (iv) of this section shall be identified as not suited for timber production:

(i) The land has been legislatively withdrawn or administratively withdrawn by the Secretary or the Chief, Forest Service, from timber production.

(ii) The biological growth potential for the land is less than 20 cubic feet per acre for fully stocked natural stands, unless analysis indicates the desirability of using another standard and the Regional Forester's approval is obtained.

(iii) Technology is not available that will ensure timber production from the land without irreversible resource damage to soils, productivity, or watershed conditions.

(iv) There is not reasonable assurance that such lands can be adequately restocked as provided in § 219.14(h)(4).

(2) Forest lands other than those that have been identified as not suited for timber production in paragraph (b)(1) of this section, shall be further reviewed and assessed prior to formulation of alternatives to determine the costs and benefits for a range of management intensities for timber production. For the purpose of analysis, the planning area shall be stratified into categories of land with similar management costs and returns. The stratification should consider appropriate factors that influence the costs and returns such as physical and biological conditions of the site and transportation requirements. This analysis shall identify the management intensity for timber production for each category of land which results in the largest excess of discounted benefits less discounted costs, and shall compare the direct costs of growing and harvesting trees, including capital expenditures required for timber production, to the anticipated receipts to the government, in accordance with § 219.12 and paragraphs (b)(2)(i) through (iii) of this section.

(i) Direct benefits are expressed by expected gross receipts to the government. Such receipts shall be

based upon expected stumpage prices and payments-in-kind from timber harvest considering future supply and demand situation for timber and timber production goals of the regional plan.

(ii) Direct costs include the anticipated investments, maintenance, operating, and management and planning costs attributable to timber production activities, including mitigation measures necessitated by the impacts of timber production.

(iii) The financial analysis must consider costs and returns of managing the existing timber inventory in addition to long-term yield.

(3) During formulation and evaluation of each alternative as required in § 219.12(f) and (g), combinations of resource management prescriptions shall be defined to meet management objectives for the various multiple uses including outdoor recreation, timber, watershed, range, wildlife and fish, and wilderness. The formulation and evaluation of each alternative shall consider the costs and benefits of alternative management intensities for timber production from paragraph (b)(2) of this section in accordance with § 219.12(f). Lands shall be tentatively identified as not necessary for timber production to meet objectives of the alternative being considered if:

(i) Based upon a consideration of multiple-use objectives for the alternative, the land is proposed for resource uses that preclude timber production, such as wilderness;

(ii) Other management objectives for the alternative limit timber production activities to the point where management requirements set forth in § 219.14 cannot be met; or

(iii) The lands are not cost-efficient in meeting Forest objectives including timber production for the alternative under consideration over the planning horizon.

(4) Selection among alternatives shall be done in accordance with § 219.12(h). Lands identified as not suited for timber production in paragraph (b)(1) of this section and lands tentatively identified as not necessary for timber production in paragraph (b)(3) of this section shall be designated as not suited for timber production in the preferred alternative. Salvage sales and sales necessitated to protect multiple-use values besides timber may occur on these lands. If necessary to achieve the multiple-use objectives of the plan, these lands shall continue to be treated for reforestation purposes. Designation in the plan of lands not suited for timber production shall be reviewed at least every 10 years. Such lands may be reviewed and redesignated as suited for timber production due to changed conditions at any time, according to the criteria in paragraphs (b)(1) and (3) of this section, and according to the procedures for amendment or revision of the forest plan in §§ 219.10(f) and (g).

(c) *Timber resource management practices.* When vegetation is altered by management, the methods, timing, and intensity of the practices determine the level of benefits that can be obtained from the affected resources. The vegetation management practices chosen for each vegetation type and circumstance shall be designed to maximize net public benefits and shall be defined in the forest plan with applicable standards and guidelines and the reasons for the choices. Where more than one vegetation management practice will be used in a vegetation type, the conditions under which each will be used shall be based upon thorough reviews of technical and scientific literature and practical experience, with appropriate evaluation of this knowledge for relevance to the specific vegetation and site conditions. On National Forest System land, the vegetation management practice chosen will comply with the management requirements in § 219.14(c).

(d) *Timber resource sale schedule.* The selected forest management alternative includes a sale schedule which provides the allowable sale quantity. The base sale schedule of each alternative, including those which depart from base sale schedules, shall be formulated in compliance with § 219.12(f) and the criteria in paragraphs (d)(1) and (d)(2) of this section. The primary goal in designing and evaluating alternatives is selection of an alternative that includes a sale schedule that maximizes net public benefits.

(1) Alternatives shall be formulated that include determinations of the quantity of the timber that may be sold during the planning period. These quantity determinations shall be based on the principal of sustained yield and shall meet the management requirements in § 219.14. For each alternative, the determination shall include a calculation of the long-term sustained-yield capacity and the base sale schedule and when appropriate, a calculation of timber sale alternatives that may depart from the base sale schedule as provided in paragraphs (d)(1) (i) through (iii) of this section.

(i) For the base sale schedules the planned sale for any future decade shall be equal to or greater than the planned sale for the preceding decade of the planning periods provided that the planned sale is not greater than the long-term sustained-yield capacity consistent with the management objectives of the alternative.

(ii) The determinations of the appropriate long-term sustained-yield capacities, base sale schedules, and departure alternatives to the base sale schedules shall be made on the basis of the guidelines which follow:

(A) For the long-term sustained-yield capacities and the base sale schedules, assume intensities of management and degree of timber utilization consistent with the goals, assumptions, and requirements contained in, or used in, the preparation of the current Program and regional plan. For the base sale schedule, the management and utilization assumptions shall reflect the projected changes in practices for the four decades contained in, or used, in the preparation of the current Program and regional plan. Beyond the fourth decade, the assumptions shall reflect those projected for the fourth decade of the regional plan unless there is a basis for a different assumption;

(B) For alternatives with sale schedules which depart from the corresponding base sale schedule, assume an appropriate management intensity;

(C) In accordance with the established standards, assure that all even-aged stands scheduled to be harvested during the planning period will generally have reached the culmination of mean annual increment of growth. Mean annual increment shall be that which occurs on a fully stocked natural stand based on forest type and site quality and expessed in cubic measure. Alternatives which incorporate exceptions to these standards shall be evaluated if it is reasonable to expect that an increase in net public benefits may result. Exceptions are permitted for the use of sound silvicultural practices, such as thinning or other stand improvement measures; for salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; cutting for experimental and research purposes; or for removing particular species of trees, after consideration has been given to the multiple uses of the area being planned and after completion of the public participation process applicable to the preparation of a forest plan; and

(D) Each sale schedule shall provide for a forest structure that will enable perpetual timber harvest which meets the principle of sustained-yield and multiple-use objectives of the alternative.

(iii) Alternatives with sale schedules which depart from the principles of paragraph (i) above and will lead to better attaining the overall objectives of multiple-use management shall be considered and formulated when any of the following conditions are indicated:

(A) It is reasonable to expect that departure from the corresponding base sale schedule would increase net public benefits;

(B) None of the other alternatives considered provides a sale schedule that achieves the goals of the Program as provided in § 219.4(b);

(C) High mortality losses from any cause can be significantly reduced or prevented or forest age-class distribution can be improved, facilitating future sustained yield management; or

(D) Implementation of the corresponding sale schedule would cause a substantial adverse impact upon a community in the economic area in which the forest is located.

(2) The sale schedule of the management alternative selected in accordance with § 219.12 provides the allowable sale quantity for the plan period.

(e) *Wilderness designation:* Lands reviewed for wilderness designation under the review and evaluation of roadless areas conducted by the Secretary of Agriculture, but not designated as wilderness or designated for further planning, and lands whose designation as primitive areas has been terminated shall be managed for uses other than wilderness in accordance with this subpart. No such area shall be considered for designation as wilderness until a revision of the forest plan under § 219.10(g). When revising the forest plan, roadless areas of public lands, which are 5,000 acres or more within the adjacent to the forest, shall be evaluated and considered for recommendation as potential wilderness areas, as provided in paragraphs (e) (1) and (2) of this section.

(1) During analysis of the management situation the following areas of 5,000 acres or more shall be designated for evaluation:

(i) All previously inventoried wilderness resources not yet designated if they are currently essentially roadless;

(ii) Areas contiguous to existing wilderness, primitive areas, or administratively proposed wildernesses, regardless of which agency has jurisdiction for the wilderness or proposed wilderness;

(iii) Areas that are contiguous to roadless and undeveloped areas in other Federal ownership that have identified wilderness potential; and

(iv) Areas designated by Congress for wilderness study, administrative proposals pending before Congress, and other legislative proposals pending which have been endorsed by the administration.

(2) Each area designated for evaluation under paragraph (1) above shall be evaluated with public participation. The criteria shall include as a minimum:

(i) The values of the area as wilderness;

(ii) The values foregone and effects on management of adjacent lands as a consequence of wilderness designation;

(iii) Feasibility of management as wilderness, in respect to size, non-conforming use, land ownership patterns, and existing contractual agreements or statutory rights;

(iv) Proximity to other designated wilderness, and relative contribution to the National Wilderness Preservation System; and

(v) The anticipated long-term changes in plant and animal species diversity, including the diversity of natural plant and animal communities of the forest planning area and the effects of such changes on the values for which wilderness areas were created.

(f) *Wilderness management.* The forest plan shall provide direction for the management of designated wilderness and primitive areas in accordance with the provisions of 36 CFR 293. In particular, it shall:

(1) Provide for limiting and distributing visitor use of specific portions in accord with periodic estimates of the maximum levels of use that allow natural processes to operate freely and that do not impair the values for which wilderness areas were created; and

(2) Evaluate the extent to which wildfire, insect, and disease control measures may be desirable for protection of either the wilderness or adjacent areas and provide for such measures when appropriate.

(g) *Fish and wildlife resource.* Fish and wildlife habitat shall be managed to maintain viable populations of existing native vertebrate species in the planning area. Habitat for certain selected species shall be maintained and improved in accordance with direction established in forest plans. To meet this goal, management planning for the fish and wildlife resource shall meet the requirements set forth in paragraphs (g) (1) through (7) of this section.

(1) The desired future condition of fish and wildlife, where practical, shall be stated in terms both of animal population trends and of amount and quality of habitat.

(2) Certain vertebrate and/or invertebrate species present in the area shall be identified and selected as indicators of the effects of management. Selection of these species shall recognize the following categories, as appropriate: Endangered and threatened plant and animal species identified on State and Federal lists for the planning area; species with special habitat needs that may be influenced significantly by planned management programs; species commonly hunted, fished, or trapped; and additional plant or animal species selected because their population changes are believed to indicate effects of management activities on other species of a major biological community or on water quality. On the basis of available scientific information, the effects of changes in vegetation type, timber age classes, community composition, rotation age, and year-long suitability of habitat related to mobility of selected species shall be estimated. Where appropriate, measures to mitigate adverse effects shall be prescribed.

(3) Biologists from State fish and wildlife agencies and other Federal agencies shall be consulted in order to coordinate planning with State plans for fish and wildlife.

(4) Access and dispersal problems of hunting, fishing, and other visitor uses shall be considered.

(5) The effects of pest and fire management on fish and wildlife populations shall be considered.

(6) The selected species shall be monitored, as appropriate, to determine the success of habitat capability goals and the effects of habitat change. Monitoring of populations deemed necessary in the forest plan shall be accomplished in cooperation with State fish and wildlife agencies to the extent practicable.

(7) Habitat determined to be critical or essential for threatened and endangered species shall be identified, and measures shall be prescribed to prevent the destruction or adverse modification of such habitat. Objectives shall be determined for threatened and endangered species that shall provide for, where possible, their removal from listing as threatened and endangered species through appropriate conservation measures, including the designation of special areas to meet the protection and management needs of such species.

(h) *Grazing resource.* The suitability and potential capability of National Forest System lands for producing forage for grazing animals and for providing habitat for selected species

shall be determined as provided in paragraphs (h) (1) and (2) of this section. Lands so identified shall be managed in accordance with direction established in forest plans.

(1) Lands suitable for grazing and browsing shall be identified and their condition and trend shall be determined. The present and potential supply of forage for livestock, wild and free-roaming horses and burros, and the capability of these lands to produce suitable food and cover for selected wildlife species shall be estimated. The use of forage by grazing and browsing animals will be estimated. Lands in less than satisfactory condition shall be identified and appropriate action planned for their restoration.

(2) Alternative range management prescriptions shall consider: grazing systems and the facilities necessary to implement them; land treatment and vegetation manipulation practices; an evaluation of pest problems; possible conflict or beneficial interactions among livestock, wild free-roaming horses and burros and wild animal populations, and methods of regulating these; direction for rehabilitation of ranges in unsatisfactory condition; and comparative cost efficiency of the prescriptions.

(i) *Recreation resource:* A broad spectrum of dispersed and developed recreation opportunities in accord with identified needs and demands shall be provided. Planning to achieve this shall be governed by the goals of the regional plan and requirements of paragraphs (i)(1) through (7) of this section.

(1) Forest planning shall identify:

(i) The physical and biological characteristics that make land suitable for recreation opportunities;

(ii) The recreational preferences of user groups; and the settings needed to provide quality recreation opportunities; and

(iii) Recreation opportunities on the National Forest System lands.

(2) The supply of developed recreational facilities in the area of National Forest influence shall be appraised for adequacy to meet present and future demands.

(3) Alternatives shall include consideration of establishment of physical facilities, regulation of use, and recreation opportunities responsive to current and anticipated user demands.

(4) In formulation and analysis of alternatives as specified in 219.12(f) and (g), interactions among recreation opportunities and other multiple uses shall be examined. This examination shall consider the impacts of the proposed recreation activities on other uses and values and the impacts of other uses and activities associated with them on recreation opportunities, activities, and quality of experience.

(5) Formulation and evaluation of alternatives under paragraphs (i)(3) and (4) above shall be coordinated to the extent feasible with present and proposed recreation activities of local and State land use or outdoor recreation plans, particularly the State Comprehensive Outdoor Recreation Plan, and recreation opportunities already present and available on other public and private lands, with the aim of reducing duplication in meeting recreation demands.

(6) The visual resource shall be inventoried and evaluated as an integrated part of evaluating alternatives in the forest planning process, addressing both the landscape visual attractiveness and the public's visual expectation. Management prescriptions for definitive land areas of the forest shall include visual quality objectives.

(7) Off-road vehicle use shall be planned and implemented to protect land and other resources, promote public safety, and minimize conflicts with other uses of the National Forest System lands. Forest planning shall evaluate the potential effects of vehicle use off-roads and, on the basis of the requirements of Part 295, of this chapter, classify areas and trails of National Forest System lands as to whether or not off-road vehicle use may be permitted.

(j) *Mineral resource:* the mineral exploration and development in the planning area shall be considered in the management of renewable resources. The following shall be recognized to the extent practical in the forest plan:

(1) Active mines within the area of land covered by the forest plan;

(2) Outstanding or reserved mineral rights;

(3) The probable occurrence of various minerals, including locatable, leasable, and common variety;

(4) The potential for future mineral development;

(5) Access requirements for mineral exploration and development; and

(6) The probable effect of renewable resource prescriptions and management direction on mineral resources and activities, including exploration and development.

(k) *Water and soil resource:* Forest planning shall provide for:

(1) General estimates of current water uses, both consumptive and non-consumptive, including instream flow requirements within the area of land covered by the forest plan;

(2) Identification of significant existing impoundments, transmission facilities, wells, and other man-made developments on the area of land covered by the forest plan;

(3) Estimation of the probable occurrence of various levels of water volumes, including extreme events which would have a major impact on the planning area;

(4) Compliance with requirements of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, the Safe Drinking Water Act, and all substantive and procedural requirements of Federal, State, and local governmental bodies with respect to the provision of public water systems and the disposal of waste water;

(5) Evaluation of existing or potential watershed conditions that will influence soil productivity, water yield, water pollution, or hazardous events; and

(6) Adoption of measures, as directed in applicable Executive Orders, to minimize risk of flood loss and to restore and preserve floodplain values, and to protect wetlands.

(l) *Cultural and historic resources:* Forest planning shall provide for the identification, protection, interpretation and management of significant cultural resources on National Forest System lands. Planning for the resource shall be governed by the requirements of Federal laws pertaining to historic preservation, and guided by the criteria in paragraphs (l)(1) through (3) of this section.

(1) Forest planning shall:

(i) Provide an overview of known data relevant to history, ethnography, and prehistory of the area under consideration, including known cultural resource sites;

(ii) Identify areas requiring more intensive inventory;

(iii) Provide for evaluation and identification of appropriate sites for the National Register of Historic Places;

(iv) Provide for establishing measures for the protection of significant cultural resources from vandalism and other human depredation, and natural destruction;

(v) Identify the need for maintenance of historic sites on, or eligible for inclusion in the National Register of Historic Places; and

(vi) Identify opportunities for interpretation of cultural resources for the education and enjoyment of the American public.

(2) In the formulation and analysis of alternatives, interactions among cultural resources and other multiple uses shall be examined. This examination shall consider impacts of the management of cultural resources on other uses and

activities and impacts of other uses and activities on cultural resource management.

(3) Formulation and evaluation of alternatives shall be coordinated to the extent feasible with the State cultural resource plan and planning activities of the State Historic Preservation Office and State Archaeologist and with other State and Federal agencies.

(m) *Research Natural Areas:* Forest planning shall provide for the establishment of Research Natural Areas (RNA's). Planning shall make provision for the identification of examples of important forest, shrubland, grassland, alpine, aquatic, and geologic types that have special or unique characteristics of scientific interest and importance and that are needed to complete the national network of RNA's. Biotic, aquatic, and geologic types needed for the network shall be identified using a list provided by the Chief, Forest Service. Authority to establish RNA's is delegated to the Chief in 7 CFR 2.60(a) and 36 CFR 251.23. Recommendations for establishment of areas shall be made to the Chief through the planning process.

§ 219.14 Management requirements.

(a) Specific management requirements to be met in accomplishing goals and objectives for National Forest System lands include, as a minimum, those in paragraphs (b) through (i) of this section.

(b) All management prescriptions shall:

(1) Conserve soil and water resources, and not allow significant or permanent impairment of the productivity of the land;

(2) Consistent with the relative resource values involved, minimize serious or long-lasting hazards from flood, wind, wildfire, erosion, or other natural physical forces unless these are specifically accepted, as in wilderness;

(3) Consistent with the relative resource values involved, prevent or reduce serious, long-lasting hazards from pest organisms through consideration of pest-host systems and management of pest populations at levels designed to meet multiple-use objectives;

(4) Protect streams, streambanks, shorelines, lakes, wetlands, and other bodies of water as provided under paragraphs (e) and (f) of this section;

(5) Provide for and maintain diversity of plant and animal communities to meet overall multiple-use objectives, as provided in paragraph (g) of this section;

(6) Provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species and provide that habitat for selected species chosen under 219.12(g)(2) is maintained and improved in accordance with multiple use goals and objectives established in the plan;

(7) Be assessed prior to project implementation for potential physical, biological, aesthetic, cultural, engineering, and economic impacts and for consistency with multiple uses planned for the general area;

(8) Include measures for preventing the destruction or adverse modification of critical habitat for threatened and endangered species;

(9) Provide that existing signficant transportation and utility corridors and other significant right-of-ways that are capable and likely to be needed to accommodate the facility or use from an additional compatible right-of-way, be designated as a right-of-way corridor. Subsequent right-of-way grants will, to the extent practicable, and as determined by the responsible line officer, use designated corridors;

(10) Ensure that any roads constructed through contracts, permits, or leases are designed according to standards appropriate to the planned uses, considering safety, cost of transportation, and effects upon lands and resources;

(11) Provide that all roads are planned and designed to re-establish vegetative cover on the disturbed area within a reasonable period of time, not to exceed 10 years after the termination of a contract, lease or permit, unless the road is determined necessary as a permanent addition to the National Forest Transportation System; and

(12) Be consistent with maintaining air quality at a level that is adequate for the protection and use of National Forest System resources and that meets or exceeds applicable Federal, State and/or local standards or regulations.

(c) Management prescriptions that involve vegetative manipulation of tree cover for any purpose shall:

(1) Be best suited to the multiple-use goals established for the area with potential environmental, biological, cultural resource, aesthetic, engineering, and economic impacts, as stated in the regional and forest plans, being considered in this determination;

(2) Assure that lands can be adequately restocked as provided in paragraph (h)(4) of this section, except where permanent openings are created for wildlife habitat improvement, vistas, recreation uses and similar practices;

(3) Not be chosen primarily because they will give the greatest dollar return to the greatest output of timber, although these factors shall be considered;

(4) Be chosen after considering potential effects on residual trees and adjacent stands;

(5) Avoid permanent impairment of site productivity and ensure conservation of soil and water resources;

(6) Provide the desired effects on water quantity and quality, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation uses, aesthetic values, and other resource yields; and

(7) Be practical in terms of transportation and havesting requirements, and total costs of preparation, logging, and administration.

(d) When openings are created in the forest by the application of even-aged silviculture, the provisions of paragraphs (d) (1) and (2) of this section apply.

(1) The blocks or strips cut shall be shaped and blended with the natural terrain, to the extent practicable, to achieve aesthetic and wildlife habitat objectives established in the plan. Openings shall be located to achieve the desired combination of multiple use objectives. As a minimum, openings in forest stands are no longer considered openings once a new forest stand is established. Forest plans may set forth variations to this minimum based on site specific requirements for achieving multiple use objectives.

(2) Individual cut blocks, patches, or strips shall conform to the maximum size limits for areas to be cut in one harvest operation established by the regional plan according to geographic areas and forest types. This limit may be less than, but will not exceed, 60 acres for the Douglas-fir forest type of California, Oregon, and Washington; 80 arces for the southern yellow pine types of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, and Texas; 100 acres for the hemlock-sitka spruce forest type of coastal Alaska; and 40 acres for all other forest types except as provided in pargraphs (d)(2) (i) through (iii) of this section:

(i) Cut openings larger than those specified may be permitted where larger units will produce a more desirable combination of net public benefits. Such exceptions shall be provided for in regional plans. The following factors shall be considered in evaluating harvest cuts of various sizes and shapes to determine size limits by geographic areas and forest types: Topography; relationships of units to other natural or artificial openings and proximity of units; coordination and consistency with adjacent forests and regions; effect on

water quality and quantity; visual absorption capability; effect on wildlife and fish habitat; regeneration requirements for desirable tree species based upon the lastest research findings; transportation and havesting system requirements; natural and biological hazards to survival of residual trees and surrounding stands; and the relative total costs of preparation and administration, transportation requirements, harvesting, site preparation, planting, stocking control and future stand tending of harvest cuts of various sizes and shapes. Specification for exceptions shall include the particular conditions under which the larger size is permitted and set a new maximum size permitted under those conditions.

(ii) Size limits exceeding those established in paragraphs (d)(2) and (d)(2)(i) of this section are permitted on an individual timber sale basis after 60 days' public notice and review by the Regional Forester.

(iii) The established limit shall not apply to the size of areas harvested as a result of natural catastrophic condition such as fire, insect and disease attack, or windstorm.

(e) Special attention shall be given to land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water. This area shall correspond to at least the recognizable area dominated by the riparian vegetation. No management practices causing detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits or sediment shall be permitted within these areas which seriously and adversely affect water conditions or fish habitat. Topography, vegetation type, soil, climatic conditions, management objectives, and other factors shall be considered in determining what management practices may be performed within these areas or the constraints to be placed upon their performance.

(f) Conservation of soil and water resources involves the analysis, protection, enhancement, treatment, and evaluation of soil and water resources, and their responses under management and shall be guided by instructions in official technical handbooks. These handbooks must show specific ways to avoid or mitigate damage, and maintain or enhance productivity on specific sites. These handbooks may be regional in scope or, where feasible, specific to physiographic or climatic provinces.

(g) The forest plan shall provide for diversity of plant and animal communities and tree species consistent with the overall multiple-use objectives of the planning area. Diversity of plant and animal communities and tree species shall be considered throughout the planning process. Inventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present condition. For each planning alternative, the interdisciplinary team shall consider how diversity will be affected by various mixes of resource outputs and uses, including proposed management practices. Management prescriptions, where appropriate and to the extent practicable, shall preserve and enhance the diversity of plant and animal communities, including endemic and desirable naturalized plant and animal species, so that it is at least as great as that which would be expected in a natural forest and the diversity of tree species similar to that existing in the planning area. Reductions in diversity of plant and animal communities and tree species from that which would be expected in a natural forest, or from that similar to the existing diversity in the planning area, may be prescribed where needed to meet overall multiple-use objectives. Planned type conversion shall be justified by an analysis showing biological, economic, social, and environmental design consequences, and the relation of such conversions to the process of natural change.

(h) The management requirements in paragraphs (h)(1) through (8) of this section apply to timber harvest and cultural treatments.

(1) No timber harvesting shall occur during the planning period on lands classified as not suited for timber production pursuant to § 219.13(b) (1) through (4) except for salvage sales, sales necessitated to protect other multiple-use values or activities that meet other objectives on such lands if the forest plan establishes that such actions are appropriate.

(2) Sale quantities will be planned for a specific time or interval on all lands classified as suitable for timber production.

(3) The selected sale schedule provides the allowable sale quantity for the planning period. Within the planning period, the volume of timber to be sold in any one year may exceed the average annual allowable sale quantity so long as the total amount sold for the planning period does not exceed the allowable sale quantity. Nothing in this paragraph prohibits salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger of insect or disease attack and where consistent with silvicultural and environmental standards. Such timber may either substitute for timber that would otherwise be sold under the plan or, if not feasible, be sold over and above the planned volume.

(4) When trees are cut to achieve timber production objectives, the cuttings shall be made in such a way as to assure that the technology and knowledge exists to adequately restock the lands within 5 years after final harvest. Research and experience shall be the basis for determining whether the harvest and regeneration practices planned can be expected to result in adequate restocking. Adequate restocking means that the cut area will contain the minimum number, size distribution, and species composition of regeneration as specified in regional silvicultural guides for each forest type. Five years after final harvest means 5 years after clearcutting, 5 years after final overstory removal in shelterwood cutting, 5 years after the seed tree removal cut in seed tree cutting, or 5 years after selection cutting.

(5) Cultural treatments such as thinning, weeding, and other partial cutting may be included in the forest plan where they are intended to increase the rate of growth of remaining trees, favor commercially valuable tree species, favor species or age classes which are most valuable for wildlife, or achieve other multiple-use objectives.

(6) Harvest levels based on intensified management practices shall be decreased no later than the end of each planning period if such practices cannot be completed substantially as planned.

(7) Timber harvest cuts designed to regenerate an even-aged stand of timber shall be carried out in a manner consistent with the protection of soil, watershed, fish and wildlife, recreation, and aesthetic resources, and the regeneration of the timber resource.

(8) Timber shall not be harvested where such treatment would favor an abnormal and potentially damaging increase in injurious insects and disease organisms.

(i) Monitoring shall ensure as a minimum that:

(1) Lands are adequately restocked as specified in the forest plan;

(2) Lands identified as not suited for timber production are examined at least every 10 years to determine if they have become suitable; and that, if determined suited, such lands are returned to timber production;

(3) Maximum size limits for harvest areas are evaluated to determine whether such size limits should be continued; and

(4) Destructive insects and disease organisms do not increase to potentially damaging levels following management activities.

§ 219.15 Research.

(a) Research needs for management of the National Forest System shall be identified during planning and periodically reviewed during evaluation of implemented plans. Particular attention should be given to research needs identified during the monitoring and evolution described in § 219.12(k). These identified needs shall be included in formulating overall research programs and plans which involve private as well as public forest and rangelands.

(b) Research needed to support or improve management of the National Forest System shall be established and budgeted at the research station and national levels. Priorities for this portion of the Forest Service Research Program shall be based upon the information gathered at all planning levels of the National Forest System.

(c) An annual report shall be prepared at the national level with assistance from Regions and Stations which shall include, but not be limited to, a description of the status of major research programs which address National Forest System needs for Research, significant findings, and how this information is to be or has recently been applied.

§ 219.16 Transition period.

(a) Until a forest planning area of the National Forest System is managed under a forest plan developed pursuant to these regulations and approved by the Regional Forester, the land may continue to be managed under existing land use and resource plans. As soon as practicable, existing plans shall be amended or revised to incorporate standards and guidelines in this subpart. Pending approval of a forest plan, existing plans may be amended or revised to include management requirements not inconsistent with the provisions of the Forest and Rangeland Renewable Resources Planning Act, as amended, and these regulations.

(b) A forest plan may become effective prior to the development and approval of its related regional plan, provided that the forest plan is reviewed upon regional plan approval, and if necessary, amended to comply with regional management direction. If such an amendment is significant, it shall be made pursuant to the requirements for the development of a forest plan.

(c) As a result of the eruption of Mount St. Helens, a land management plan for the Mount St. Helens area shall be prepared substantially in accordance with the following procedures:

(1) Notwithstanding any other provisions in this subpart, the area included in the Mount St. Helens land management plan will not be subject to planning activities for the first generation Gifford Pinchot National Forest Plan unless the Regional Forester for the Pacific Northwest Region determines that additional planning activities are desirable.

(2) Lands which were inventoried as roadless and designated for nonwilderness uses in the Roadless Area Review and Evaluation (RARE II) shall be managed for uses other than wilderness. Except for a small part of the Mount Margaret roadless area (B 6071), the Mount St. Helens land management plan shall not consider wilderness designation for these lands.

(3) Land which were inventoried as roadless and designated as further planning in the Roadless Area Review and Evaluation (RARE II) shall be evaluated in the Mount St. Helens land management plan and shall be managed in accordance with that plan.

Dated: February 11, 1982.

Richard E. Lyng,

Acting Secretary.

Note.—This appendix will not appear in the CFR.

Appendix A—Environmental Assessment on the Revision of 36 CFR 219, Subpart A, National Forest System Land and Resource Management Planning

This combined environmental assessment and report is intended to meet all requirements for compliance with the National Environmental Policy Act (42 U.S.C. 4321–4347); and 36 CFR 216, 45 FR 29291 (May 2, 1980).

Introduction

The Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976 (NFMA), is a comprehensive framework for and primary source of direction to the Forest Service to manage the National Forest System (NFS). The central element of the Act is the institution of land and resource management planning which will be applied to maximize net public benefits through effective use and protection of renewable resources and to achieve a proper balance of the use of NFS lands.

Section 6 of the Act requires the Secretary of Agriculture to prescribe NFS land and resource management planning regulations. The standards and guidelines in the regulations must be incorporated into NFS land and resource management plans by September 30, 1985.

The Secretary may issue such regulations as he deems necessary to carry out the provisions of the RPA, as amended. However, the Act specifically requires the issuance of regulations which establish a process to develop and revise land management plans, and which set forth guidelines and standards to be followed in developing such plans. At a minimum, the regulations must include the specific requirements of subsection 6 (g). The Act also specifically requires that these regulations be promulgated pursuant to 5 U.S.C. 553 to insure public notice and comment.

Regulations for National Forest System planning were published in the **Federal Register**, Volume 44, No. 181, on September 17, 1979, accompanied by a Final Environmental Impact Statement (FEIS). The FEIS analyzed and evaluated alternative sets of proposed regulations developed in response to NFMA, Section 6. The FEIS addressed only the qualitative nature of effects because the regulations are procedural and only indirectly affect the quality of the human environment.

This Environmental Assessment is tiered under the FEIS dated September 17, 1979, as provided for in 40 CFR 1502.20. The analysis performed and documented in the FEIS is adopted herein and made part of this Environmental Assessment, as provided for in 40 CFR 1506.3. Specific impacts will be discussed in appropriate detail in regional and forest level plans prepared under the proposed regulations following NEPA procedures.

Purpose and need

The existing regulations require that they be regularly reviewed and, when appropriate, revised. Though the first such review does not have to be completed until 6 years following their initial promulgation, the Forest Service during planning now in process has discovered redundancies and confusing organization of material which has led to misinterpretation of the intent and function of the planning process.

The Presidential Task Force on Regulatory Relief identified the regulations as one of several priority candidates for regulatory review pursuant to Executive Order 12291 issued February 17, 1981. In compliance with the Executive Order, the review was conducted to determine if there is an opportunity to reduce the burden of existing and future regulations, increase agency accountability for regulatory actions, minimize duplication and conflict of regulations, and improve the regulations.

Evaluation criteria

Analysis of the existing regulations began with identifying tentative criteria important in deciding from among alternative regulatory revision proposals considered. The criteria are that any revision:

—Establish simple, concise, easily understood procedures that do not burden or encumber decisionmakers and the public more than necessary;

—Improve agency accountability for actions called for in the procedures;

—Minimize duplication and conflict in applying and carrying out the procedures;

—Improve precision of direction by reducing redundancy and ambiguity; and

—Provide a basis for maximizing net public benefits.

Affected environment

The affected environment is the entire National Forest System, approximately 190 million acres of Federal land administered by the Forest Service. For more detailed description of this environment affected, the reader is referred to the original FEIS on the NFMA regulations.

The USDA Forest Service as an institution is also part of the affected environment. The hierarchical structure of the Forest Service is 3-tiered—national, regional, and local (National Forest). Thus, any proposed changes in regulations affecting one level would also affect another level. The completion of land and resource management plans is a major institutional concern. NFMA planning has been underway since September 1979, and an orderly, systematic planning process has been developed to solve highly complex planning problems. Plans for 120 administrative units of the National Forest System are in the development stage now. It requires approximately 2 years to develop a forest plan. NFMA allows the Forest Service until 1985 to develop NFMA land and resource management forest plans. However, the Forest Service is committed to having forest plan data available in 1983 for the 1985 RPA Program analysis; completion of planning documents for some forests, however, may have to be carried over until 1984.

Alternatives considered

Alternatives considered for revision of the regulations were (1) completely rewrite regulations for the purpose of changing basic planning concepts and methodology and management requirements; (2) revise regulations to be more responsive to the President's Executive Order to develop regulations that maximize net public benefits and to clarify and simplify planning procedures; (3) to continue with the current regulations and make no changes until after the first cycle of forest planning (1983), and (4) to seek revisions of the NFMA (which mandates promulgation of planning regulations) to permit development and implementation of land and resource management planning procedures through agency manuals or handbooks rather than through a formal regulatory process, and, in the meanwhile, continue under the current regulations.

Alternative 1—Completely rewrite regulations for the purpose of changing basic planning concepts and methodology, and management requirements.

Reasons to support decision to completely rewrite regulations

1. This alternative would clarify and simplify the total formal planning effort.

2. It would offer an opportunity to respond to some critical public comments regarding wilderness, timber issues, and regional planning requirements by changing the planning methodology.

Reasons to support decision not to completely rewrite regulations

1. To change the basic planning concepts, methodology, and management requirements is inadvisable at this time as the total forest planning effort has been underway since 1979, and some forest plans have already been completed. The planning effort would be disrupted and crucial forest planning information and data would not be available for the 1985 RPA Program update.

2. A complete rewrite of the regulatory procedures would be costly and inapproprate in light of current economic conditions. Approximately $800,000 has already been incurred in a massive training program on NFMA implementation. Additional costs of training and orientation to a new process would be incurred. Such costs would be disruptive to the President's economic program.

3. Existing basic planning concepts are sound and workable and generally acceptable by public interest groups. Strong resistance to changes in basic concepts is expected from interest groups and the Committee of Scientists, which was convened under NFMA to assist in development of the existing regulations.

4. It is unknown what changes in basic concepts and methodology are desirable. Substantive changes would cancel reasonable compromises agreed on between major interest groups when existing regulations were developed.

5. Such a significant revision would overburden the public in its role of public involvement at a time when the President is reducing government impact on the public.

Alternative 2—Revise regulations to be responsive to the President's Executive Order to develop regulations that maximize net public benefits and to clarify and simplify planning procedures.

Reasons to support decision to revise regulations to be more responsive to the President's Executive Order

1. This alternative is responsive to the President's Executive Order 12291, while allowing the ongoing planning effort to continue uninterrupted.

2. Clarification of regulatory requirements would help direct the planning process toward maximization of net public benefits.

3. This alternative would provide an opportunity to clarify aspects of the regulations which presently are susceptible to legal challenge.

4. Clarification and simplification of the planning process would make the process more understandable by the public and thereby be responsive to the President's Executive Order.

5. More cost efficient from the standpoint of plans produced and the process followed.

Reasons to support decision not to revise regulations to be more responsive to the President's Executive Order

1. Significant changes in the planning process at this time would be disruptive to the forest planning effort underway.

2. Even minor delays in publishing forest plans may have adverse impacts in furnishing needed data and information for 1985 RPA update.

3. May confuse public who have become well acquainted with existing regulations.

Alternative 3—Continue under current regulations and do not make any changes until after the first cycle of forest planning (1983):

Reasons to support the decision to continue under existing regulations

1. From practical experience, the Forest Service, interested publics, and the Administration will have gained valuable insight into those changes/revisions that could or should be made in the future.

2. Minimum disruption to ongoing planning under current process is expected. The existing Forest planning schedule will be met.

3. Forest planning data will be in place and usable for the 1985 RPA Program update.

4. Field personnel can continue to move ahead in NFMA planning; employee morale would not be affected.

5. No additional implementation costs would be incurred.

Reasons to not support the decision to continue under existing regulations

1. The Forest Service has identified some changes that if instituted now, could improve the quality of the 1985 RPA update. However, postponing change until 1983 (when forest plans are coming on line) could disrupt the process for the 1985 update of RPA.

2. This alternative would be unresponsive to the Regulatory Review Task Force and the intent of Executive Order 12291.

3. It might be more disruptive and costly to change the planning process later rather than now.

Alternative 4—Seek revision of Section 6 of NFMA to delete requirement for promulgation of planning regulations, and permit development and implementation of a planning process, consistent with NFMA provisions, through the Forest Service directives system. In the interim, continue planning under current regulations.

Reasons To Support the Decision To Seek Revision of Section 6, NFMA

1. In addition to the advantages in Alternative 3, Alternative 4 eliminates much of the routine procedural work required to prepare and promulgate formal regulations, while maintaining openness of the process to public participation in developing and reviewing planning directives.

Reasons To Not Support the Decision To Seek Revision of Section 6, NFMA

1. Seeking regulatory exemption under an amended NFMA might trigger other legislative proposals to modify this Act. Planning experience to date does not indicate need for substantive changes (amendments) to NFMA at this time.

2. Other reasons are similar to those given for Alternative 3.

Effects

Economic: 1. The Assistant Secretary for Natural Resources and Environment has determined that the regulations in their present form are considered "major" as defined in Executive Order 12291. Normally, this would require that a regulatory impact analysis be prepared. However, the specific effects of implementing the regulations and their revisions in whatever form, are virtually impossible to quantify. These regulations are

formulated to direct the *process* of preparing and revising land management plans. Consequently, they have no direct effect on the quality of the environment or the economy. They only establish procedures, and standards and guidelines for planning future commitments. Proposed revisions to these regulations do not impact the economy; increase cost or prices for consumers, individual industries, Federal, State, or local government agencies of geographic regions; have any adverse effect on competition, employment, investment productivity, innovation or the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export based markets. Since the intent of these regulations is that the forest plan would be based on the type of analysis which would be required in a regulatory impact analysis, the Office of Management and Budget has waived the requirement to carry out a regulatory impact analysis.

2. It has been determined that proposed revisions will not have a significant economic impact on a substantial number of small entities because the regulations direct the process to be followed by the Forest Service for preparing and revising its land management plans. There is no relationship of these regulations to small entity paperwork completion, competitive position, cash flow or liquidity.

Human Environment

1. Some general qualified effects or impacts of alternatives to the current regulations were presented in the FEIS which accompanied the regulations published in the **Federal Register.** Specific effects on the human environment will be identified in individual forest plans. These plans are subject to a complete environmental analysis with public participation. Effects generated by the land and resource management alternatives will be analyzed in the environmental impact statement prepared during the actual forest planning effort.

2. None of the alternative regulatory revision proposals are significant in terms of their potential effect on the physical and biological components of the human environment. All comply with the minimum requirements of NFMA, Section 6. While maintaining this essential and mandatory condition, alternatives vary primarily with respect to how the planning process and procedural detail included in a given alternative for revision would be treated. This impacts directly the economic and social components of the human environment in terms of effects on the Forest Service as an institution, and indirectly affects the external society.

Comparison of Effects

Major regulatory revision (Alternative 1) would include changes in planning process relationships, standards and guidelines, and analytical procedures. Though the agency could accommodate major revisions in the long run, much of the work already accomplished (data analysis, formulation of management prescriptions, activity scheduling, and land resource allocation, training and start-up cost) would be lost or need substantial modification. The attendant delay would probably double the cost of producing final plans, and prohibit completion of most plans by the statutory due date of September 30, 1985. Additional training of personnel would also be required.

Regulatory revision reflects a known need to reduce ambiguity and redundancy, and to portray more lucidly the planning process. Additional training would not be needed. This approach will cause minor delays in the completion of about 25–30 plans which are currently at the working draft stage.

Making no revisions in the regulations at this time is viewed as unresponsive to the Administration's position that the current regulations are major and can be modified to meet the general intent of Executive Order No. 12291.

Preferred Alternative

Considering the volume and intensity of planning activity undergone since September 1979, the compelling need to meet statutory planning deadlines, and the publics' stated commitment to "see through" the first cycle of planning under the NFMA regulations, Alternative 2 is considered the preferred alternative. It promises simplicity, accountability, minimum conflict, and more precise direction, all in a context of maximizing net public benefits.

A summary of the regulations as proposed under this alternative is presented in the Preamble to the Proposed Rule which is published in this volume of the **Federal Register,** and is hereby incorporated and made part of this environmental Assessment.

It is hereby determined that revision of these regulations is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102.2(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4432(c)] is not required.

[FR Doc. 82–4531 Filed 2–19–82; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4—FRL–2016–3]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The State of Missouri has submitted proposed amendments to its State Implementation Plan (SIP) involving the prevention of significant deterioration (PSD) of air quality and new source review in nonattainment areas. EPA has reviewed the state's submission and is proposing to approve the proposed amendments to the SIP provided the state makes certain changes to its regulations, the submission does not otherwise change substantively during the state's public comment period and there are no public comments which would affect the approvability of the regulations. Today's notice is published to advise the public of EPA's proposed action and to request comments.

DATES: Comments must be received on or before April 23, 1982.

ADDRESSES: Comments should be addressed to Mr. Wayne G. Leidwanger, Air and Radiation Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the state submission and EPA's technical evaluation are available at the preceding address as well as at the following locations: Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65101.

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

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1980, EPA promulgated amended regulations for the review of new air pollution sources, including recommendations for the prevention of significant deterioration (PSD) of air quality and regulatory changes affecting new source review in nonattainment areas (45 FR 52676). SIP revisions to address these changes were due nine months after this promulgation.

On June 15, 1981, the State of Missouri submitted revisions to Rules 10 CSR 10–6.020, Definitions, and 10 CSR 10–6.060, Permits Required, to address the requirements of EPA's regulatory changes published on August 7, 1980. EPA approved (with certain conditions later fulfilled by the state) a prior version of the above regulations on May 9, 1980 (45 FR 30626), insofar as they met the requirements of Part D of the Clean Air Act. EPA reviewed the June 15 submission from the state to determine whether it met the regulatory changes published August 7 last year. EPA identified certain deficiencies in the state's regulations which the state agreed to address.

On September 18, 1981, Missouri requested delegation of PSD authority until such time as the SIP revision could be approved. PSD delegation, subject to certain conditions dealing with those portions of the Missouri regulations

which did not meet EPA's requirements, was granted on October 19, 1981. A notice of this action was published in the **Federal Register** on November 25, 1981, (46 FR 57757).

On November 13, 1981, the state submitted a proposed new Rule 10 CSR 10–6.060. The submission includes proposed changes to the definitions of some terms. This submission is intended to replace the previous version of the regulations under which PSD authority was granted to the state and is the subject of today's proposed rulemaking.

II. Review of the State's Submission

In reviewing the state's submission, EPA has identified a number of items which are not consistent with EPA's regulatory requirements. In a letter of September 3, 1981, the state clarified certain provisions in its regulations as discussed below. For a more detailed description of the state's SIP revision and how the state intends to implement certain requirements, the reader should consult EPA's technical evaluation. EPA believes the provisions of the state's regulations not discussed below or in the technical evaluation memorandum are consistent with the August 7, 1980, promulgation. Although EPA solicits comments on the entire new source regulation, EPA specifically solicits comments on the issues identified below.

a. *Modification of Certain Named Installations.* The proposed Missouri Rule 10 CSR 10–6.060 requires an owner or operator to obtain a permit for construction, or major modification, of certain named sources which have the potential to emit 100 tons per year or more of any pollutant, and any other source having the potential to emit 250 tons per year or more of any pollutant, as required by 40 CFR 51.24(b)(1)(i) and 51.24(i). However, the proposed rule would not apply to those modifications which are greater than 100 but less than 250 tons per year which are made to named installations emitting less than 100 tons per year. As required by 40 CFR 51.24(b)(1)(i)(*c*), any change which itself would constitute a major source must be subject to the permitting requirements. EPA believes this is a significant deficiency which must be corrected prior to final approval of the regulations. The state has indicated that it will seek an appropriate change in the proposed regulation to cover this situation.

b. *Offset provisions.* The proposed Missouri rule (Appendix C, Offsets) provides that the owner or operator of a source from which offsets are obtained must enter into a binding agreement to limit emissions of the offset pollutant to the levels after the offset is applied. The rule further states it will be a violation if a source from which offsets were obtained emits the pollutant at levels greater than identified in the agreement unless a permit is obtained under section (4) Specific Permit Requirements and Exemptions in Nonattainment Areas. However, the permitting requirements for nonattainment areas apply only to major sources or major modifications. Consequently, the regulation could allow a source to increase emissions up to certain de minimis levels and not be subject to the permitting requirements even though an agreement had been reached to limit emissions for the purpose of providing offsets. EPA believes this is a significant deficiency which must be corrected prior to final rulemaking. The state has indicated that it will seek an appropriate change in the proposed regulations to cover this situation.

c. *Net emissions increases.* In determining net emissions increases, EPA regulations at 40 CFR 51.18(j)(1)(vii)(*e*)(*3*) provide in part, that a decrease in actual emissions is creditable only to the extent that it is not relied on by the state to demonstrate attainment or reasonable further progress. The state's proposed definition of net emissions increase in 10 CSR 10–6.020 does not contain this restriction. Therefore, a source could increase its emissions and not be subject to the permitting requirements by taking credit for previous emission reductions although those reductions are necessary to either attain an ambient standard or show reasonable further progress. EPA believes this is a significant deficiency which must be corrected prior to final rulemaking. The state has indicated that it will seek an appropriate change in the proposed regulation to cover this situation.

d. *Air quality models.* EPA regulations (40 CFR 52.21(1)) require that at any time an air quality impact model specified in the "Guideline on Air Quality Models" is inappropriate and another model is substituted, written approval from EPA must be obtained. The state's regulation only says that the Director of the Missouri Department of Natural Resources may approve such substitutions. EPA believes this is a significant deficiency which must be corrected prior to final rulemaking. The state has indicated it will seek an appropriate change to cover this situation.

e. *Contemporaneous emission increases and decreases.* For the purpose of determining net emission increases, EPA regulations allow a source to take credit for increases and decreases in actual emissions which are contemporaneous with the particular change under consideration. EPA believes that an increase or decrease is contemporaneous with the increase from a particular change only if it occurs within a reasonable period. EPA requires that the state specify what constitutes a reasonable period (e.g., 40 CFR 51.24(b)(3)(ii) and 40 CFR 51.18(j)(1)(vii)(*c*)(*1*)). The state regulation does not establish a specified period of time for determining whether emissions increases and decreases are contemporaneous. The state regulation provides that emission changes are contemporaneous if they occur after a new source or PSD permit is issued, but in no case earlier than December 21, 1976 (for nonattainment area sources), or August 7, 1977 (for PSD sources).

Although the state's approach is not clearly consistent with EPA's requirements, EPA does not believe this is a significant deficiency in the state's regulations. EPA intended to allow the states latitute in determining creditable decreases and increases. Furthermore, the state's regulation will not allow sources to take credit for changes which occurred prior to December 21, 1976. In administering the PSD program, EPA presently defines contemporaneous as a period five years before construction on a particular change commerces. Therefore, the state's regulation is presently consistent with EPA's policy. EPA believes that the state's regulation will provide a reasonable approach for a number of years. EPA will periodically review the administration of the program with the state. If at some future date EPA finds that the state's program is deficient in this regard, EPA will request that the state amend its regulations.

f. *Federal enforceability.* In defining net emissions increases or potential emissions, the Missouri regulations do not expressly require that physical or operational limitations be Federally enforceable in order for such limitations to be taken into account. Missouri has recently advised EPA that its regulations do not impose such a requirement. This requirement is contained in 40 CFR 51.18(j) and 51.24. EPA does not believe this is a significant deficiency because the state's regulations do require that such limitations be enforceable. This means that the state, and in some cases, a local agency would have the authority to enforce these provisions. Thus, the state regulations require that emission limitations be enforceable by the state in order to be considered in the new source permitting process. EPA believes that most emission limitations enforceable by Missouri would either be

part of the approved SIP or conditions of new source permits, which would be enforceable by EPA. While the regulation allows some limitations (such as operating permit conditions and consent agreements) to be considered which may not be Federally enforceable, EPA believes that the deficiency in the state regulation is limited in its impact, and is therefore approvable.

g. *Increment violations.* The state's submission does not say what action will be taken if increment violations are discovered. As specified by 40 CFR 51.24(a)(3), a state is required to submit a SIP revision within 60 days of such finding. In its letter of September 3, the state agreed to comply with this policy.

h. *Applicability to nonattainment areas.* The provisions of the Missouri rule pertaining to nonattainment areas are applicable to those areas outlined in a document entitled, "Growth Increments and Nonattainment Areas for the State of Missouri", January 1, 1981. This document specifies those areas designated nonattainment by the state but is is not consistent with the areas designated by EPA under section 107 of the Act (see 40 CFR 81.326). In particular, the state has not designated Columbia and New Madrid as nonattainment areas for the secondary standard for total suspended particulates. Therefore, the nonattainment permitting requirements of the Missouri rules do not apply to these areas. Furthermore, there are no nonattainment plans for these areas as required by Part D of the Clean Air Act. Therefore, EPA is proposing to take no action on the Missouri regulations insofar as they pertain to these two areas. This would mean that the Missouri plan still lacks an approved new source review plan for the Columbia and New Madrid areas and that the state regulation establishing the attainment area (PSD) new source review program would not be enforceable by EPA in these nonattainment areas. The new source review requirements of the Emission Offset Policy (40 CFR Part 51, Appendix S) remain in effect for these areas.

i. *Baseline areas.* The EPA regulation states that the baseline area must encompass the entire attainment or unclassified area designated under section 107 of the Act in which a source would construct or would have an impact equal to or greater than 1 ug/m^3. The Missouri regulation defines it as an area which is not part of a nonattainment area and which would receive an impact of 1 ug/m^3 or more. The state has indicated its intent to redesignate new baseline areas as separate attainment areas and to submit these redesignations to EPA. With this procedure, the state's treatment of baseline area will be consistent with EPA's definition of the term.

j. *Baseline concentration.* The Missouri regulation allows emissions from minor sources which commenced construction before January 6, 1975, but which were not operational on the baseline date, to be included in the baseline concentration. EPA regulations at 40 CFR 51.24(b)(13) allow only major sources and major modifications which fall in this category to be included in the baseline concentration. Therefore, under the Missouri rule these minor sources would not consume increment and the available increment could be larger than what would be available using the EPA rule.

However, EPA has reviewed this matter in the context of Missouri's intent to designate new baseline areas as separate attainment areas. EPA has not found any minor sources which commenced construction prior to January 6, 1975, but were not operational on the baseline date in the vicinity of those sources for which EPA issued a permit when it was administering the program. Furthermore in those areas of the state where the baseline date has not been established, any minor source which commenced construction prior to January 6, 1975, will likely have begun operation by now. Consequently, no practical difference will exist between the way the state will treat baseline concentrations and the manner in which EPA handles this issue. Therefore, EPA is proposing to approve this provision of the state's rules.

III. Conclusion

Proposed Action

EPA proposes to approve Missouri Rules 10 CSR 10–6.020, Definitions, and 10 CSR 10–6.060, Permits Required, as meeting the requirements of Parts C and D of the Clean Air Act provided that, prior to final rulemaking, (1) the state officially adopts and submits these rules, including a revision to make PSD review applicable to modifications of named sources when the modification itself is major, a revision which makes all offset emissions binding upon the source from which they were obtained, a revision that provides that when determining net emissions increases, a decrease in actual emissions is creditable only to the extent that it is not relied on by the state to demonstrate attainment or reasonable further progress, and a revision which commits the state to request EPA approval of air quality models not already approved for use by EPA, (2) no other substantive changes to the rules are made, and (3) there are no public comments which would affect the approvability of the submission. If the regulations as adopted by the state are otherwise substantially changed, EPA will evaluate those changes and publish a revised notice of proposed rulemaking if necessary. EPA is proposing to take no action on the Missouri regulations insofar as they pertain to the Columbia and New Madrid nonattainment areas.

In the notice on November 25, 1981, EPA stated that it had delegated the PSD program to the state under its own rules with certain conditions as discussed in that notice. EPA anticipates that this delegation will be in effect until EPA takes final action to approve the new state's rules as part of the SIP.

EPA is soliciting comments on the state's submission and on the proposed approval of these regulations as a revision to the Missouri SIP. The Administrator's decision to approve or disapprove this submission will be based upon the comments received and on whether the SIP revisions meet the requirements of Parts C and D of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This rule is not major because it only proposes to approve state actions and would impose no additional substantive requirements which will not be applicable under state law. Hence it is unlikely to have an annual effect on the economy of $100 million or more or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

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

Secs. 110 and 172, Clean Air Act, as amended)

Dated: February 11, 1981.
John Franke, Jr.,
Regional Administrator.
[FR Doc. 82-4739 Filed 2-19-82; 8:45 am]
BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 59

Requirements Applicable to Projects for Family Planning Services

AGENCY: Public Health Service (PHS), HHS.

ACTION: Proposed rule.

SUMMARY: The Secretary of Health and Human Services proposes to amend the regulations governing the program for family planning services funded under Title X of the Public Health Service Act in order to implement a recent amendment of that Act. The statutory amendment requires family planning projects to encourage family participation in the provision of services by the projects, to the extent practical. The Secretary proposes to implement this amendment by requiring projects to notify the parents of unemancipated minors seeking family planning services when prescription drugs or devices are provided. In addition, where state law requires family planning providers to provide Title X services to unemancipated minors only with notification to or the consent of their parents, projects would be required to comply with that law.

DATE: Comments on the proposed rules must be submitted in writing to the address below on or before April 23, 1982.

ADDRESS: Comments should be submitted to Marjory Mecklenburg, Acting Deputy Assistant Secretary for Population Affairs, Room 725H, 200 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Marjory Mecklenburg, (202) 472-9093.

SUPPLEMENTARY INFORMATION: Title X of the Public Health Service Act (42 U.S.C. 300 *et seq.*) establishes a program of Federal financial assistance to public and private nonprofit entities for the provision of voluntary family planning services. Under section 1001(a) of that title, the Secretary of Health and Human Services may make grants to such entities for projects which will provide a "broad range of acceptable and effective family planning services," including "services to adolescents." The regulations implementing this section provide, among other things, that family planning services will be made available without regard to age or marital status. 42 CFR 59.5(a)(4).

On August 13, 1981, Congress amended section 1001(a). Section 931(b)(1) of Pub. L. 97-35 adds to section 1001(a) the following provision:

> To the extent practical, entities which receive grants or contracts under this subsection shall encourage family (sic) participation in projects assisted under this subsection.

The Conference Report on Pub. L. 97-35 explains section 931(b)(1) as follows:

> The conferees believe that, while family involvement is not mandated, it is important that families participate in the activities authorized by this title as much as possible. It is the intent of the Conferees that grantees will encourage participants in Title X programs to include their families in counseling and involve them in decisions about services. House Rep. No. 97-208, at 799.

The Secretary proposes to implement section 931(b)(1) by adding the following requirements to the Title X regulations. First, grantees would be required to notify the parents or guardian of unemancipated minors when prescription drugs or prescription devices are provided to such minors. Projects would also be required to inform the minor, prior to the provision of the service, about the notification requirement. Projects would be required to notify the parent or guardian within 10 working days following the initial provision of services by the project, except when the project director determines that notification would result in physical harm to the minor by a parent or guardian. Projects would be required to verify that the notifications were received. If the project was unable to verify that the notification was received, the project could not provide additional prescription drugs or prescription devices to the minor. Projects would be required to keep records on the notifications, verifications, and the number of cases in which a determination to forego parental notification has been made, along with the reasons for the determination. Second, grantees would be required to comply with any State law requiring that notification be provided to or consent obtained from the parents or guardian of unemancipated minors regarding the provision of family planning services to unemancipated minors. Third, the definition of "low income family" in the current regulations would be changed by eliminating the requirement that projects consider adolescents on the basis of their own resources for purposes of charging for services.

The proposed regulation limits application of section 931(b)(1) to "unemancipated minors." However, the definition of "unemancipated minor" varies under this regulation, depending on which requirement is involved. Since the first requirement applies to all grantees, we have proposed a Federal definition of the term for purposes of that requirement. This definition treats minors age 17 or under as unemancipated generally, but otherwise looks to State law to determine what specific acts, such as marriage or parenthood, constitute acts of emancipation. Thus, if State law would treat persons age 12 or older as emancipated for purposes of consent to medical care, Title X project would nonetheless have to treat them as unemancipated for purposes of complying with the first requirement, unless some other circumstance recognized as an act of emancipation under state law were present. With respect to the second regulatory requirement, by contrast, the term "unemancipated minor" is determined entirely by state law. We believe this is appropriate, since the intent of that requirement is to have Title X grantees comply with state laws requiring parental notification or consent. We do not expect that this variation in the applicable definition of emancipation will create difficulties for grantees, since the result is simply that, in addition to any state law requirement, the Federal notification requirement applies to otherwise unemancipated minors up to age 18. Nor do we expect that making a determination concerning emancipation will present any special problems for grantees, since they presently must decide who is emancipated in order to determine whether appropriate consent has been obtained in the course of providing medical services.

Under the proposed rules, projects would be required to notify the parents or guardian of an unemancipated minor where prescription drugs or prescription devices were provided. We believe that this requirement is consistent with the concern underlying section 931(b)(1). The Congressional policy of encouraging family participation in decision-making about family planning services is most clearly relevant where medical services are being provided to adolescents. In our view, implicit in section 931(b)(1) is an assumption that these individuals will generally benefit from the exercise of a parent's mature judgment on their behalf on matters that may affect their physical well-being. Particularly where prescription drugs or prescription devices are being considered, parents

have a direct and legitimate concern in participating in a decision that may have long-term health consequences for the adolescent. It is our view that such involvement cannot occur unless the adolescent's parents or guardian are given the opportunity to participate, an opportunity which notification will provide. Thus, while we believe that grantees should encourage involvement of a minor's parents to the maximum extent possible in the provision of Title X services generally, the proposed rule ensures that Title X grantees will encourage parental involvement in those cases where it is most likely to be of the most significant value.

At the same time, the proposed rule provides that notification need not precede the provision of services, but rather that it must occur after services are provided. We believe this policy establishes a reasonable balance between competing concerns. On the one hand, it is the policy of the Act to make services available to adolescents, as evidenced by the statute's inclusion of "service to adolescents" as a mandatory project requirement. Requiring notification before services are provided could unduly delay or otherwise serve to restrict access to services, contrary to the statute's policy. On the other hand, as stated above, parents may reasonably be concerned about the potential medical consequences of prescription drugs and prescription devices, and should be afforded the opportunity to have input into a decision to use them. Notification of the minor's parents or guardian after service should minimize the access problem, while the 10 day rule will assure that parents can become involved promptly where there are serious concerns about the health of their child. To effectuate the notification requirement, projects must verify that the notification was received. If projects are unable to verify that the notification was received, projects may not provide additional prescription drugs and prescription devices to the minor. Also, projects must maintain records on the notifications and verifications.

In addition, the proposed rule provides that the minor must be informed about the notification requirement and permits an exception to the notification requirement where the project director finds that it would result in physical harm to the minor by a parent or guardian. The exception is meant to apply to cases where there is evidence of a history of child abuse, sexual abuse, or incest, or where there are other substantial grounds to determine that notification would result in physical harm to the minor by a parent or guardian. The exception does not apply to cases where notification would result in no more than disciplinary actions of an unsubstantial nature. This exception implements the statutory recognition of the fact that family involvement may not be advisable in all cases: under the statute such involvement is required only "to the extent practical." In our view, situations where notification of a minor's parents or guardian about the receipt of services would physically endanger the minor clearly come within the ambit of this statutory exception. The requirement that the minor be informed about notification will, among other things, provide an opportunity for the project to ascertain whether the exception applies. We recognize that any such exception contains the potential for abuse. Therefore, project directors will be required to keep a record of the number of exception determinations they have made, along with the reasons for each exception.

Finally, the proposed rule provides that the notification requirement shall not apply in cases where a project is providing prescription drugs for the treatment of venereal disease. This is consistent with the overriding public health necessity of ensuring prevention of infection of others.

The second requirement—for parental notification or consent where such a State requirement exists—is being proposed to resolve a dilemma presently facing some grantees. From time to time, States enact laws that seek to require family planning providers to provide family planning services to unemancipated minors only with parental consent or notification. Now, where the State's underlying law of consent renders minors unable to give legally effective consent, Federal regulations do not require a project to provide services to the minor without the consent of a parent or guardian. However, where the minor can provide legally effective consent under State law, the project is required by 42 CFR 59.5(a)(4) to make services available to the minor to the extent it would to any otherwise similarly situated (for example, with respect to income) individual, even if the State has enacted a parental consent requirement intended to apply to Title X providers. Similarly, § 59.5(a)(4) presently precludes States from requiring grantees to condition services to minors upon parental notification.

The Secretary has concluded that the above policies are inconsistent with the statutory policy expressed by section 931(b)(1). Section 931(b)(1) expresses a Congressional judgment that, in an area as sensitive and difficult as family planning services, family involvement in the decisionmaking of minors should be encouraged. Traditionally, this has been an area which States, in their role as *parens patriae,* have regulated, for example, through statutes requiring parental notification or consent to certain types of medical services. In light of this traditional State role, and in order to remedy an often conflicting and confusing situation for grantees, the Secretary believes that it would be appropriate to implement section 931(b)(1) by deferring to legislative judgments made by the States, as expressed by State statutes. Accordingly, the Secretary proposes to amend the regulations to require grantees to adhere to any applicable State parental consent or notification statutes.

Finally, the proposed rules would amend the present definition of "low income family" to eliminate the requirement that projects consider minors who wish to receive services on a confidential basis on the basis of their own, and not their parents', resources. Since persons who are members of low income families receive services without charge, the present policy has the inappropriate effect of skewing the distribution of limited Federal grant funds away from the patients who are the most financially needy. In addition, the present policy indirectly discourages family involvement in the receipt of services by certain minors and thus is inconsistent with section 931(b)(1).

The Secretary solicits comments on the ramifications of the above proposals and suggestions as to how he might more effectively implement the intent of Congress. If there are particular operational problems with any of the proposals, the Secretary would appreciate being so informed. Statistical or other data supporting suggestions for change in the proposals would be particularly welcomed.

Impact Analysis

Executive Order 12291

E.O. 12291 requires that a regulatory impact analysis be prepared for major rules, which are defined in the order as any rule that has an annual effect on the national economy of $100 million or more, or certain other economic effects. The Secretary concludes that these regulations are not major rules within the meaning of the Executive Order, because they will not have an effect on the economy of $100 million or more or

otherwise meet the threshold criteria. To the contrary, they effect a minor alteration in grantee operations that will cost little, if anything, to implement.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal Government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each proposed rule with a "significant economic impact on a substantial number of small entities" an initial analysis must be prepared describing the proposed rule's impact on small entities. The required change in grantee operations will be minimal in cost, as it will generally consist of a slight revision of present intake and counseling procedures applicable to only a small percentage of each grantee's total client population. Therefore, the Secretary hereby certifies that an initial regulatory flexibility analysis is not required.

For the reasons set forth above, the Assistant Secretary for Health, with the approval of the Secretary of Health and Human Services, therefore proposes to amend 42 CFR Part 59, Subpart A, as set forth below.

Dated: December 2, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: December 21, 1981.

Richard S. Schweiker,

Secretary.

PART 59—GRANTS FOR FAMILY PLANNING SERVICES

§59.2 [Amended]

1. The last sentence of the definition of "low income family" in 42 CFR 59.2 is revoked.

2. 42 CFR 59.5(a) is amended by adding thereto the following paragraph (12), to read as follows:

§ 59.5 What requirements must be met by a family planning project?

(a) * * *

(12) Encourage, to the extent practical, family participation in the provision of the project's services to unemancipated minors. A project shall—

(i)(A) When prescription drugs or prescription devices are initially provided by the project to an unemancipated minor, notify the minor's parents or guardian that they were provided within 10 working days following their provision. The project must tell the minor prior to the provision of services about this notification requirement. The project shall verify that the notification was received. Where the project is unable to verify that the notification was received, the project shall not provide additional prescription drugs or prescription devices to the minor.

(B) A project is not required to comply with the first sentence of subparagraph (A) of this paragraph where the project director determines that such notification will result in physical harm to the minor by the parents or guardian.

(C) For the purpose of this paragraph (a)(12)(i), and "unemancipated minor" is an individual who is age 17 or under and is not, with respect to factors other than age, emancipated under State law.

(D) The project must keep records on notifications provided pursuant to the first sentence of subparagraph (A), and on verifications that those notifications were received. The project must also keep records of the number of determinations made under subparagraph (B) and the factual basis for such determinations. The project must make the records required by this subparagraph available to the Secretary on request.

(E) This paragraph (a)(12)(i) does not apply where prescription drugs are provided for the treatment of venereal disease.

(ii) Notwithstanding any other requirement of this subpart, where State law requires the notification or consent of a parent or guardian to the provision of family planning services to an individual who is unemancipated minor under State law, provide such services only in compliance with such law.

(Sec. 6(c), Pub. L. 91–572, 84 Stat. 1507, 42 U.S.C. 300a–4(a))

[FR Doc. 82–4391 Filed 2–19–82; 8:45 am]

BILLING CODE 4160–17–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82–1]

Subsidiary Communications Authorization (SCA) Operations; Order Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; (Order Extending Time for Filing Comments).

SUMMARY: In order to allow interested parties sufficient time to address the many complex issues involved in this proceeding (relating to use of subsidiary communications authorizations by noncommercial educational FM stations) the dates for filing comments are extended to March 12, 1982, and April 9, 1982, respectively for comments and reply comments. This action was taken at the request of the American Foundation for the Blind.

DATES: Comments must be filed on or before March 12, 1982 and reply comments on or before April 9, 1982.

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

FOR FURTHER INFORMATION CONTACT: Jonathan David, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.593 of the Commission's rules, BC Docket No. 82–1.

Adopted: February 4, 1982.

Released: February 9, 1982.

1. On January 5, 1982, the Commission adopted the Notice of Proposed Rule Making in this proceeding (47 FR 2384; January 15, 1982) in order to explore possible changes in the Commission's rules governing the use of subsidiary communications authorizations by noncommercial educational FM stations. Specifically, the Commission proposed allowing these stations to do what commercial FM stations already can do, that is, use these subcarrier operations for remunerative purposes. Comments were scheduled to be filed on February 11, 1982, and reply comments were to be filed on February 26, 1982.

2. A request for extension has been filed by the American Foundation for the Blind, Inc. It argues that more time than provided by the Notice is required to update, assemble and present the material in its files. In addition, it believes that more time is required to research the central legal issue of the meaning of the recently adopted provisions of § 399B of the Communications Act. Thus it seeks an extension of the comment and reply comment dates to April 12, 1982, and May 24, 1982, respectively.

3. Although an extension is warranted in this case, it does not appear to be necessary or appropriate to delay the proceeding by a two-month extension. A one-month extension of the comment date and with four more weeks for reply comments should suffice.

4. Accordingly, it is ordered, that the deadline for filing comments and reply comments are extended through March 12, 1982, and April 9, 1982, respectively.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-4723 Filed 2-19-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 395

[BMCS Docket No. MC-99, Notice No. 82-2]

Driver's Logs

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA is seeking comments on a proposal to reduce the paperwork burden for motor carriers and drivers operating in interstate or foreign commerce by eliminating the required forms of the driver's logs; proposing a less burdensome method of recording a driver's record of duty status; and providing an expanded exemption to the recordkeeping requirement.

DATE: Comments must be received on or before April 23, 1982.

ADDRESS: All comments should refer to the docket number and notice number that appear at the top of this document and should be submitted, preferably in triplicate, to Room 3402, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: One of the primary goals of the FHWA's Bureau of Motor Carrier Safety (BMCS) is to reduce highway fatalities and injuries. One of its most important strategies has involved continuously monitoring the maximum hours of service of commercial motor vehicle drivers operating in interstate or foreign commerce, in an endeavor to eliminate fatigue-induced accidents, attendant loss of life, personal injuries, and severe property damage.

The FHWA is vitally concerned about the paperwork involved in recording a driver's hours of service. The FHWA has reduced and continues to reduce that paperwork burden. However, safety is the FHWA's primary concern, and its procedures must be examined in the context of the impact of any changes to the driver's log requirement on the enforceability of the hours of service regulations and on the protection to the public which these regulations provide.

Consideration has been given to 4 options to relieve the paperwork burden associated with the driver's log. These options included the use of (1) modified tachograph charts, (2) modified carrier time cards or trip reports, (3) use of the existing log, and (4) no recordkeeping requirement. The first 3 options are discussed in detail later in this document. The fourth option, a "no recordkeeping requirement," would in effect be a "no basic hours of service rule," because some recordkeeping is necessary for enforcement. Since the existence of the hours of service requirement is not at issue in this rulemaking, this alternative is not being further considered in this rulemaking action. However, should substantive comments be received that indicate such a discussion and consideration have merit, appropriate action will be considered.

The Interstate Commerce Commission (ICC) first prescribed a log in 1938, and relatively little criticism was directed toward the rule. The log has been and continues to be the only record that depicts variations in a driver's activities over a given period of time. It is a record of a driver's off-duty time, time spent in a sleeper berth, time operating the vehicle, and time working for the motor carrier in a nondriving capacity. It is used to determine if drivers have remaining eligible driving hours prior to time of dispatch, and to monitor the activities of drivers, since they are seldom directly observed by supervisors. It is also the one single document used by enforcement personnel to detect excess hours and is accepted by the courts as adequate evidence of violations.

Revision of the log has been under consideration since 1973 when the American Trucking Associations, Inc. (ATA) filed its petition for a 7-day log as opposed to the daily log, which then was the only version permitted by the regulation. In response to that petition, a 1-year test program was conducted by the BMCS with volunteer motor carriers using a 7-day log. As a result of that test program and further rulemaking actions, the regulations were revised in November 1977. The revised rules authorized the optional use of a multi-day log that permits as many as 8 days of records on one sheet of paper. This action reduced considerably the number of sheets of paper a carrier or driver processed if the carrier chose to use the multi-day log as prescribed in § 395.9 of the Federal Motor Carrier Safety Regulations (FMCSR).

The use of the present logs, forms MCS-59 (daily) and MCS-139 (multi-day), has been extended through June 1982 by the Office of Management and Budget (OMB) to permit the FHWA to issue this proposal of an alternate method for recording a driver's hours of service.

Alternate methods to the log were considered under a research contract awarded to the Chilton Company of Radnor, Pennsylvania. A total of ten potential alternatives to the driver's logs were evaluated by the contractor in terms of the advantages and disadvantages of each when compared with the existing log.[1] An assessment of each alternative was made to determine if it (1) reduced driver burden, (2) reduced paperwork requirements, (3) had strong evidentiary value, (4) could be implemented at a reasonable cost, and (5) would be acceptable as a viable alternative by carrier management, drivers, unions, and the government.

As a result of the analysis and assessment of all the potential alternatives, the contractor concluded that, "* * * there is no single alternative to the existing driver's log that can be recommended universally at the present time."

The contractor recommended that motor carriers be given three options for recording a driver's hours of service. The three options recommended were: (1) Tachographs with additional information to be added to the existing recording chart, (2) existing carrier time cards or trip reports, assuming they include specified critical information, and (3) the existing driver's log.

However, the contractor reported that information currently being recorded on tachograph charts and most existing carrier time cards or trip reports does not satisfy the evidentiary needs required by the courts. For the two options, to be used as alternatives to the driver's logs, the contractor added that it would be necessary to have some additional data recorded, primarily in the area of drivers' duty status.

The assessment of the alternatives to the driver's log was based on (1) information made available to the contractor, (2) opinions and comments

[1] Alternative Methods of Regulating Commercial Motor Vehicles Driver's Hours of Service, January 1979, Chilton Company, Radnor, Pennsylvania, Contract No. DOT-FH-11-9414.

from motor carrier organizations, and (3) personal knowledge of the subject matter on the part of the contractor. Even so, the contractor stated there is no way of determining the actual acceptance factors by all parties or the true evidentiary value without actual operational experience. A test program was conducted to verify the assumptions that were made and the hypotheses that were developed.

Test Program

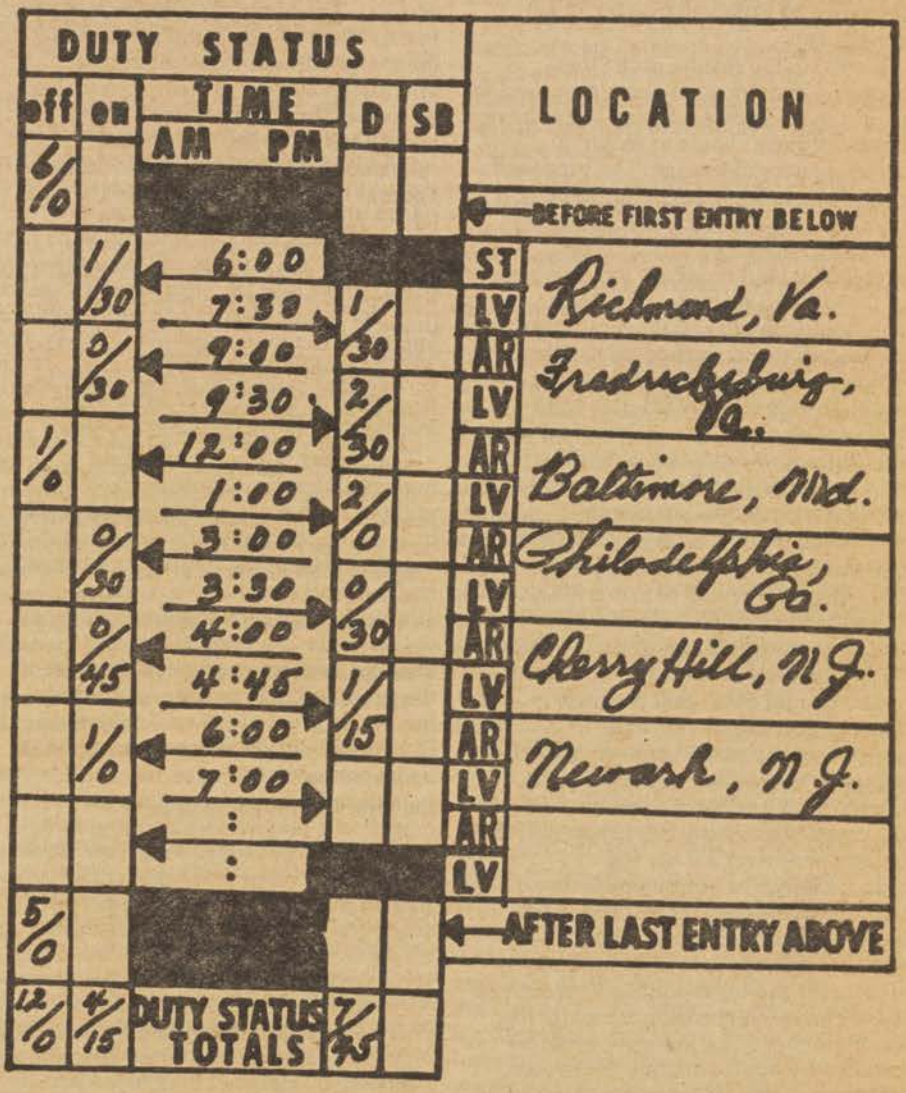
Twenty-eight of the motor carriers selected by the contractor agreed to participate in the test program using either the modified tachograph chart or modified trip reports. The test was conducted for one year beginning May 1, 1980. The participating motor carriers were authorized to use one of the two alternative methods. Authorization was issued by a notice published in the **Federal Register** on April 28, 1980 (Amendment No. 79–4, 45 FR 28142 and Notice No. 80–2, 45 FR 28243). A revised list of participating motor carriers was published in the July 17, 1980, issue of the **Federal Register** (Notice No. 80–5, 45 FR 48015).

Twelve of the 26 participating motor carriers initially agreed to use tachograph charts. Several carriers failed to implement the program for various reasons. For example, one carrier withdrew from the program due to the refusal of interlining motor carriers to accept the tachograph chart in lieu of the log and to the objections of the drivers to maintaining both duty status reports. Only one carrier continued using the tachograph chart in lieu of the log at the end of the test program. Fourteen carriers chose to use the modified trip report. Twelve are continuing that use beyond the end of the test program.

The carriers participating in the program have been authorized to continue using the selected alternative method through April 1983, pending completion of this rulemaking proceeding.

Preliminary results of the test program indicate that the modified trip report appears to be an acceptable alternative to the driver's log. Illustration I is an example of the duty status columns incorporated into the carrier's trip report, travel order, or other record being completed by its drivers.

ILLUSTRATION I



Carriers using tachograph charts modified those charts to include information not normally shown on the chart such as carrier name, home terminal, shipping document numbers, location of change of duty status, remarks, and duty status. It was the absence of this information which led to the conclusion that tachograph charts are of little or no evidentiary value, and, therefore, of little value as a control mechanism.

Based on the results of the test program, revisions are being proposed to permit motor carriers to use any form or format of their choice to record a driver's hours of service. The proposed revision sets forth the information that would be required to be recorded, but not in any specified format. This proposal would require a total revision of § 395.8 and recission of § 395.9, authorizing the use of the multi-day log as an option. Carriers could use the driver's daily log (form MCS–59), the multi-day log (form MCS–139, 139A), a tachograph chart, or a carrier-designed report form so long as it is modified to contain the required information. Based on information obtained by the contractor, many carrier trip reports currently in use contain most of the required information and will only require minor modifications to be in compliance with the proposed driver reporting requirements.

The results of the test program showed that the drivers took approximately 45 percent less time to complete a modified trip report than they took to complete a combination of the original company trip report and the prescribed driver's daily log. Additionally, the contractor estimated that approximately 50 percent of the motor carriers use a trip report or a similar type report, and approximately 10 percent use tachographs. Therefore, if these carriers eliminated the daily log, the burden of filing the logs would be reduced by approximately 60 percent, and the need for filing space to maintain the logs would be eliminated. Therefore, it is proposed that the mandatory log forms be eliminated and carriers be allowed to record required information in a format of their choice.

Ten Hour Proposal

In another effort to reduce the paperwork burden placed on drivers and motor carriers, an advance notice of proposed rulemaking (ANPRM) was published in the **Federal Register** on November 9, 1977 (42 FR 58418), soliciting comments on a provision to exempt certain drivers from log preparation when they operate motor vehicles between specified fixed locations or over the same route day after day within the allowable hours of service. Comments received in response to this ANPRM document the fact that the many different types of carrier operations make it difficult to develop an exemption that covers all of the operations. A notice of proposed rulemaking (NPRM), published in the **Federal Register** on December 15, 1980 (45 FR 82291), proposed such an exemption based on the comments received in response to the ANPRM. The fixed point exemption was revised to propose a 10-hour rule providing an exemption from log preparation if the driver reports for duty and is relieved from duty at the same work reporting location within 10 consecutive hours.

Comments to the docket again indicated that the proposed exemption without further relaxation would be of little value to many operations and result in little or no control over driver's hours of service. It appears that if alternative methods are provided as an option to the daily log, there may be no need for such an exemption. In view of the proposed alternatives to the daily log, withdrawal of the rulemaking in Docket MC–70–2 (10 hour exemption) is being considered.

100 Mile Radius Exemption

The regulations now exempt from the log requirements drivers who do not operate beyond the 100-mile radius of the work reporting location more than one time in any 7 consecutive day period; return to the work reporting location within 12 hours; and have at least 8 consecutive hours off duty between each 12 hours on duty.

The FHWA is also proposing to increase from 12 consecutive hours to 15 consecutive hours the number of hours a driver may be on duty under the 100-mile radius exemption. This proposal is in response to petitions filed by the Private Truck Council of America, Inc., and The Continental Group, Inc., of Chicago, Illinois, requesting that the 50-mile radius exemption with 15 hours on duty be restored as an option.

The petitioners contend that many drivers previously exempt are now required to prepare logs due to the 12-hour limitation. The petitioners pointed out that many companies engaged in such businesses as container manufacturing, merchandise packaging, home heating oil delivery, farm fertilizer delivery and retail services experience a seasonal need which clearly necessitates the 15 hour on-duty time limit.

The FHWA agrees with the petitioners. Increasing the 50-mile radius exemption to 100 miles was not intended to require previously exempt drivers to comply with the log keeping requirement. Rather than establish a separate 50-mile radius exemption it is proposed that the current 100-mile radius exemption rule be revised to permit drivers to be on duty for 15 consecutive hours.

The exemption now contained in the regulations for operations conducted in Hawaii would no longer be needed as the proposed 100-mile radius exemption would include all operations within Hawaii. Therefore, it is proposed that the current exemption for Hawaii be vacated.

Since this proposal does not prescribe a form for recording the required data, it is further proposed that the current exemption for the use of the Canadian log be eliminated.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 but is considered a significant regulation under the regulatory policies and procedures of the Department of Transportation.

A draft regulatory evaluation/initial regulatory flexibility analysis has been prepared and is avaiable for review in the public docket. A copy may be obtained by contacting Mr. Neill L. Thomas at the address provided above under the heading "For further information contact." Due to the preliminary nature of this proposal, the FHWA has not been able to determine that this action will have a significant economic impact on a substantial number of small entities based upon the draft evaluation prepared as of this date. Comments and supporting data and analyses are solicited on the economic impact which may result from this action.

PART 395—HOURS OF SERVICE OF DRIVERS

In consideration of the foregoing, the FHWA proposes to amend Title 49, Code of Federal Regulations, Subtitle B, Chapter III, Part 395, as set forth below.

1. Revise § 395.8 to allow the use of alternative methods to record driver's hours of service and provide an expanded exemption to the recordkeeping requirement. Section 395.8 is revised as follows:

§ 395.8 Driver's record of duty status.

(a) Every motor carrier shall require every driver used by the carrier and every driver who operates a motor vehicle to record the duty activities for each calendar day in duplicate. Their activities must show, for each 24-hour period: Time off duty, sleeper berth time (if a sleeper berth operation), driving time, on-duty not driving time, and name of city, town, or village, with State abbreviation, for each change of duty status. The transportation performed each day must be recorded by entering the date, shipping document number(s) or name of a shipper and commodity, total driving miles, vehicle identification, name of carrier or carriers, and driver's signature to certify correctness.

(b) All entries shall be recorded as follows:

(1) Entries recording duty status must be current to the time of the last change of duty status.

(2) All entries relating to the driver's duty status must be in the driver's own handwriting or by a mechanical means.

(3) The month, day and year for each calendar day must appear on the record being maintained.

(4) Total mileage driven that day shall be recorded.

(5) The motor carrier's vehicle number(s) or the State and license number(s) of each vehicle or unit of a combination operated during the calendar day shall be entered.

(6) The name(s) of the motor carrier(s) shall be shown for which work is performed. When work is performed for more than one motor carrier on the same calendar day, the beginning and finishing time, showing a.m. or p.m., worked for each carrier shall be shown after each carrier name. Drivers of leased vehicles shall show the name of the motor carrier performing the transportation.

(7) Drivers shall certify to the correctness of all entries by signing the record with their legal name or name of record.

(8) The driver's home terminal address at which he/she normally reports for work shall be shown.

(9) The time standard in effect at the driver's home terminal shall be used.

(10) The total hours in each duty status, off duty other than in a sleeper berth, off duty in a sleeper berth, driving, and on duty not driving shall be shown. The total of all entries shall equal 24 hours.

(11) The driver shall submit to the motor carrier the original daily activities record each day or upon return to the home terminal within five days. When the services of a driver are used by more than one motor carrier during any calendar day, the driver shall submit copy of the daily activities record to each motor carrier. The daily activities record shall include all duty time for the entire day; the name of each motor carrier served by the driver that day; and the beginning and finishing time, showing a.m. or p.m. worked for each carrier. Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty prior to beginning work for the carrier.

(12) Daily records for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month. Such records shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt. However, upon written request to, and with the approval of, the Associate Regional Administrator for Motor Carrier Safety for the region in which a motor carrier has its principal place of business, a motor carrier may forward and maintain such records at a regional or terminal office. All approvals now in effect for the driver's daily log do not have to be resubmitted for retention approval of the daily record. The addresses and jurisdictions of the Associate Regional Administrators' offices are shown in § 390.40 of this subchapter. The driver shall retain a copy of each daily record

for 8 days which shall be in his/her possession while on duty.

(c) *Exemption.* (1) *100-mile radius drivers.* A driver is exempt from the requirements of this section if:

(i) the driver does not operate beyond a 100 mile radius of the work reporting location;

(ii) The driver, except a driver salesperson, returns to the work reporting location and is released from work within 15 consecutive hours;

(iii) At least 8 consecutive hours off duty separate each 15 consecutive hours on duty; and

(iv) The motor carrier that employs the driver maintains and retains for a period of 1 year accurate and true time records showing:

(A) The time the driver reports for duty each day;

(B) The total number of hours the driver is on duty each day;

(C) The time the driver is released from duty each day; and

(D) The total on duty time for the preceding 7 days in accordance with paragraph (b)(xi) of this section for drivers used for the first time or intermittently.

(2) *Drivers of lightweight vehicles.* the rules in this section do not apply to a driver of a lightweight vehicle as defined in § 390.17.

§ 395.9 Driver's multi-day log. [Reserved]

2. Remove and reserve "§ 395.9, Driver's multi-day log." from the table of sections and from the corresponding text of part 395.

(49 U.S.C. 304; 49 CFR 1.48(b) and 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety.)

Issued on: February 17, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 82-4713 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 537

[Docket No. FE-77-03; Notice 6]

Automotive Fuel Economy; Semi-Annual Reports

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes various revisions to the required form and contents of the semi-annual reports which automobile manufacturers are statutorily required to submit under the Federal automotive fuel economy program. It is intended that these revisions will reduce the paperwork burdens imposed on manufacturers. The revisions reflect the agency's reduced need for frequent updates of detailed fuel economy related information, resulting from the agency's determination that current market demand for fuel efficient vehicles makes it unlikely that the agency will find it necessary to issue additional passenger automobile fuel economy standards in the next several years.

ADDRESS: Comments should refer to the docket and notice number set forth above and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

DATE: Comments on this notice must be received by April 23, 1982.

FOR FURTHER INFORMATION CONTACT: David Goettee, Office of Automotive Fuel Economy, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202-755-9384).

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)) to submit semi-annually to the agency reports relating to that manufacturer's efforts to comply with average fuel economy standards. One report is due during the 30-day period preceding the beginning of each model year (the "pre-model year report") and the other is due during the 30-day period beginning on the 180th day of the model year (the "mid-model year report").

Since the various manufacturers have different annual production periods, the agency determined that there was no single model year designation applicable to all companies. Therefore, in accordance with section 501(12) of the Act, the agency determined that the calendar year should serve as the "model year" for purposes of section 505, making the pre-model year report for any year due in December of the prior year and the mid-model year report due in July of that year. For the major domestic manufacturers, this means that the pre-model year report is submitted well into their actual production period and the mid-model year report is due after the end of that period.

Section 505(a) of the Act provides 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 with the standards, and any other information the agency may require. Whenever a manufacturer determines that a plan it has 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 further authorizes the agency to require further reports, as necessary for it to carry out the various fuel economy functions specified in the Act. The Act also requires the agency to issue rules prescribing the form and content of reports. See section 505(a)(3) of the Act.

The agency relied on both the compliance-related authority of section 505(a) and the general authority of section 505(c) in establishing form and content requirements for those reports in 42 FR 62374, on December 12, 1977. The latter authority was relied upon to require the submission of information necessary for the agency to establish fuel economy standards for passenger automobiles and light trucks. However, it appears that some of the information required to be submitted under the original reporting requirements is now unnecessary. Some of the information is now unnecessary because of the agency's determination that market demand for fuel efficient vehicles is such that there is currently no need for the agency to pursue fuel economy standard-setting beyond the last year for which standards are not established, i.e., 1985. See 46 FR 22243, April 16, 1981. Thus, the information required to be submitted solely to assist the agency in passenger automobile standard-setting can, for the foreseeable future, be deleted from the reports. Therefore, the agency is proposing to adopt more limited reporting requirements as discussed below.

The agency's December 1977 rule required the submission of five general categories of information: (1) The manufacturer's projected corporate average fuel economy (CAFE), (2) 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 CAFE, and of any changes to be made during the model year which will effect CAFE ("running changes"), and (5) a description of marketing measures the manufacturer expects to use to improve CAFE. The terms "model type" and "vehicle configuration" refer to subdivisions of a

manufacturer's product line. A model type is a unique combination of car line (e.g., Chevrolet Citation), basic engine (e.g., 173 cubic inch displacement 6 cylinder engine), and transmission class (e.g., manual transmission). A vehicle configuration is a more narrow classification of vehicles, based on such additional factors as axle ratio, number of gears, and engine calibration.

The agency has used the information submitted in the fuel economy reports for four major purposes. First, as previously noted, the reports provided up-to-date, detailed technical and economic information which was useful in the agency's fuel economy standard-setting. In particular, the vehicle configuration data were useful in establishing a fuel economy baseline for projecting the future fuel economy improvement capability of the various manufacturers. The summary of technological changes provided indications of the extent to which the various manufacturers were using advanced technology for improving fuel economy, thus permitting the agency to determine the remaining improvements available for future model years. Sales and marketing information assisted the agency in estimating the extent to which shifts in consumer demand might affect a manufacturer's ability to achieve compliance with future standards.

The second use of the reports was to provide early indications of the likelihood that manufacturers would comply with standards. This was apparently the main use envisioned by Congress, given the language of section 505(a) of the Act. The projected CAFE provided this information, and the model type and configuration data provided the principal corroboration of the accuracy of the projected CAFE.

A third use for the information contained in the reports is in preparing the agency's various reports to Congress under the statutes it adminsters. Among these Congressional reports are the agency's annual report on the fuel economy program, required by section 502(a)(2) of the Act, and an annual report on the extent to which the automobile industry uses advanced technology, required by 15 U.S.C. 2704. A fourth use is to respond to general information requests relating to the automobile industry, which the agency routinely receives from Congress, other parts of the Executive branch, and the public.

Although three of these information needs are expected to continue at essentially the same level, the first need, i.e., the one related to establishing new standards, is expected to decline significantly. Because of the agency's determination that there is no current need to issue additional passenger automobile fuel economy standards, the first use of the reports will be replaced by the need to monitor the manufacturers' efforts to improve fuel efficiency (to verify that the determination that there is no need to issue further standards remain valid). That altered need is expected to require less detailed and timely information.

To reduce paperwork burdens for the vehicle manufacturers, that have become unnecessary as a result of the agency's reduced information needs, the agency is proposing to eliminate the requirements that information on technologial changes, running changes, and sales mix changes, as well as information on marketing measures, must be submitted in fuel economy reports. Further, the agency is proposing that detailed vehicle configuration data must be submitted only once per year, in the pre-model year report. The agency invites public comment on these and any other appropriate reductions in the fuel economy reporting requirements. The agency also requests information from manufacturers on the magnitude of the man-hour burdens imposed by the various individual requirements. The proposed changes to the reporting requirements are summarized below:

FREQUENCY OF SUBMISSION

	CAFE	Model type data	Configuration data	Running technology and sales changes	Marketing measures
Current	Semiannual	Semiannual	Semiannual	Semiannual	Semiannual
Proposed	Semiannual	Semiannual	Annual	Not required	Not required.

As noted above, the main use of the product line change and marketing information was to assist the agency in its standard-setting proceedings. If this information becomes necessary for some future rulemaking, the agency could obtain all or a portion of this information through the issuance of a special order or by amending the reporting requirements regulation, through reference to publicly available information sources, or possibly from EPA reports. The vehicle configuration data provided detailed corroboration for a manufacturer's projected CAFE, to help the agency determine the likelihood of compliance or noncompliance. However, with automobile market trends reflecting strong demand for fuel efficient vehicles, virtually all manufacturers are expected to exceed the standards through 1985 by comfortable margins. Further, under recent amendments to the Act, no final determination of noncompliance would typically be made until three years after the year in which a manufacturer's CAFE falls below a standard, since credits may be available to offset any penalties if the manufacturer exceeds the standard for any of the three years following the shortfall. Thus, submission of this information once per year (in addition to the possible availability of this information from EPA) should be sufficient to satisfy the agency's needs for detailed vehicle configuration data.

The agency has also determined that certain portions of the vehicle configuration data now required to be submitted were rarely used by the agency in the past and are not likely to be frequently used in the future. Therefore, they will no longer be required by the agency. These portions are the separate city and highway fuel economy values (the manufacturer would still be required to submit the combined value), the number of designated seating positions, and the body style of light trucks.

Comments on this notice should refer to Docket Number FE-77-03, Notice 6, and be submitted to the Docket Section at the address provided at the beginning of this notice. If a commenter wishes to submit information under a claim of confidentiality, five copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and ten 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. 552(b)(4), and that disclosure of the information would result in significant 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 requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been released to the public.

All comments received before the close of business on the comment closing date indicated above will be considered by the agency and will be available for examination in the docket at the above address after the date of their receipt. To the extent possible, comments filed after the closing date will also be considered. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

All comments must not 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 arguments in a concise fashion.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The environmental and economic impacts of this action have been analyzed in accordance with the National Environmental Policy Act and Executive Order 12291, respectively, and those impacts have been determined to be very small. The principal impact of adopting this proposal would be to reduce unnecessary paperwork burdens for the manufacturers, which should entail modest, positive economic and virtually no environmental effects. For those reasons, this proposal does not constitute a "major Federal action significantly affecting the environment" requiring an environmental impact statement, nor is this rule "significant" within the meaning of the Department's regulatory procedures, or a "major rule" within the meaning of the Executive Order. Accordingly, no regulatory impact analysis was prepared for the proposal. The agency has prepared a regulatory evaluation of the impacts of this proposal, copies of which are available from the Docket. In that document, the agency estimates that the current reporting requirements impose a man-hour burden of from 5,000 to 15,000 hours annually for the entire industry. The proposal, if adopted, should reduce this burden by about one-third for the pre-model year reports, and by two-thirds for mid-model year reports.

For the reasons cited above, the agency also certifies that this proposal will not, if promulgated, "have a significant economic impact on a substantial number of small entities" requiring a Regulatory Flexibility Analysis. The regulations are inapplicable to small governmental units and small organizations. Small businesses (i.e., low volume vehicle manufacturers) become exempt from reporting requirements when they petition for and receive alternate fuel economy standards.

(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); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

It is proposed to revise Part 537 of Title 49, to read as follows:

PART 537—AUTOMOTIVE FUEL ECONOMY REPORTS

Sec.

537.1 Scope.
537.2 Purpose.
537.3 Applicability.
537.4 Definitions.
537.5 General requirements for reports.
537.6 General content of reports.
537.7 Pre-model year and mid-model year reports.
537.8 Supplementary reports.
537.9 Determination of fuel economy values and average fuel economy.
537.10 Incorporation by reference.
537.11 Public inspection of information.
537.12 Confidential information.

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 submittted 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 is 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 preceeding 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 paragraphs (b)–(c) of this section for 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 an reason for the insufficiency and the specific additional testing or derivation of fuel economy values by analytical methods believes 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 premodel 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 reference 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. 82-4583 Filed 2-19-82; 8:45 am]
BILLING CODE 4910-57-M

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49 CFR Part 571

[Docket No. 82-04; Notice 1]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to propose an amendment to Safety Standard No. 108 which would provide an alternative location for front identification lamps on vehicles whose overall width exceeds 80 inches. The proposal would allow them to be mounted on the top of the cab instead of "as close as practicable to the top of the vehicle." This action implements the grant of a petition for rulemaking by the Truck Body and Equipment Association.

DATE: Comment closing date for the proposal is April 8, 1982.

Effective date of an amendment would be 30 days after publication of the final rule in the **Federal Register.**

ADDRESS: Comments should refer to the docket number and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (Docket hours are from 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2153).

SUPPLEMENTARY INFORMATION: Paragraph S4.1.1 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, requires trucks of 80 or more inches overall width to be equipped with a series of three identification lamps mounted on the front and rear of the vehicle. According to Table II of Standard No. 108, this location must be "as close as practicable to the top of the vehicle." The Truck Body and Equipment Association (TBEA) has petitioned for an amendment that would allow front identification lamps to be mounted, as an alternative, on the cab. In TBEA's view, safety would not be reduced since the lamps would still

perform their function of identifying the presence of large vehicles in the roadway, and clearance lamps would still mark the height and width of the vehicle. An analogous precedent is found in paragraph S4.3.1.6 which allows clearance lamps mounted on the cab of a truck tractor to indicate overall width of the cab rather than the vehicle. to allow identification lamps also to be mounted on the cab will, in TBEA's opinion, reduce manufacturing costs.

Alternative

The only alternative is to maintain without exception the existing mounting requirement.

Potential Benefits, Costs and Other Impacts

The primary benefit attributable to implementation of the proposal is the slight reduction in the cost of manufacturing which petitioner believes will occur. Because identification lamps are presently required, there will be no increased manufacturing costs connected with this proposal. NHTSA has considered the impacts of this proposal and has determined that it is neither major within the meaning of E.O. 12291 nor significant under Department of Transportation guidelines regarding regulatory policy and procedure. The proposal will have an impact only on those who voluntarily change their lighting systems from one location to another. The impacts are so minimal that preparation of a regulatory evaluation is not warranted. This proposal would not have a significant effect on the human environment since neither the weight nor quantity of materials used in the manufacture or installation of the lamps is affected. Further, no impact on safety is anticipated. The agency certifies that this proposal would not have a significant economic impact on entities. Manufacturers of motor vehicles of chassis-cabs, those affected by the proposal, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, those effects would not be significant given the minimal cost reductions associated with the proposal.

Finally, small organizations and governmental jurisdictions would not be significantly affected since the price of new trucks will be minimally impacted.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.108 [Amended]

In consideration of the foregoing it is proposed that 49 CFR 571.108 be amended by adding a new section S4.3.1.8 to read as follows:

* * * * *

S4.3.1.8 Identification lamps on the front of a vehicle may be mounted on the cab and in this location need not be as close as practicable to the top of the vehicle.

* * * * *

Interested persons are invited to submit comments on the proposal. 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 arguments 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. 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 requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has 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 action 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. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and 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 rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82-4579 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-59-M

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49 CFR Part 571

[Docket No. 82-03; Notice 1]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

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

ACTION: Notice of request for comments.

SUMMARY: The purpose of this notice is to request comments on whether the cab of a vehicle is an acceptable alternative location for the mounting of clearance lamps. The notice is responsive to a petition by Truck Body and Equipment Association (TBEA) which represented that the present location is not acceptable on every vehicle configuration, and that manufacturing costs could be reduced through allowance of an alternative location.

DATE: Comment closing date for this notice is April 8, 1982.

ADDRESSES: Comments should refer to the docket and notice numbers of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (Docket hours are 8:00 a.m. to 4:00 p.m.).

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590, (202-426-2153).

SUPPLEMENTARY INFORMATION: Paragraph S4.1.1 of 49 CFR 571.108 requires vehicles whose width is 80 inches or greater to be equipped with a set of two clearance lamps on both the

front and rear of the vehicle. The purpose of these lamps is to signify the presence of a wide vehicle on the roadway, and Table II requires that they be mounted "to indicate the overall width of the vehicle * * * and as near the top as practicable."

TBEA has petitioned for rulemaking that would allow front clearance lamps to be mounted on top of the cab. According to it, repair and service type trucks often have a reflected light in rearview mirrors that is a problem for the drivers when the lamps are located at the top of the utility body, and as a consequence, these lamps are frequently disabled by the drivers to eliminate this problem. Further, the width of current chassis-cabs is almost the same as the bodies that are mounted on them. A change of this nature would aid truck manufacturers and may reduce the costs for some vehicles.

Specific areas for which the agency requests information and data are:

1. Whether a safety need exists to mark both the height and width of the front of vehicles 80 inches and wider.

2. Whether changes are needed in performance or general requirements of clearance lamps or other front marker lamps for vehicles 80 inches and wider.

3. Whether the mirror glare problem is experienced only by certain types of trucks.

4. Recommendation of alternative location when top-mounted clearance lamps cause a reflected light problem, and whether the term "as near the top as practicable" may be interpreted to mean that the lamps may be mounted just below the field of view of the rearview mirror.

5. The effects on safety if the front clearance lamps were located on top of the cab instead of at the maximum width of the vehicle "as near the top as practicable."

6. The cost savings that could result from an alternative location.

Interested persons are invited to submit comments on the proposal. 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 arguments 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. 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 requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has 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 action 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. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and 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 rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82-4580 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Wheelchair Restraint Systems

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking relating to wheelchair restraint systems used in vans. NHTSA is denying this request made by the Commonwealth of Massachusetts due to our inability to find a safety problem appropriate for resolution by standard-setting. The agency will respond separately to a portion of the petition seeking action under our defect recall and remedy authority. The agency recently published a report summarizing the agency's testing of certain wheelchair restraint systems. It is hoped that this information will assist in developing improved restraint systems.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, D.C. 20590, (202-426-2264).

SUPPLEMENTARY INFORMATION: On January 19, 1981, two agencies of the Commonwealth of Massachusetts petitioned NHTSA to issue a Federal motor vehicle safety standard and commence a recall/remedy proceeding with respect to wheelchair restraint or tiedown systems to be used in vans. One of these state agencies, the Massachusetts Rehabilitation Commission ("MRC"), assists handicapped individuals in obtaining appropriate means of transportation by issuing bids for the modification of vans. These modifications frequently involve the removal of one or more seats and the addition of some type of restraint to hold a wheelchair in place during normal operation of the vehicle and in case of a crash. The van itself is purchased by the handicapped individual, while the MRC reimburses the successful bidder for the modifications. Apparently this program is typical of those of many states.

The MRC contracted with the University of Michigan Highway Safety Research Institute to test the safety of available restraint systems. Based on these tests, it was concluded that available wheelchair restraint systems are "inadequate to restrain a powered wheelchair in any kind of a moderate or severe vehicle accident." NHTSA will soon publish a report on the results of

similar tests it has conducted on non-powered wheelchairs. The conclusions of that report are consistent with those of the University of Michigan report. The Massachusetts petition indicates that the University of Michigan is continuing to evaluate wheelchair restraint systems "to identify an appropriate and effective wheelchair restraint system," and that progress is being made in identifying such a system.

NHTSA has concluded that it is premature to issue a safety standard at this time. This agency knows of no injuries or fatalities involving handicapped individuals using wheelchair restraint systems, and the petitioner was unable to identify any. Also, no information appears to be available on specific systems which would provide superior protection or on improvements which could be made to existing systems. Without the identification of or (more likely given the apparently universally poor performance of existing systems) development of a greatly improved system, and the generation of cost and benefit information of such a system, it would not be productive or appropriate to commence a standard-setting proceeding. The agency will respond separately to the defect/recall portion of this petition.

This agency hopes that the results of its recently completed research, along with the ongoing work at the University of Michigan, will lead to the development of improved restraint systems. Once such a system is developed, agencies such as the MRC can specify the use of those systems in any bids it issues to modify vans for transportation of handicapped individuals. NHTSA believes that such an approach could be effective for promoting the safety of vans used to transport the handicapped.

(Secs. 103 and 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); delegations of authority at CFR 1.50 and 49 CFR 501.8)

Issued on February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82-4581 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 47, No. 35
Monday, February 22, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 81-034N]

Acceptable Analytical Methods To Determine Sulfonamide Residues In Poultry and Red Meat Tissues

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces Food Safety and Inspection Service (FSIS) policy regarding acceptable methods for analyzing poultry and red meat tissues for sulfonamide drug residues. Two new analytical procedures developed by FSIS scientists will replace current methods. FSIS laboratories will begin using the new testing procedures 30 days after publication of this notice. Their use by FSIS Accredited Laboratories will be voluntary.

EFFECTIVE DATE: March 24, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. John E. Spaulding, Director, Residue Evaluation and Surveillance Division, Science Program, FSIS, USDA, Washington, DC 20250; (202) 447-8093.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has designated this Agency action as a "nonmajor" action in accordance with Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This policy change has also been reviewed for cost effectiveness under the USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. The new procedures will provide a net economic benefit, as they analyze animal tissue for sulfonamide drug residues more accurately and at lower levels than currently used methods, and they can be conducted in one-third the time. The only identified alternative is the continued use by FSIS of current less-efficient procedures.

Background

Over the past 5 years, members of the pork and turkey industries, scientists, and Congress have expressed concern regarding the analytical methods used by the Food and Drug Administration (FDA) and FSIS to determine residues of sulfonamide drugs in red meat and poultry tissues.

With one of the current methods, the Tishler A Bratton-Marshall method, the Agencies are not able to determine the specific type of sulfonamide drug present. The specific sulfonamide must be identifed by a separate analytical procedure. In addition, variable interferences from normal tissues constituents during the analysis may affect the reliability of the Tishler A Bratton-Marshall method to give precise and accurate analytical results at the tolerance level of 0.1 ppm in edible tissue.

FSIS scientists undertood the task of developing new sulfonamide analyses. Two new methods were developed, the gas chromatography/mass spectrometry (GC/MS) quantitative procedure and the sulfonamide thin-layer chromatography fluorescence (STLC-F) method. These methods eliminate the inherent limitations of the Tishler A Bratton-Marshall procedure. The GC/MS method was studied collaboratively. It received Interim First Action Approval by the Association of Analytical Chemists (AOAC) for its analysis of sulfamethazine in swine tissues. This method is being modified and expanded to include multisulfonamide analyses in poultry and red meat tissues. Validation for equivalent AOAC status is in progress. The STLC-F method can be used to analyze poultry and red meat tissues for at least five sulfonamides. This procedure has also been studied collaboratively. A copy of the procedure has been submitted to AOAC for consideration for first-action approval. Either of these methods can detect and reliably measure sulfonamide residues at the tolerance level of 0.1 ppm in edible tissues of poultry and red meat without interference from normal tissue constituents.

It is the Agency's intention to have all appropriate FSIS Field Service Laboratories and Accredited Laboratories personnel certified to use the STLC-F procedure because it is more precise, accurate and economical than existing procedures. Therefore, the following policies concerning sulfonamide residue analyses are being instituted by FSIS:

1. On March 24, 1982, the FSIS Field Service laboratories will be implementing the sulfonamide thin-layer chromatography (STLC-F) method for sulfonamides in poultry and red meat as the initial analysis of all tissue samples. If the results show that poultry or red meat tissues contain 0.11 to 0.15 ppm sulfonamides, they will be confirmed by the gas chromatography/mass spectrometry (GC/MS) method before being reported as official. If the results show that these tissues contain greater than 0.15 ppm sulfonamides, they will be reported as official without confirmation. Levels greater than 0.15 ppm may be confirmed at the discretion of the Agency.

2. During FY 1982, upon request, FSIS will initiate certification of appropriate personnel from FSIS Accredited Laboratories in the STLC-F procedure. However, the Agency will continue to accept analytical results from FSIS Accredited Laboratories using previously accepted analytical methods. All reported levels that are greater than 0.10 ppm, regardless of the procedure used, will still be considered above the tolerance level. Confirmation by another analytical method will not be required from laboratories accredited by FSIS, Science Program.

Copies of the FSIS methods may be obtained from: Dr. R. L. Ellis, Director, Chemistry Division, Science Program, FSIS, USDA, Washington, DC 20250, (202) 447-7623.

Done at Washington, DC., on February 2, 1982.

L. L. Gast,

Acting Administrator, Food Safety and Inspection Service.

[FR Doc. 82-4733 Filed 2-19-82; 8:45 am]

BILLING CODE 3410-DM-M

CIVIL AERONAUTICS BOARD

[Order 82-2-76]

Application of Alaska International Air for Certificate Amendment Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (82-2-76).

SUMMARY: The Board is proposing to renew the authority of Alaska International Air to provide mail-only service over segment 2 of its Route on a permanent basis.

DATE: Objections: All interested persons having objections to the Board's issuing the proposed certificate amendment shall file, and serve upon all persons listed below no later than March 5, 1982, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 40361, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. In addition, copies of such filings should be served on Alaska International Air; the mayor and airport manager of each city to which the pleading refers; and the Alaska Transportation Commission.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW, Washington, D.C. 20428, (202) 673-5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-2-76 is available from our Distribution Section, Room 100, 1825 Connecticut Ave. NW, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-2-76 to that address.

By the Bureau of Domestic Aviation: February 16, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-4718 Filed 2-19-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 40367; Order 82-2-82]

Application of Houston Airlines, Inc. for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order instituting the Houston Airlines Fitness Investigation, 82-2-82, Docket 40367.

SUMMARY: The Board is instituting an investigation to determine the fitness of Houston Airlines, Inc. to engage in the interstate and overseas air transportation of persons, and the interstate and overseas air transportation of property and mail between all points in the United States, its territories and possessions, except in all-cargo service within Alaska or Hawaii. The carrier must submit certain additional data before its application can be heard.

DATE: Objections: Persons wishing to intervene in the Houston Airlines Fitness Investigation shall file their petitions in Docket 40367 by March 4, 1982.

ADDRESSES: Petitions to intervene should be filed in Docket 40367, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. In addition, copies of such filings should be served on persons listed in the attachment and on any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: James Ransom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428, (202) 673-5197.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-2-82 is available from our Distribution Section, Room 100, 1825 Connecticut Ave. N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-2-82 to that address.

By the Civil Aeronautics Board: February 16, 1982.

Phyllis T. Kaylor,

Secretary.

Attachment to Notice

Service List

Charles E. Smith, President, Houston Airlines, Inc., P.O. Box 12917, Houston, Texas 77017
E. Del Smith, Washington Representative, Houston Airlines, Inc., 905 16th Street N.W., Washington, D.C. 20006
C. A. Wilkins, Executive Director, Texas Aeronautical Commission, P.O. Box 12067, Capitol Station, Austin, Texas 78711
Mayor Kenneth A. Gibson, City Hall, Newark, New Jersey
Mayor George McCann, Mayor Elect Katherin Whitmeyer, City Hall, Houston, Texas
Mayor Marion Barry, City Hall, District of Columbia
Port Authority of New Jersey and New York, Newark International Airport, Newark, New Jersey
Federal Aviation Administration, National Capitol Airport Division, Washington, D.C.

[FR Doc. 82-4721 Filed 2-19-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 30790, etc.; Order 82-2-83]

Denial of Application and Revocation of Certificates of Overseas National Airways

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: United States-Benelux Low-Fare Proceeding, Application of New ONA Inc., Revocation of Supplemental Service Certificates of Overseas National Airways, Dockets 30790, 33472, 40461, Order 82-2-83.

SUMMARY: New ONA was an applicant for transatlantic route authority in the *United States-Benelux Low-Fare Proceeding* and was found fit in that case, but has since apparently failed. Overseas National Airways held several supplemental (charter) certificates of public convenience and necessity, but was dissolved in 1979. The Board is proposing to deny New ONA's application, and to revoke the certificates of Overseas National Airways.

DATES: All interested persons having objections to the Board's tentative findings and conclusions in Order 82-2-83 shall file by March 22, 1982, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all persons listed below.

ADDRESSES: Objections to the tentative findings and conclusions in Order 82-2-83 should be filed in the Docket Section, Civil Aeronautics, Board, Washington, D.C. 20428 in Dockets 30790, 33472 and 40461, United States-Benelux Low-Fare Proceeding, Application of New ONA Inc., Revocation of Supplemental Service Certificates of Overseas National Airways. In addition copies of such filings should be served on: Overseas National Airways and New ONA.

FOR FURTHER INFORMATION CONTACT: Christopher T. Tourtellot, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428, (202) 673-5205.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-2-83 is

available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 82–2–83 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 16, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–4719 Filed 2–19–82; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 40459; Order 82–2–80]

United States-Brazil/Argentina All-Cargo Exemption Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Inviting Exemption Applications: United States-Brazil/Argentina All-Cargo Exemption Proceeding, Order 82–2–80, Docket 40459.

SUMMARY: The Board is instituting the United States-Brazil/Argentina All-Cargo Exemption Proceeding to consider which carrier or carriers should be selected for primary and back-up exemption authority to replace Airlift International, Inc.'s scheduled all-cargo service between the United States, Brazil and Argentina. The complete text of Order 82–2–80 is available as noted.

DATES: Any petitions for reconsideration of Order 82–2–80 shall be filed by February 23, 1982; answers to such petitions and the exemption applications will be due March 2, 1982.

The Board intends to conduct this proceeding pursuant to the following schedule:

Applications: February 19, 1982
BIA Information Responses: February 19, 1982
Direct Exhibits: March 4, 1982
Rebuttal Exhibits: March 11, 1982
Briefs: March 17, 1982
Oral Argument: March 31, 1982

All Applicants and other parties should serve copies of their respective exhibits and other pleadings on all persons named in the Service List compiled by the Board's Docket Section. In addition, a copy of the exhibits and other pleadings should be submitted to the members and staff at the Board listed in Appendix B of Order 82–2–80. Interested persons should note that because of the extremely tight procedural schedule, the aforementioned procedural dates are receipt dates rather than mailing dates.

ADDRESS: All exhibits and other pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 40459, United States-Brazil/Argentina All-Cargo Exemption Proceeding.

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown (202) 673–5203 or John D. Keppel (202) 673–5878, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The complete text of Order 82–2–80 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82–2–80 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 16, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–4720 Filed 2–19–82; 8:45 am]

BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

California Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 9:00 p.m, on March 12, 1982, at the Western Regional Office, 3660 Wilshire Boulevard, Room 810, Los Angeles, California, 90010. The purpose of this meeting is to conduct a subcommittee meeting to discuss the Los Angeles City reapportionment project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Maurice B. Mitchell, 260 Eucalyptus Hill Drive, Santa Barbara, California, 93103, (805) 969–1563 or the Western Regional Office, 3660 Wilshire Boulevard, Room 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., February 17, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–4753 Filed 2–19–82; 8:45 am]

BILLING CODE 6335–01–M

Illinois State Advisory; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 9:30 a.m., and will end at 12:30 p.m., on March 9, 1982, at the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604. The purpose of this meeting is to conduct an Employment Subcommittee meeting to discuss the study on employment in Illinois.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Thomas Pugh, 500 West Melbourne Avenue, Peoria, Illinois 61604, (309) 686–3121 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–4752 Filed 2–19–82; 8:45 am]

BILLING CODE 6335–01–M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on March 16, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting is to conduct a subcommittee meeting on education to discuss the racial status in the Boston public schools.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, Post Office Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 17, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-4754 Filed 2-19-82; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 5:30 p.m., and will end at 8:30 p.m., on March 15, 1982, at the Michigan State University Kellogg Center, Harrison Road, in the Vista Room, East Lansing, Michigan, 48824. The purpose of this meeting is to review affirmative action in the state of Michigan, and discuss program plans for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. M. H. Reinstra, 1225 Thomas, SE, Grand Rapids, Michigan, 49506, (616) 949-4000 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 17, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-4751 Filed 2-19-82; 8:45 am]

BILLING CODE 6335-01-M

Nebraska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 9:30 a.m., and will end at 12:30 p.m., on March 26, 1982, at the State Capitol Building, 1445 K Street, in Room 1019, Lincoln, Nebraska 68509. The purpose of this meeting is to discuss program plans for the remaining period of fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Shirley M. Marsh, 2701 South 34th Street, Lincoln, Nebraska 68509, (402) 471-2734 or the Central States Regional Office, Old Federal Office Building, 911 Walnut Street, Room 3103, Kansas City, Missouri 64106, (816) 374-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 17, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-4750 Filed 2-19-82; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on March 15, 1982, at the Central Congregational Church, 296 Angel Street, Providence, Rhode Island 02903. The purpose of this meeting is to conduct a forum on hate group activity with guests of honor to participate in the discussion.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Dorothy D. Zimmering, 12 Chapin Road, Barrington, Rhode Island, 02806, (401) 245-3515 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 17, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-4749 Filed 2-19-82; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 10:00 a.m., and will end at 12:00 noon, on March 16, 1982, at the Indianapolis Hilton Hotel, 31 West Ohio Street, in Room 930-31, Indianapolis, Indiana, 46206. The purpose of this meeting is to conduct a press conference to release the Indiana Advisory Committee report: *Equal Employment Opportunity in Indianapolis Area Government.*

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chair, Lotte Meyerson, 650 North Tippecanoe Street, Gary, Indiana, 46403, (219) 938-3910 or the Midwestern Regional Office, 230 Southern Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 16, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-4634 Filed 2-19-82; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 10:00 p.m., on March 15, 1982, at the Indianapolis Hilton Hotel, 31 West Ohio Street, in Room 930-31, Indianapolis, Indiana, 46206. The purpose of this meeting is to discuss the status of the Indiana Housing Discrimination study and program plans for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Lotte Meyerson, 650 North Tippecanoe Street, Gary, Indiana, 46403, (219) 938-33910 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 16, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-4635 Filed 2-19-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financial Assistance Application Announcement; San Francisco Region

The Minority Business Development Agency announces that it is seeking applications under its program to operate five San Francisco Region projects for a twelve month period. The aggregate total costs of the projects are $1,330,000.

Funding Instrument: It is anticipated that the funding instruments as defined

by the Federal Grant and Cooperative Agreement Act of 1977 will be Cooperative Agreements.

Program Descriptions: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible minority clients in areas related to the establishment and operation of businesses. These proposed projects are specifically designed to provide business information counseling, financial packaging assistance, and assistance in identifying and exploiting business opportunities and new/or expanding markets.

One Cooperative Agreement Under the Business Development Center (BDC) Program to operate a pilot project for a 12-month period beginning June 1, 1982 in the Portland SMSA. This pilot project will operate at a cost not to exceed $170,000 and the project I.D. Number is 10–10–82020–01. Closing Date: 15 March 1982.

One Cooperative Agreement Under the Business Development Center (BDC) Program to operate a pilot project for a 12-month period beginning July 1, 1982 in the Santa Barbara SMSA. This pilot project will operate at a cost not to exceed $170,000 and the project I.D. Number is 09–10–82021–01. Closing Date: 29 March 1982.

One Cooperative Agreement Under the Business Development Center (BDC) Program to operate a pilot project for a 12-month period beginning July 1, 1982 in the Las Vegas SMSA. This pilot project will operate at a cost not to exceed $170,000 and the project I.D. Number is 09–10–82017–01. Closing Date: 12 April 1982.

One Cooperative Agreement Under the Business Development Center (BDC) Program to operate a pilot project for a 12-month period beginning August 1, 1982 in the Anaheim SMSA. This pilot project will operate at a cost not to exceed $410,000 and the project I.D. Number is 09–10–82007–01. Closing Date: 12 April 1982.

One Cooperative Agreement Under the Business Development Center (BDC) Program to operate a pilot project for a 12-month period beginning August 1, 1982 in the Honolulu SMSA. This pilot project will operate at a cost not to exceed $410,000 and the project I.D. Number is 09–10–82005–01. Closing Date: 12 April 1982.

An Application kit is available upon written request.

The pre-application conference to assist all interested applicants will be held at 450 Golden Gate Avenue, San Francisco, California 94102, Room 13029, (13th Floor) on February 22, 1982 at 10:00 A.M.

MBDA offers competitive Cooperative Agreements to all individuals, non-profit organizations, for-profit firms, local and State governments, federally recognized American Indian Tribes and educational institutions to perform the functions of a BDC which are:

To provide management and technical assistance to qualified minority firms,

To develop and maintain an inventory of existing minority businesses and prospective entreprenuers, and

To provide brokering service that will foster and promote new business ownership, business expansions, market opportunities and new capital sources.

Legal services are excluded.

Applicants shall be required to contribute at least 10% of the total program costs through non-Federal funds. A fee for services for assistance provided clients will be charged. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for the firms with gross sales of over $500,000. Cost sharing contributions can be in the form of cash contributions, fee for services, or in-kind contributions.

The program is subject to OMB Circular A–95 requirements.

Proposals are to be mailed to the following address: Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

For further information contact Mr. Mikel Cook at 415/556–6733.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: February 8, 1982.

R. V. Romero,

Regional Director.

[FR. Doc. 82–4603 Filed 2–19–82; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council's Administrative Subcommittee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established an Administrative Subcommittee, which will meet to consider the Council's draft Standard Operating Practices and Procedures, the Council's budget, alternatives to the RV OREGON II for obtaining fisheries data and to address other matters related to the Council's administrative operations.

DATES: The public meeting will convene on Wednesday, March 24, 1982, at approximately 10 a.m., and will adjourn at approximately 5 p.m.

ADDRESS: The public meeting will take place at the Council's Headquarters, 1108 Banco de Ponce Building, Room 1108, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Carribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Dated: February 17, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82–4736 Filed 2–19–82; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council and Its Salmon Subpanel, Scientific and Statistical Committee; Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Public Meetings with a Partially Closed Session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agendas of the forthcoming separate public meetings of the Pacific Fishery Management Council, its Scientific and Statistical Committee and Salmon Subpanel. The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), and the Council has established a Scientific and Statistical Committee and Salmon Subpanel to assist the Council in carrying out its responsibilities.

DATES: March 16–19, 1982.

ADDRESS: All meetings will take place at the Cosmopolitan Hotel, 1030 NE Union Avenue, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

AGENDAS:

Council (open meetings)—March 17–19, 1982 (1 p.m. to 5 p.m. on March 17; 10 a.m. to 5 p.m. on March 18; 8 a.m. to 5 p.m. on March 19)—consideration of the final draft of the 1982 amendment to the ocean salmon fishery management plan (FMP) and consideration of management measures to be recommended to the Secretary of Commerce for the

Washington, Oregon and California salmon fisheries in 1982.

Council (closed session)—March 18, 1982 (8 a.m. to 10 a.m.)—discussion of the status of maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

Scientific and Statistical Committee (open meetings)—March 16–18, 1982 (1 p.m. to 5 p.m. on March 16; 8 a.m. to 5 p.m. on March 17–18)—consideration of the latest data and analysis in the 1982 amendment to the Washington, Oregon and California ocean salmon FMP. Oral comments or questions by the public will be invited beginning at 3:30 p.m., on March 17.

Salmon Subpanel (open meetings)—March 16–17, 1982 (1 p.m. to 5 p.m. on March 16; 8 a.m. to 5 p.m. on March 17)—consideration of the 1982 amendment to the Washington, Oregon and California ocean salmon FMP as well as management measures for the 1982 season.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on February 10, 1982, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the Council's meetings will be open to the public.

Dated: February 17, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-4737 Filed 2-19-82; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council's Scientific and Statistical Committee and Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) which will hold separate public meetings to discuss: (SSC)—Review the Spiny Lobster and Billfish Fishery Management Plans (FMPs); discuss research collection activities, as well as other Committee business. (AP)—Discuss the Billfish FMP.

DATES: The public meetings for both the Council's SSC and AP will convene on Monday, March 15, 1982, at approximately 8:30 a.m., and will adjourn on Tuesday, March 16, 1982, at approximately 3 p.m.

ADDRESS: Both of the meetings will take place at the National Marine Fisheries Service, Southwest Fisheries Center, Honolulu, Hawaii, 2570 Dole Street, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 98613, Telephone: (808) 523–1368.

Dated: February 17, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-4738 Filed 2-19-82; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Grant of Limited Exclusive Patent License; Adria Laboratories

Notice is hereby given that the National Technical Information Service (NTIS), U.S. Department of Commerce, granted to Adria Laboratories, 5000 Post Road, Dublin, Ohio 43017, a limited exclusive right in the United States for the manufacture, use and sale of the products embodied in U.S. Patent Application Numbers 58,287, 155,531 and 283,376.

The limited exclusive license granted is a royalty-bearing license for a term of five years from the effective date of the license agreement. The license may be revoked by NTIS in accordance with 41 CFR 101–4.104.

Dated: February 11, 1982.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service.

[FR Doc. 82-4604 Filed 2-19-82; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1982 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE MARCH 25, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1982, November 12, 1981 (46 FR 55740):

CLASS 5660

Fastener, Fence Post
5660–00–148–7251

CLASS 7220

Mat, Floor
7220–01–023–9487
7220–01–023–9489
7220–01–024–5997
7220–01–023–9496
7220–01–023–9490
7220–01–023–9491
7220–01–023–9493
7220–01–023–9494

7220–01–023–9495

CLASS 7530

Envelope, Wallet
7530–00–281–4844
7530–00–281–4846
7530–00–281–5976

CLASS 7920

Towel, Machinery Wiping
7920–00–260–1279

CLASS 8135

Chipboard
8135–00–290–0336
8135–00–782–3948
8135–00–782–3951

SIC 7331

Mailing Service, Department of Treasury, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, D.C.

SIC 7641

Furniture Rehabilitation, Wichita Falls, Texas (including Sheppard AFB)

SIC 0782

Grounds Maintenance (including Sprinkler System Maintenance), Buildings Area 1440 and 3920, Edwards Air Force Base, California.

C. W. Fletcher,

Executive Director.

[FR Doc. 82–4629 Filed 2–19–82; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1982; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1982 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: February 22, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On December 4, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 59285) of proposed addition to Procurement List 1982, November 12, 1981 (46 FR 55740).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1982:

SIC 0782

Ground Maintenance, Bergstrom Air Force Base, Texas, for the following Buildings:
2700 and 914
4515 and 4589
4545 and 4556.

C. W. Fletcher,

Executive Director.

[FR Doc. 82–4696 Filed 2–19–82; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Army

Medical Research and Development Advisory Committee, Subcommittee on Bacterial Diseases; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee Subcommittee on Bacterial Diseases

Date of meeting: 29 and 30 March 1982

Time and place: 0900 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC

Proposed agenda: This meeting will be open to the public on 29 March from 0900 to 1000 hrs for the administrative review and discussion of the scientific research program of the Bacterial Diseases Branch, Walter Reed Army Institute of Research and from 1630 to 1700 hrs on 30 March for the summation of the meeting. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on 29 March from 1000–1630 and on 30 March from 0900–1630 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 82–4767 Filed 2–19–82; 8:45 am]

BILLING CODE 3710–92–M

Medical Research and Development Advisory Committee, Subcommittee on Surgery; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee Subcommittee on Surgery.

Date of meeting: 2 April 1982.

Time and place: 0830 hrs, Conference Room AS 3102, Letterman Army Institute of Research, Presidio of San Francisco, CA.

Proposed agenda: This meeting will be open to the public from 0830 to 1300 hrs for the administrative review and discussion of the scientific research program of the Surgery Division, Letterman Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S. Code, Title 5 and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1300–1645 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subject, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. J. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129 (415/561–4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 82–4768 Filed 2–19–82; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF ENERGY

Office of Energy Research

Conservation Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Conservation Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal

Advisory Committee Act Pub. L. 92–463, 86 Stat. 770).
Date and time: March 26, 1982, 9 a.m. to 5 p.m.
Place: Department of Energy, Forrestal Building, Room 4A–110, 1000 Independence Avenue SW., Washington, DC 20585.
Contact: Mary Gant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER–6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252–8933.

Purpose of the Parent Board

To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda

Discussion of draft report of Conservation Panel.

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue SW Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC, on February 17, 1982.

J. Ronald Young,

Associate Director for Management, Office of Energy Research.

[FR Doc. 82-4704 Filed 2-19-82; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facilities does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commision (FERC) computed natural gas ceiling prices and high cost gas incremental pricing threshold which are to be effective March 1, 1982. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th and Pennsylvania Ave. NW., Rm 4121, Washington, DC 20461, (202) 633–9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	3.55
Arizona [1]	3.60
Arkansas [1]	3.23
California	3.56
Colorado [1]	4.07
Connecticut [1]	3.99
Delaware [1]	3.75
Florida	3.89
Georgia [1]	3.94
Idaho [1]	4.07
Illinois	3.72
Indiana [1]	3.80
Iowa [1]	3.59
Kansas [1]	3.59
Kentucky [1]	3.80
Louisiana [1]	3.23
Maine	3.88
Maryland [1]	3.75
Massachusetts [1]	3.99
Michigan [1]	3.80
Minnesota [1]	3.59
Mississippi [1]	3.94
Missouri	3.43
Montana [1]	4.07
Nebraska [1]	3.59
Nevada [1]	3.60
New Hampshire [1]	3.99
New Jersey	3.68
New Mexico	2.96
New York	3.73
North Carolina [1]	3.94
North Dakota [1]	3.59
Ohio [1]	3.80
Oklahoma [1]	3.23
Oregon [1]	3.60
Pennsylvania [1]	3.75
Rhode Island [1]	3.99
South Carolina [1]	3.94
South Dakota [1]	3.59
Tennessee	3.90
Texas	3.22
Utah [1]	4.07
Vermont [1]	3.99
Virginia	3.94
Washington [1]	3.60
West Virginia [1]	3.66
Wisconsin [1]	3.80
Wyoming	3.87

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79–21.

Section II. Incremental Pricing Threshold for High Costs Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during December 1981 was $42.26 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective March 1, 1982, is $9.47 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous states on a permanent basis.

A. *Data Collected* The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of October 1981, November 1981, and December 1981.[1] All reports of volume sold and price were identified by the state into which the oil was sold.

B. *Method Used to Determine Alternative Price Ceilings*

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective March 1, 1982, (shown in section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, October 1981, November 1981, December 1981. Reported prices for sales in October 1981 were adjusted by the percent change in the nationwide volume-weighted average price from October 1981 to December 1981. Prices for November 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from November 1981 to December 1981. The volume-weighted 3-month average of the adjusted October 1981 and November 1981, and the reported December 1981 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base of determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending February 12, 1982, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of December 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

Region B

Delaware, Maryland, New Jersey, New York; and Pennsylvania

Region C

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia

Region D

Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin

Region E

Iowa, Kansas, Missouri, Minnesota, Nebraska, North Dakota, and Soth Dakota

Region F

Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

Region G

Colorado, Idaho, Montana, Utah, and Wyoming

Region HArizona, California, Nevada, Oregon, and Washington

Issued in Washington, D.C., February 18, 1982.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 82-4784 Filed 2-19-82; 8:45 am]

BILLING CODE 6450-01-M

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

Economic Regulatory Administration

[Docket No. ERA-FC-81-022; OFC Case No. 53012-1864-01-12]

Powerplant and Industrial Fuel Use; Prohibition Orders; Request for Exemption by University of Michigan

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On July 29, 1981, The University of Michigan (Michigan) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting a new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) (FUA or the Act), which prohibit the use of petroleum or gas as a primary energy source in certain new MFBIs. Rules

setting forth the procedures for petitioning and the criteria for exemptions from the prohibitions of FUA are contained at 10 CFR Parts 501 and 503. The MFBI for which the petition was filed is a field-erected boiler to be constructed at Michigan's Central Power Plant, Central Campus, in Ann Arbor. Michigan requested a Permanent Site Limitation and Cost exemptions for the MFBI.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been made recommending that ERA issue an order granting the requested permanent cost exemption to permit the use of natural gas or petroleum. In accordance with the regulations, ERA determined that Michigan's site limitations could be overcome through modification of the proposed facility and capital expenditures which should be considered in the cost test (lack of an alternate fuel at a cost which does not substantially exceed the cost of using imported petroleum).

DATE: Written comments on the Tentative Staff Analysis are due on or before March 8, 1982. A request to convene a public hearing must be made within the same period.

ADDRESSES: Fifteen copies of written comments on the Tentative Staff Analysis shall be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Room 6114, 2000 M Street, NW., Washington, DC 20461.

Docket No. ERA-FC-81-022 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, 2000 M Street NW., Room 6114, Washington, DC 20461, (202) 653-3379.

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

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting material on this proceeding is available for inspection upon request through the case manager identified above.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published final rules (10 CFR Part 500 et seq.) implementing provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) in the **Federal Register** on June 6, 1980 (45 FR 38276 and 45 FR 38302). Rules describing the method for performing the cost calculations were published on December 24, 1980 (45 FR 84967). Although revised final rules were published on December 7, 1981 (45 FR 59872), which became effective on January 6, 1982, the method for performing the cost calculations used in the Tentative Staff Analysis was that provided in the final rule published on December 24, 1980. As the majority of the requisite calculations had been completed prior to the issuance of the revised final rules, and since the proposed results of Michigan's petition would be unaffected, the ERA has determined to base its decision to recommend that ERA grant Michigan a permanent exemption on the December 24, 1980, cost test rule's calculations format. The only significant change between the December 24, 1980 cost test rule and the December 7, 1981, rule deals with depreciation methods which, because of Michigan's tax exempt status, could not be employed. Thus, the result would be unchanged and the ERA determined it would not subject Michigan to the added burden of submitting additional information and certifications.

The unit Michigan plans to construct, designated Boiler No. 2, is to be designed to produce 220,000 pounds of steam per hour. Michigan proposes to use natual gas or petroleum as the primary energy source in the new boiler.

On July 29, 1981, in accordance with 10 CFR 503.38, Michigan filed a petition with ERA requesting the permanent exemptions. ERA accepted the petition and published notice of its acceptance in the **Federal Register** on September 21, 1981 (46 FR 60468). A 45-day public comment period closed November 5, 1981. No comments were received.

ERA's staff has reviewed the information contained in the record of this proceeding to date. Based upon that review, a Tentative Staff Analysis was prepared and recommends that an order be issued granting a permanent exemption for lack of alternate fuel at a cost which does not substantially exceed the cost of using imported petroleum (cost test), permitting Michigan to burn natural gas or petroleum in its new major fuel burning installation.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1979 (NEPA). The grant or denial of a permanent cost test exemption under the provisions of 10 CFR 503.38(c) has been identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment (categorical exclusion). This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. Michigan provided, as a part of its petition, a duly executed certification stating that prior to operating the boiler under the requested exemption it will secure all applicable environmental permits and approvals. The completed Environmental Checklist submitted by Michigan pursuant to 10 CFR 503.5(b) has been reviewed by DOE's Office of Environmental Programs, with consultation from the Office of the General Counsel. Michigan's responses to the questions contained therein indicate that the operations of the boiler will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion in this case. Therefore, no additional environmental review is deemed to be required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision shall, in accordance with 10 CFR 501.68, be based on the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

ERA will issue a final order granting or denying the permanent exemption from the prohibitions of the Act within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension together with a statement of reasons for such an extension will be published in the **Federal Register.**

Issued in Washington, D.C. on February 16, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-4705 Filed 2-19-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5920-000]

David C. Aby; Application for Preliminary Permit

February 22, 1982.

Take notice that David C. Aby (Applicant) filed on January 28, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5920 to be known as the Aby Ranch •2 Hydropower Project located on Little Roaring Creek, on lands of the United States administered by the Bureau of Land Management in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David C. Aby, 5293 Happy Valley Road, Anderson, California 96007.

Project Description—The proposed project would consist of: (1) Boulders placed in the creek to direct flow into a 5-foot high concrete inlet structure; (2) a diversion conduit or channel 150 feet long; (3) a steel penstock 1,200 feet long; (4) a powerhouse containing one or more turbine generators with 370 kW total capacity and 1.45 GWh annual energy production; and (5) a transmission line 0.8 miles long. Generated power would be distributed through interconnections with the Pacific Gas & Electric System.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $29,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 29, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 29, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or § 4.101 etseq. (1981), as appropriate.

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 27, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4646 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5921-000]

David C. Aby; Application for Preliminary Permit

February 23, 1982.

Take notice that David C. Aby (Applicant) filed on January 28, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5921 to be known as the Aby Ranch #1 Hydropower Project located on Roaring Creek, on lands of the United States administered by the Bureau of Land Management in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David C. Aby, 5293 Happy Valley Road, Anderson, California 96007.

Project Description—The proposed project would consist of: (1) Boulders placed in the creek to direct flow into a 5-foot high concrete inlet structure; (2) a diversion conduit or channel 350 feet long; (3) a steel penstock 1,300 feet long; (4) a powerhouse containing one or more turbine generators with 725 kW total capacity and 2.9 GWh annual energy production; and (5) a transmission line 0.8 miles long. Generated power would be distributed through interconnections with the Pacific Gas & Electric System.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $37,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 30, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM 81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 30, 1982, and should specify the type of application forthcoming. Any application for license

or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate)).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 28, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protests or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4647 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-296-000]

Appalachian Power Co.; Filing

February 16, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on February 8, 1982, tendered for filing on behalf of its affiliate Appalachian Power Company (APCO) Modification No. 17 dated January 1, 1982 to the Interconnection Agreement dated February 1, 1948 between Virginia Electric and Power Company and Appalachian Power Company, APCO's Rate Schedule FERC No. 16.

Sections 1 and 2 of Modification No. 17 provide for an increase in the demand charge for Short Term and Limited Term Power to $1.25 per kilowatt per week and $6.50 per kilowatt per month respectively when APCO is the supplying party.

AEP requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Virginia Electric and Power Company, the Virginia State Corporation Commission, and the Public Utilities Commission of West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4662 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5699-000]

City of Bonney Lake, Washington; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

February 23, 1982.

Take notice that on November 30, 1981, the City of Bonney Lake, Washington (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5699) would be located on Fennel Creek in Pierce County, Washington. Correspondence with the Applicant should be directed to: Mr. Roger C. Eberhart, Philip M. Botch & Associates, Inc., 11000 Main Street, Bellevue, Washington 98004.

Project Description—The proposed project would consist of: (1) A diversion structure at the outflow of an existing box culvert; (2) a 30-inch diameter steel penstock 125 feet long; (3) a powerplant containing a turbine generator with 125 kW capacity and 616 MWh annual production; and (4) transmission line 150 feet long.

Purpose of Project—Power produced by the proposed plant would be placed on the Puget Sound Power & Light grid.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington State Departments of Game and Fisheries are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not filed terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 9, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4648 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5874-000]

James O. Boyd; Application for Preliminary Permit

February 18, 1982.

Take notice that James O. Boyd (Applicant) filed on January 13, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5874 to be known as the Burney Creek Power Project located on Burney Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ronald F. Ott, Ott Water Engineers, Inc., 2334 Washington Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) A diversion at elevation 3,800 feet utilizing boulders placed in the stream to direct flow into a concrete intake structure 7 feet high and 50 feet long; (2) a 6,000-foot diversion conduit; (3) a 5,500-foot steel penstock; (4) a powerhouse containing one or a combination of turbine generators with 1.8 MW capacity and 6.8 GWh annual energy production; and (5) a transmission line about 1 mile long. The expected market for project-generated power is the Pacific Gas and Electric Company.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Application seeks issuance of a preliminary permit for a term of 36 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $80,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 26, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 26, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 24, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before April 26, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4677 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-301-000]

Connecticut Light and Power Co.; Proposed Tariff Change

February 16, 1982.

The filing Company submits the following:

Take notice that The Connecticut Light and Power Company (Company) on February 8, 1982, tendered for filing proposed changes in its FERC Electric Tariff Resale Service Rate R-4. The Company proposes that the tariff changes (renaming the tariff the "W-1 Rate") become effective on April 10, 1982.

The Company indicates that the changes proposed would produce an estimated overall increase in revenue from jurisdictional sales and service approximately $5,792,984, based on the twelve-month period (Period I) ending December 31, 1980. The Company indicates that the proposed increased charges are intended to recover increased costs since its previous rate change was filed in July, 1978, and to strengthen the Company's strained financial operation. In addition, the Company is proposing other minor modifications to the rate schedule.

The Company proposes an effective date of April 10, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Company's jurisdictional customers and the Connecticut Department of Public Utilities Control.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4663 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-299-000]

Connecticut Light and Power Co.; Filing

February 16, 1982.

The filing Company submits the following:

Take notice that The Connecticut Light and Power Company (CL&P) on February 8, 1982, tendered for filing changes to the following unit contracts between CL&P and Connecticut Municipal Electric Energy Cooperative (CMEEC):

Unit Sale—Vermont Yankee Nuclear Plant; Rate Schedule FERC No. 221
Unit Sale—Yankee Atomic Nuclear Plant; Rate Schedule FERC No. 222
Unit Sale—Maine Yankee Nuclear Plant; Rate Schedule FERC No. 223
Unit Sale—Connecticut Yankee Nuclear Plant; Rate Schedule FERC No. 225

CL&P proposes that the changes to the four unit contracts become effective on April 10, 1982, or on such later date as CL&P is permitted to make effective changes to the charges in its R-4 Rate. CL&P states that it has filed changes to Rate charges on the same date as the changes to the unit contracts.

CL&P states that the changes will result in termination of the interim capacity charge specified in Appendix 1 (Supplement No. 1) to each of the four rate schedules and that CL&P thereafter anticipates that CMEEC will make payments directly to the owners of the four nuclear plants in amounts determined pursuant to power contracts previously filed with the Commission by those owner utilities. CL&P states that it does not anticipate receiving any further revenues from CMEEC under the four nuclear unit contracts.

CL&P requests an effective date of April 10, 1982, and therefore requests waiver of the Commission's notice requirements.

CL&P states that copies of the filing were served upon CMEEC, which is the only utility receiving service under the four contracts.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4664 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-136-001]

Distrigas of Massachusetts Corp.; Change in FERC Tariff

February 16, 1982.

Take notice that Distrigas of Massachusetts Corporation (DOMAC), on February 10, 1982, tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective February 1, 1982.

First Revised Sheet No. 1
Original Sheet No. 7
Original Sheet No. 8
Original Sheet No. 21
Original Sheet No. 22
First Revised Sheet No. 73
Original Sheet No. 74

DOMAC states that these tariff sheets are being filed in compliance with the Commission's Order of February 1, 1982, in *Distrigas of Massachusetts Corporation*, Docket No. CP82-136-000, in which the Commission authorized DOMAC to sell to certain existing customers and one new customer, excess volumes of LNG to be received in a February 1982 LNG cargo at DOMAC's Everett, Massachusetts, LNG facility.

DOMAC requests the proposed tariff sheets become effective February 1, 1982, to coincide with the Commission's Order authorizing the limited-term sale.

A copy of this filing is being served on all affected parties and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4692 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3117-001]

Dodge Falls Hydro Associates; Application for Exemption for Small Hydroelectric Power Project of 5 MW Capacity

February 23, 1982.

Take notice that on December 15, 1981, Dodge Falls Hydro Associates (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended),* for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 3117) would be located on the Connecticut River in Grafton County, New Hampshire and Caledonia County, Vermont. Correspondence with the Applicant should be directed to: Mr. Bradley Hill, General Partner, Dodge Falls Hydro Associates, 131 Sullivan Street, Claremont, New Hampshire 03743.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) An existing overflow dam, 375 feet long and 15.5 feet high with 2-foot flashboards (to el. 423.6 m.s.l.), and constructed of rock-filled timber cribs to be repaired and altered; (2) a reservoir having minimal pondage; (3) a new forebay, at the left river bank, formed by removing 100 feet of the dam and constructing a 120-foot lateral overflow wall (with 2-foot flashboards)—all leading to (4) a new intake structure, with trashracks and stoplogs, integral with (5) a new power-house containing 3 turbine-generator units having a total rated capacity of 5,000 kW; (6) a new tailrace excavated in rock for a distance of 50 feet; (7) a new transmission line with 34.5-kV or 230-kV options; and (8) appurtenant facilities. (An old mill building and defunct power installation remain at the right dam abutment). The applicant estimates that the average annual energy output would be 22,800,000 kWh. Project energy would be sold to a local utility.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, the New Hampshire Fish and Game Department, and the Vermont Fish and Game Department, are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly idenified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 9, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4649 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-290-000]

Duke Power Co.; Filing

February 16, 1982.

Take notice that Duke Power Company (Duke Power) tendered for filing on February 5, 1982, a supplement to the Company's Electric Power Contract with Laurens Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 144.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for relocation of the delivery point.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for 12 months immediately preceding and for the 12 months immediately succeeding the effective date.

Duke Power proposes an effective date of January 19, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4693 Filed 2-19-82; 8:45]

BILLING CODE 6717-01-M

[Project No. 5747-000]

East Coast Engineering; Application for Preliminary Permit

February 22, 1982.

Take notice that East Coast Engineering (Applicant) filed on December 9, 1978, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5747 to be known as the Waldron Dam Hydroelectric Facility located on the Cocheco River in Strafford County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James M. Rea, East Coast Engineering, P.O. Box 25, Barrington, New Hampshire 03825.

Project Description—The proposed project would consist of: (1) The existing Waldron dam of concrete gravity construction with a height of 6 feet and a length of 210 feet; (2) the existing reservoir having a surface area of approximately 54 acres, and a storage capacity of 236 acre-feet at a normal pool elevation of 115.3 feet msl; (3) the existing intake will be enlarged; (4) a new powerhouse containing 1 unit with a generating capacity of 150 kW; (5) a proposed transmission line approximately 1,250 feet in length; and (6) appurtenant facilities. The Applicant estimates the annual energy production would be 814,000 kW-hrs. The dam is owned by the State of New Hampshire Water Resources Board. Project energy would be sold to the Public Service Company of New Hampshire.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of three years, during which time, the Applicant would for a period of 18 months during which time the Applicant would perform studies to determine the feasibility of the product. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates cost of the studies under the permit would be $15,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 28, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 29, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4650 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-293-000]

El Paso Electric Co.; Filing

February 16, 1982.

The filing Company submits the following:

Take notice that on February 5, 1982, El Paso Electric Company (El Paso) tendered for filing an "Interchange Agreement Between El Paso Electric Company and Texas-New Mexico Power Company" dated December 8, 1981 (Agreement). El Paso states the Agreement establishes a general contractual framework for the provision of interchange services including emergency assistance, economy energy interchange, wheeling service, and maintenance service.

El Paso requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

El Paso states that copies of the filing have been served upon the Public Utility Commission of Texas, the New Mexico Public Service Commission, and Texas-New Mexico Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4665 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI70-295-000, et al.]

El Paso Exploration Co. (Successor In Interest to Odessa Natural Corp.); Application for a Certificate of Public Convenience and Necessity To Render Service Previously Authorized by the Commission

February 16, 1982.

Take notice that on January 27, 1982, El Paso Exploration Company ("Applicant") of Post Office Box 1492, El Paso, Texas 79978, filed an application for certificates of public convenience and necessity authorizing Applicant to continue to render service previously authorized by the Commission under certificates of public convenience and necessity heretofore issued to Odessa Natural Corporation ("Odessa") and Applicant is requesting for Redesignation of Rate Schedules on file with the Commission by Odessa Natural Corporation ("Odessa") as the rate schedules of El Paso Exploration Company as shown on Exhibit "A".

By Articles of Amendment to the Articles of Incorporation of Odessa Natural Corporation, dated December 19, 1980, the name of Odessa was changed to EPX Company, effective January 1, 1981.

The properties of Odessa subject to the instant certificates were conveyed to Applicant by instruments of assignments executed on various dates in 1981, all to be effective January 1, 1982.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rule.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene in timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

EXHIBIT A.—EL PASO EXPLORATION CO.

Certificate Docket No.	Gas purchase agreement date	Purchaser	Odessa Natural Corp. FERC gas rate schedule No.	Proposed El Paso Exploration Co. FERC gas rate schedule No.
CI70-295-000	Jan. 2, 1959	El Paso Natural Gas Co	2	22
CI72-688	Apr. 12, 1972	do	5	23
G-14460	Apr. 16, 1957	do	6	24
CI62-990	Feb. 16, 1962	do	7	25
CI76-452	Mar. 23, 1976	do	11	26
CI77-358	Feb. 18, 1977	do	13	27
CI76-361	Feb. 17, 1977	do	14	28
CI78-100	Sept. 15, 1977	do	15	29
CI78-116	Oct. 17, 1977	do	16	30

[FR Doc. 82-4651 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-161-000]

El Paso Natural Gas Co.; Application

February 17, 1982.

Take notice that on January 18, 1982, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP82-161-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the best-efforts transportation of natural gas for Bixco, Inc. (Bixco), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that it was authorized to transport on a best-efforts basis up to 60,000 Mcf of natural gas per day acquired by Bixco with the delivery of such natural gas to Arizona Public Service Company (APS) for Bixco's account at existing delivery points located on Applicant's interstate transmission pipeline system situated within the State of Arizona and was granted blanket authorization permitting the installation and operation of new receipt and/or delivery points as may be added by mutual consent of Applicant and Bixco. It is further stated that Applicant had the right but not the obligation to purchase any excess gas designated by Bixco pursuant to the terms and conditions of an excess natural gas purchase agreement dated September 1, 1978, between Applicant and Bixco.

Applicant states that by letter dated October 30, 1981, it was advised by Bixco that a final closing of the Bixco sale of assets to OXOCO, a California corporation, took place on October 27, 1981. It is explained that prior to the closing of said sale APS, Bixco, and Applicant executed a letter agreement dated July 1, 1981, providing for the termination of the subject transportation arrangement and the excess purchase agreement effective upon the closing of the Bixco sale of assets of OXOCO and the filing by Applicant of the appropriate application required to cancel such arrangement. Consequently, Applicant asserts that such arrangement and excess purchase agreement have terminated as of October 27, 1981. Applicant therefore proposes to abandon the best-efforts transportation and delivery service rendered for the account of Bixco.

It is stated that the proposed abandonment would not result in or cause any interruptions, reduction or termination of firm natural gas service presently rendered by Applicant to any of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a

protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice to such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4678 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5836-000]

Energenics Systems, Inc.; Application for Preliminary Permit

February 19, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on December 30, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5836 to be known as the Paonia Hydro Project located on Muddy Creek in Gunnison County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description.—The proposed project would utilize the existing Bureau of Reclamation's Paonia Dam and Reservoir and would consist of: (1) A new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing two turbine-generator units having a total rated capacity of 2,200 kW; (3) a tailrace; (4) a new transmission line, approximate 4 miles long, connecting to existing 46-kV transmission lines; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,700,000 kWh. Project energy would be sold to Colorado-Ute Electric Association, Inc., or to nearby public institutions or industrial users.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $35,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 24, 1982, the competing application itself (see 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 26, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 26, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Fedral Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4652 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-291-000]

Florida Power & Light Co.; Filing

February 16, 1982.

Take notice that Florida Power & Light Company (FP&L) on February 5, 1982, tendered for filing two documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FP&L states that under the Exhibit I FP&L will transmit power and energy for Lake Worth Utilities Authority (Lake Worth) as is required by Lake Worth in the implementation of its interchange agreements with City of Gainesville and City of St. Cloud.

FP&L requests that waiver of the Commission's notice requirements be

granted and that the proposed Exhibits be made effective immediately.

FP&L states that copies of the filing were served on Lake Worth Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4694 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-292-000]

Florida Power & Light Co.; Filing

February 16, 1982.

Take notice that Florida Power & Light Company (FP&L) on February 5, 1982, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FP&L states that under the Exhibit I FP&L will transmit power and energy for the Tampa Electric Company (TECO) as is required by TECO in the implementation of its interchange agreement with City of Vero Beach.

FP&L requests that waiver of the Commission's notice requirements be granted and that the proposed Exhibits be made effective immediately.

FP&L states that copies of the filing were served on Tampa Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4695 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5899-000]

Homestake Consulting & Investments, Inc.; Application for Peliminary Permit

February 18, 1982.

Take notice that Homestake Counsulting & Investments, Inc. (Applicant) filed on January 19, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5899 to be known as the Mill Creek Project located on Mill Creek, near Cle Elum, in Kittitas County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) A 3-foot high diversion and intake structure; (2) a settling tank; (3) a 2,200-foot long, 20-inch diameter pipeline; (4) a powerhouse containing two generating units, one rated at 75 kW and one rated at 150 kW; and (5) a transmission line. The average annual energy generation is estimated to be 877,000 kW.

Proposed Scope of Studies Under Permit.—A preliminary permit if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. Field studies will only disturb the area minimally. The cost of the work is estiminated to be $4,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 26, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 26, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 25, 1982.

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before April 26, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional, copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Reguatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing

application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4679 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5877-000]

Hydro Management, Inc.; Application for Preliminary Permit

February 18, 1982.

Take notice that Hydro Management, Incorporated (Applicant) filed on January 15, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5877 to be known as the Dodge Creek Power Project located on Dodge Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) A 20-foot long, 3-foot high diversion structure on North Fork of Dodge Creek; (2) a 18-foot long, 3-foot high diversion structure on South Fork of Dodge Creek; (3) a 12,500-foot long, 16-inch diameter penstock; (4) a powerhouse with a total rated capacity of 760 kW; and (5) a 15,000-foot long, 14.4-kV transmission line from the powerhouse to an existing 14.4-kV transmission line owned by Lincoln Electric Cooperative Inc. The Applicant estimates that the average annual energy production would be 4,586 MWh. The proposed project is entirely located within the U.S. Federal lands owned by the Kootenai National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $8,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 30, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 30, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 30, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4680 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-289-000

Kansas Power and Light Co.; Filing

February 16, 1982.

The filing Company submits the following:

Take notice that on February 5, 1982, The Kansas Power and Light Company (KPL) tendered for filing a newly executed contract with the City of Horton, Kansas for wholesale service to that community with the proposed effective date of June 14, 1982. KPL states that this contract permits the City of Horton to receive service under rate schedule WSM–81 which succeeds their current rate schedule WTU–81 designated supplement 4 to R. S. FERC No. 182. The proposed changes would increase revenues from sales by $5,322.00 based on the projected 12 month period ending May 31, 1983.

KPL requests an effective date of June 14, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been mailed to the City of Horton and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4666 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-298-000]

Kentucky Utilities Co.; Filing

February 16, 1982.

The filing Company submits the following:

Take notice that on February 8, 1982, Kentucky Utilities Company (KU) tendered for filing an Amendatory Agreement dated April 5, 1979 to the Interchange Agreement between KU and Tennessee Valley Authority (TVA). The Agreement being filed provides for, among other things, two additional interconnection points. KU was previously assigned FERC Rate Schedule No. 93 Supplement No. 6 as relates to the interchange Agreement.

KU requests an effective date of February 15, 1982, and therefore requests waiver of the Commission's notice requirements.

According to KU copies of the filing were sent to TVA, Kentucky Public Service Commission, and the Virginia State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before March 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4667 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5249-000]

Lake Oswego Corp.; Application for Short-Form License (Minor)

February 18, 1982.

Take notice that the Lake Oswego Corporation (Applicant) filed on August 18, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for operation of a constructed water power project to be known as the Lake Oswego Project. The project is located on the Tualatin River and Lake Oswego in Clackamas County, Oregon. Correspondence with the Applicant should be directed to: Mr. Stuart Bingham, President, Lake Oswego Corporation, 700 S.W. McVey Avenue, Lake Oswego, Oregon 97034.

Project Description—The proposed project consists of: (1) A rock and timber diversion dam on the Tualatin River at Mile 4.7; (2) a headgate structure at Mile 6.7 of the Tualatin River; (3) the 1.5-mile long Oswego Canal; (4) Lake Oswego, a 400-acre reservoir with a storage capacity of 9,800 acre-feet at elevation 98 feet; (5) Lake Oswego Dam, a 197-foot long, 25-foot high concrete dam; (6) 910 feet of 60-inch diameter wood stave pipe from the dam to a surge tank; (7) 30 feet of 48-inch diameter wood stave pipe from the surge tank to the powerhouse; (8) a powerhouse containing a single generating unit with a capacity of 540 kW discharging into Oswego Creek; and (9) associated electrical and transmission equipment.

Purpose of Project—The project has an average annual generation of approximately 3,500 MWh. Project power is sold to the Portland General Electric Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Presevation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 28, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c) or 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4661 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4332-001]

Long Lake Energy Corp.; Application for Short-Form License (Minor)

February 18, 1982.

Take notice that the Long Lake Energy Corporation (Applicant) filed on September 16, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a water power project to be known as the High Falls Hydroelectric Project No. 4332. The project would be located on the Chateaugay River in Franklin County, New York. Correspondence with the Applicant should be directed to: Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed run-of-the-river project would consist of existing facilities including: (1) High Falls Dam, a 94-foot long and 64-foot high concrete and masonry gravity structure owned by the New York State Electric and Gas Corporation; (2) a reservoir of negligible storage capacity at approximate mean surface elevation

962.66 feet m.s.l.; (3) an intake structure with an 8-foot by 8-foot headgate (to be replaced); (4) a 7-foot diameter steel penstock about 215 feet long (the lower 70 feet to be replaced); and new project works to include (5) a straight section of 7-foot diameter steel penstock about 46 feet long; leading to (6) a powerhouse with an installed capacity of 1,500 kW; (7) a tailrace; (8) electrical facilities; (9) a transmission line about 400 feet long; and (10) other appurtenances. Applicant estimates the average annual generation would be 9,200,000 kWh, and project energy is proposed to be sold to New York State Electric and Gas Corporation or wheeled to another public utility.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 26, 1982, either the competing application itself (see 18 CFR 4.33(a) and (d)) or a notice of intent (see 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 26, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4682 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5787-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

February 18, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on December 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5787 to be known as the White Chuck River Tributaries Waterpower project located on White Chuck River Tributaries, near Darrington, within the lands of the Mt. Baker-Snoqualmie National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122 196th N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) A 3-foot wide, 3-foot deep concrete diversion ditch buried in the stream bed, one on each of the three tributaries to the White Chuck River; (2) a 7,500-foot long pipeline; (3) a 2,500-foot long, 18-inch diameter penstock; (4) a powerhouse with an installed capacity of 940 kW; (5) a 1,000-foot long, 115-kV transmission line from the powerhouse to a proposed transmission line. The Applicant estimates that the average annual energy production would be 5.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 26, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 26, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 25, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 26, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4683 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5900-000]

Mason County Public Utility District No. 1; Application for Preliminary Permit

February 23, 1982.

Take notice that Mason County Public Utility District No. 1 (Applicant) filed on January 19, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5900 to be known as the Cabin Creek Hydroelectric Project located on Cabin Creek, a tributary of Hamma Hamma River in Mason County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John P. Robertson, Manager, Public Utility District No. 1 of Mason County, Rt. 5, Box 555, Shelton, Washington 98584.

Project Description—The proposed project would consist of: (1) A 50-foot long, 5- to 15-foot high diversion structure; (2) a 4,500-foot long, 3-foot diameter penstock; (3) a powerhouse with an installed capacity of 2,400 kW; and (4) a 7.2-mile long, 12-kV transmission line from the powerhouse to an existing transmission line owned by the Mason County Public Utility District No. 1. The Applicant estimates that the average annual energy production would be 9.9 million kWh. The project is located on U.S. Federal lands owned by Olympic National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $135,000.

Competing Applications—This application was filed as a competing application to Hydro Resource Company's application for Project No. 5548 filed on October 21, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4653 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5679-000]

Metals Selling Corp.; Application for Preliminary Permit

February 22, 1982.

Take notice that Metals Selling Corp. (Applicant) filed on November 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5679 to be known as the MSC Power Project located on the Quinebaug River in Windham County, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Raymond Rosenfield and Norman Rosenfield, 55 Providence Street, Putnam, Connecticut 06260.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) An existing dam, 105 feet long and 14.5 feet high, constructed of cut stone with a spillway, along the entire crest length, requiring repairs; (2) a reservoir having minimal pondage; (3) an existing intake structure, near the right dam abutment, with gates and trashracks; (4) a powerhouse to be renovated and equipped with new and/or rehabilitated turbine-generators having a total rated capacity of 746 kW; (5) a restored tailrace; (6) a new transmission line, approximately 500 feet long; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,200,000 kWh. Project energy would be sold to Northeast Utilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental,

historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $5,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 28, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 29, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protests, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before April 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4654 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-288-000]

Montana Power Co.; Filing

February 16, 1982.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on February 4, 1982, tendered for filing Second Revised Sheet No. 10 of the FPC Electric Tariff M-1, which has been revised to show the addition of Arizona Electric Power Cooperative, Inc. (AEPCO) and Idaho Power Company, and a summary of sales made under the Company's FPC Electric Tariff M-1 during July, August and September, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4668 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5906-000]

North Canal Waterworks; Application for License (5 MW or Less)

February 18, 1982.

Take notice that North Canal Waterworks (Applicant) filed on January 21, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for continued operation of a water power project to be known as the North Canal Hydroelectric Project No. 5906. The project is located on a canal off the Merrimack River, near the City of Lawrence in Essex County, Massachusetts. Correspondence with the Applicant should be directed to: Julie Meck Hamlin, Esquire, North Canal Waterworks, 110 Tremont Street, Boston, Massachusetts 02108 and David B. Ward, Esquire, Case & Ward P.C., 1050 Seventeenth Street, NW., Washington, D.C. 20036.

Project Description—The proposed project consists of five waterwheels which operate under an averge rated gross head of 28 feet and were constructed and placed in operation in the early 1900s prior to the enactment of the Federal Power Act. The facility has been in continuus operation since its construction. Three waterwheels are housed together upstream and two waterwheels are housed on the adjacent downstream site. Each waterwheel includes a headgate, penstock, directly connected generator and a tailrace. The facility operates intermittently when water is available that is surplus to the Lawrence Hydroelectric plant, FERC Project No. 2800, and the units operated by Merrimac Paper and Aquamac, FERC Project Nos. 2927 and 2928. The facility will generate approximately 1.2 million kilowatt hours annually. The North Canal Hydroelectric Project is located on the North Canal below the existing Great Stone Dam on the Merrimack River in Lawrence, Massachusetts.

Purpose of Project—The energy generated by the project will be sold to the Massachusetts Electric Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endargered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 26, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d)) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 26,1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4684 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-176-000]

Northwest Pipeline Corp.; Application

February 17, 1982.

Take notice that on January 25, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82-176-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) and/or Transwestern Pipeline Company (Transwestern), the transportation of natural gas for certain existing shippers and the construction and operation of certain facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a precedent agreement dated January 14, 1982, Applicant proposes to sell up to 3,000,000 therms equivalent of natural gas per day on a firm basis and an additional 250,000 therms equivalent on a best-efforts basis to Texas Eastern and/or Transwestern. In support of this sale, Applicant has entered into an agreement with Westcoast Transmission Company Limited (Westcoast) to increase its purchase from Westcoast from 809,000 Mcf of natural gas per day to 869,000 Mcf per day. The sale and delivery to Texas Eastern and/or Transwestern, it is stated, would be made at a point of interconnection between the facilities of Applicant and Continental Divide Pipeline Company (Continental) in La Plata County, Colorado, for transportation and delivery by Continental to Transwestern in McKinley County, New Mexico.

Applicant proposes to sell gas to Texas Eastern and/or Transwestern pursuant to its proposed Rate Schedule OS-1 which is comprised of a gas cost reimbursement charge for each therm delivered equivalent to the price Applicant is required to pay for gas imported from Canada, a transportation cost reimbursement charge including a monthly charge for the proportionate share of incremental transmission facilities required to deliver the proposed volumes, a commodity charge to cover the transportation through existing transmission facilities and a monthly fuel cost charge for the fuel required to transport the gas, and a monthly gas storage cost reimbursement demand charge to cover the cost of storage required to provide firm service. Based on the present Canadian gas cost of $4.94 per million Btu, the cost of gas delivered to Continental is estimated to be $5.88 per million Btu in the first year.

In order to deliver the subject gas, Applicant proposes herein to construct and operate up to 2,000 horsepower at its existing Chehalis compressor station, Lewis County, Washington, 65.7 miles of 36-inch loop pipeline on the discharge side of its Rangely, Colorado, compressor station, 177.2 miles of 30-inch loop pipeline in the area extending from the terminus of the 36-inch loop pipeline to Applicant's mainline compressor station at Ignacio, Colorado, up to 3,830 horsepower at a new compressor station to be constructed in the vicinity of Cortez, Colorado, compressor cylinder modifications at Applicant's existing Baker and Ignacio compressor stations, and the Pine Gulch meter station to be constructed in the vicinity of Applicant's Ignacio compressor station at the interconnection of Applicant's transmission system and those facilities proposed by Continental. The cost of the proposed facilities is estimated to be $209,260,000 which would be financed using funds obtained from a combination of interim bank financing, long-term debt, internally generated funds and/or equity contributed by Applicant's parent corporation.

Applicant states that it has included in its design of the looped facilities sufficient capacity to transport an additional 125,000 Mcf of gas per day in excess of the volumes committed to Texas Eastern and/or Transwestern. Applicant asserts it has received preliminary requests from certain shipper customers to utilize 117,000 Mcf per day as follows:

Company	Present rate schedule	Volumes presently certified to transport (Mcf/day)	Contract demand volumes to be transported under rate schedule T-2 (dth/day)	Proposed contract demand volumes to be transported under present rate schedule (Mcf/day)
Cities	X-48	100,000	75,000	25,000
Colorado Interstate	X-51	5,000	2,000	3,000
Colorado Interstate	X-52	5,000	2,000	3,000
Colorado Interstate	X-64	4,000	2,000	2,000
Mich-Wisconsin	X-59	15,000	1,000	14,000
Mich-Wisconsin	X-62	10,000	1,000	9,000
Natural Gas Pipeline	X-53	25,000	5,000	20,000
Southwest Gas	X-55	2,000	1,000	1,000
Southwest Gas	X-56	20,000	16,000	4,000

Company	Present rate schedule	Volumes presently certified to transport (Mcf/day)	Contract demand volumes to be transported under rate schedule T-2 (dth/day)	Proposed contract demand volumes to be transported under present rate schedule (Mcf/day)
Texas Gas Transmission	284	10,000	10,000	0
Utah Gas Service	X-23	5,000	2,000	3,000
Total		201,000	117,000	84,000

It is asserted that the shippers preliminarily request that such volumes be transported on a firm basis. Applicant, therefore, requests that its existing authority to transport these volumes be transferred to its proposed Rate Schedule T-2 and be deleted from the authority granted under the transportation rate schedules authorizing the existing service.

Applicant proposes to render this firm service pursuant to its proposed Rate Schedule T-2. The charge under this rate schedule would consist of a monthly facility charge for the proportionate share of incremental transmission facilities required to transport the proposed volumes and a commodity charge to cover the cost of transportation through existing transmission facilities which would be based on the distance each therm of gas is transported.

Applicant proposes to establish a uniform transportation cost applicable to incremental transmission facilities so that all customers obtaining firm transportation service would be charged for a proprotionate share of the cost of incremental transmission facilities. To establish the uniform transportation cost, Applicant proposes to add the facilties proposed in this application with those previously certificated to render transportation for Pacific Interstate Gas Company under Rate Schedule T-1.

Applicant further proposes herein to include in its cost-of-service any amounts paid to Westcoast for the incremental compression of gas performed prior to delivery of gas to Applicant at the Sumas, Washington, import point.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4669 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-175-000]

Northwest Pipeline Corp.; Application

February 17, 1982.

Take notice that on January 25, 1982, Northwest Pipeline Corporation (Applicant), P. O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82-175-000 an application pursuant to Section 3 of the Nutural Gas Act for authorization to increase the daily quantity of natural gas imported at the Sumas, Washington, import point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes an increase from 809,000 Mcf per day to 869,000 Mcf per day in the volume of natural gas which Applicant imports from Canada at Sumas, Washington. It is stated that Westcoast Transmission Company Limited (Westcoast) and El Paso Natural Gas Company (El Paso) entered into an agreement dated July 20, 1979, which permitted Westcoast to sell El Paso up to 60,000 Mcf of gas per day at the Sumas import point. It was intended for Applicant to transport the gas to El Paso's facilities, but no transportation agreement has ever been executed. It is stated that Applicant, Westcoast and El Paso have entered into an agreement dated December 1, 1981, whereby El Paso has agreed to assign to Applicant its interest in the agreement of July 20, 1979. Under the December 1, 1981, agreement, Applicant has the sole right to purchase the additional 60,000 Mcf of gas available at the Sumas import point, it is asserted.

Applicant requires the additional gas at the Sumas import point to support a sale of gas to Texas Eastern Transmission Corporation (Texas Eastern) and/or Transwestern Pipeline Company (Transwestern). Applicant explains that it would sell up to 300 billion Btu on a firm basis to Texas Eastern and/or Transwestern and an additional 25 billion Btu on a best-efforts basis.

It is asserted that the rate to be paid by Applicant to Westcoast for the purchase of an additional 60,000 Mcf per day would be that price fixed by the National Energy Board of Canada for the export of natural gas from Canada. It is further asserted that in order to effectuate the import of the additional 60,000 Mcf per day, Applicant has executed an agreement with Westcoast whereby Westcoast agrees to increase the compression delivery pressure at the international boundary from 500 psia to 600 psia. Applicant would pay Westcoast a monthly charge and would reimburse Westcoast for its additional fuel requirements to render the service.

Applicant further proposes herein to transfer gas from Sumas to the import point at Kingsgate, British Columbia. The following volumes would be transferred:

Effective November 1, 1985, 24,000 Mcf per day

Effective November 1, 1986, 62,000 Mcf per day

Effective November 1, 1987, 100,000 Mcf per day

Effective November 1, 1988, 100,000 Mcf per day

It is asserted that such transfer would increase British Columbia's annual sales of gas and would relieve British Columbia's need to find other markets for its gas reserves.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4670 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA82-1-28-001 and RP80-78-009]

Panhandle Eastern Pipe Line Co.; Proposed Change in FERC Gas Tariff

February 12, 1982.

Take notice that on January 27, 1982, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing in substitution for tariff sheets filed on January 15, 1982, the following Substitute Revised Tariff Sheets to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Forty-Second Revised Sheet No. 3-A
First Substitute Nineteenth Revised Sheet No. 3-B
First Substitute Sixth Revised Sheet No. 3-C.1
First Substitute Sixth Revised Sheet No. 3-C.2
First Substitute Sixth Revised Sheet No. 3-C.3
First Substitute Alternate Forty-Second Revised Sheet No. 3-A
First Substitute Alternate Nineteenth Revised Sheet No. 3-B
First Substitute Alternate Sixth Revised Sheet No. 3-C.1
First Substitute Alternate Sixth Revised Sheet No. 3-C.2
First Substitute Alternate Sixth Revised Sheet No. 3-C.3

Panhandle states that the tariff sheets submitted January 15, 1982, were filed pursuant to the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1 and in accordance with the Stipulation and Agreement in Docket No. RP80-78. However, the Carrying Charge Surcharge rate, as reflected in the January 15, 1982 filing, was incorrectly stated in § 18.2 of the filing. Panhandle states that the Carrying Charge Surcharge rate should have been a *reduction* of 1.07¢ in lieu of the increase of 1.07¢ as filed. Accordingly, in order to properly state the proposed rate changes, including the Carrying Charge Surcharge, Panhandle submits these substitute tariffs which will retain the same proposed effective date as the original January 15, 1982 filings of March 1, 1982.

Copies of this filing were served upon Panhandle's jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4685 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-294-000]

Philadelphia Electric Co.; Filing

February 16, 1982.

The filing Company submits the following:

Take notice that Philadelphia Electric Company (Philadelphia) on February 8, 1982, tendered for filing proposed changes in its FERC Electric Service Tariff No. 44, applicable for service the Borough of Lansdale. The proposed changes would increase revenues from jurisdictional sales and service by $880,000, or 12%, based on the 12-month period ending December 1, 1982.

Philadelphia proposes an effective date of April 10, 1982.

Copies of the filing were served upon the Borough of Lansdale and upon the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4672 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-20]

Public Service Company of Oklahoma; Emergency Request for Declaratory Order

February 11, 1982.

On February 8, 1982, Public Service Company of Oklahoma (PSO) filed an emergency request for a declaratory order pursuant to §§ 1.7(c) and 1.12 of the Commission's Rules of Practice and Procedure (Commission). PSO requests that the Commission declare that its ongoing wellhead sales of natural gas to United Gas Pipe Line Company (United) and Lone Star Gas Company (Lone Star) are "first sales" within the meaning of the Natural Gas Policy Act of 1978 (NGPA).

PSO alleges the following: PSO is an Oklahoma corporation with its principal place of business in Tulsa, Oklahoma. PSO is a public utility engaged in the business of providing electric service to customers located in portions of eastern and southwestern Oklahoma. To provide fuel for its electric generating operations, PSO purchases natural gas from unaffiliated, independent producers in the State of Oklahoma. Transok Pipe Line Company, a wholly-owned intrastate pipeline subsidiary of PSO, collects the gas purchased by PSO and transports it to PSO's electric generating stations. PSO states that for the past year it has been selling certain gas which it purchases from the above-described unaffiliated Oklahoma producers in interstate commerce to United and Lone Star as it is gas which is surplus to PSO's electric generating fuel requirements. PSO alleges that such sales to United and Lone Star have been averaging approximately 170,000 MMBtu per day and have assisted it in alleviating take-or-pay problems which

PSO might otherwise incur under its producer contracts as well as providing a market for its surplus gas. PSO alleges that it has been making its sales to United and Lone Star as "first sales" under the NGPA at the applicable maximum lawful price. As NGPA "first sales" of natural gas not committed or dedicated to interstate commerce on November 8, 1978, PSO contends that its sales to United and Lone Star are not subject to regulation under the Natural Gas Act due to the operation of NGPA section 601(a)(1)(A).

In concluding that its sales to United and Lone Star are NGPA "first sales", PSO states that it has been relying, in part, upon the Commission's affiliate rule in § 270.203(c) of the regulations which was promulgated in Order No. 58. As is pertinent here, the rule basically provides that a sale by a pipeline affiliate, which is not itself a pipeline, is a "first sale" under the NGPA. The problem, according to PSO, is that on December 23, 1981, the United States Court of Appeals for the Fifth Circuit rendered its opinion in *Mid-Louisiana Gas Company, et al.* v. *FERC*, Nos. 80–3804, *et al.* which vacated Order No. 58 in its entirety even though the Court, in its opinion, only addressed those provisions of Order No. 58 which deal with the NGPA "first sales" status of gas *produced* by pipelines and their affiliates. According to PSO, the Fifth Circuit's mandate in the *Mid-Louisiana* case issues in accordance with Rule No. 41 of the Federal Rules of Appellate Procedure after February 12, 1982. As a result, PSO claims that it faces immediate regulatory uncertainty as to whether its sales are NGPA "first sales" and whether its sales are subject to regulation under the Natural Gas Act. PSO alleges that it will be forced to interrupt its deliveries to United and Lone Star unless the Commission issues an order declaring PSO's sales to United and Lone Star to be "first sales" within the meaning of the NGPA. PSO contends that the authority for such an order could be NGPA section 2(21)(A)(v) by which the Commission can define certain sales to be "first sales" in order to prevent circumvention of any maximum lawful price under the NGPA. PSO contends that its sales to United and Lone Star are made at the wellhead and should be subject to the NGPA Title I "Wellhead Price Controls."

Any person desiring to be heard or to protest this emergency request for declaratory order must file a petition to intervene or a protest in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure. All petitions or protests shall be filed with the Secretary of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, within fifteen days after this notice is issued. Protests will not serve to make the protestants parties to this proceeding. Any person desiring to become a party must file a petition to intervene. Copies of the emergency request for declaratory order are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4686 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-165-000]

Public Service Electric & Gas Co., Applicant and Transcontinental Gas Pipe Line Corp., Respondent; Application

February 16, 1982.

Take notice that on January 19, 1982, Public Service Electric and Gas Company (Applicant), 80 Park Plaza, Newark, New Jersey 07101, filed in Docket No. CP82–165–000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Transcontinental Gas Pipe Line Corporation (Respondent) to establish a new delivery point on its transportation facilities with the facilities of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant is engaged in the purchase, manufacture, and distribution of natural gas within the state of New Jersey. Applicant asserts that it has experienced pressure problems on its gas distribution system in the Gillette area of Passaic Township, Morris County, New Jersey, and that such problems would endanger service to high priority customers in the area if not corrected.

In order to correct such problems, Applicant requests that the Commission direct Respondent to construct a new delivery point including necessary valving and metering on Respondent's pipeline located in the Gillette area of Passaic Township, Morris County, New Jersey. Applicant states that it would construct the necessary piping, valving, regulating devices, and additional equipment on property adjacent to Respondent's right-of-way on Morristown Road, Gillette, New Jersey. Applicant further states that it would also extend approximately 2,300 feet of 16-inch main from the proposed station to an existing 12-inch main owned and operated by Applicant.

Applicant estimates the cost of facilities to be constructed by Respondent to be $314,000, which cost, including full reimbursement to Respondent for its costs of construction, would be financed by Applicant through funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4671 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-79-002]

Ohio Edison Co.; Compliance Filing

February 16, 1982.

The filing Company submits the following:

Take notice that on February 8, 1982, Ohio Edison Company filed revised service schedules and revised rates in compliance with the Commission's order issued January 8, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 3, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4655 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST80-214-001]

Rael Gas Co.; Extension Reports

February 16, 1982.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional of up to 2 years. These transactions commenced on a self-implementing basis case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days proceeding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. The letter "C" indicates transportation by an intrastate pipeline under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before March 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and Transporter/seller

ST80-214-001; Rael Gas Co., 950 One Energy Square, Dallas, TX 75206
ST80-220-001; United Texas Transmission Co., P.O. Box 1478, Houston, TX 77001
ST80-224-001; Cities Service Gas Co., P.O. Box 25128, Oklahoma City, OK 73125
ST80-237-001; Valero Transmission Co., P.O. Box 500, San Antonio, TX 78295

Recipient	Date filed	Part 284 subpart	Effective date
Michigan Wisconsin Pipe Line Co	Jan. 25, 1982	C	Apr. 23, 1982.
United Gas Pipe Line Co	do	C	Apr. 28, 1982.
Pacific Gas and Electric Co	Jan. 29, 1982	B	May 1, 1982.
Texas Eastern Transmission Corp	Jan. 21, 1982	C	Do.

[FR Doc. 82-4656 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5795-000]

Resource Investments; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

February 23, 1982.

Take notice that on December 17, 1981, Resource Investments (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5795 would be located on Sand Creek, within the Sierra National Forest in Madera County, California. Correspondence with the Applicant should be directed to: Mr. Fred G. Castagna, 1646 East Street, Redding, California 96001.

Project Description—The proposed project would consist of: (1) A reinforced concrete diversion structure, spillway level 6 feet above the streambed, elevation 5,156 feet; with negligible storage; (2) an intake structure with two 36-inch diameter intake pipes; (3) diversion conduit about 8,900 feet long and penstock 6,864 feet long; (4) a powerhouse containing a turbine generator with 4.75 MW capacity and 14.7 GWh annual energy production; (5) transmission line 7,666 feet long; and (6) associated facilities.

Purpose of Project—Project-generated energy is proposed to be sold to the Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Departments of Fish and Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 9, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before April 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of

the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4657 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-9-000]

Rimrock Gas Co.; Application for Adjustment

February 16, 1982.

Take notice that on February 1, 1982, Rimrock Gas Company (Rimrock), P.O. Box 948, Amarillo, Texas 79105, filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's rules of practice and procedure. Rimrock seeks authorization to file tariff charges establishing rates in accordance with section 108 of the NGPA, even though the pricing provision of its contract of sale with Arkansas Louisiana Gas Company (Arkla) does not authorize collection of the section 108 rate.

Specifically, Rimrock states that natural gas produced from three wells in Beckham County, Oklahoma, has been determined by the Corporation Commission of Oklahoma (Oklahoma) to be produced from stripper wells pursuant to section 108 of the NGPA, and that copies of Oklahoma's determination orders have been filed with the Commission. Since the Oklahoma determinations, Rimrock has requested Arkla to increase payments for the natural gas delivered to Arkla from the stripper wells commensurate with the prices permitted under section 108 of the NGPA, but that Arkla has refused such request. Rimrock states that by virtue of Arkla's refusal to pay the stripper well prices, Rimrock is suffering special hardship and inequity.

Rimrock further states that language in the Commission's Order of October 24, 1980, in Docket No. CS75-102, granting Rimrock a small producer certificate, to wit, Ordering Paragraph (D)(4) which states in part, that:

> No applicant may collect any rate in excess of the rate authorized in (3) above, unless * * * a final determination has been made by the jurisdictional agency under Part 274 * * *

when construed with the section of its contract entitled "Government Regulations," which states, in part, that:

> This contract shall be subject to all * * * orders of any regulatory authority having jurisdiction * * *

means, in Rimrock's view, that Rimrock, as one of the applicants referred to in the Commission's Order, may collect rates in excess of the contract by reason of the stripper well determinations made by Oklahoma.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's rules of practice and procedure as set forth in Order No. 24, issued March 22, 1979 (44 FR 18961, March 30, 1979), as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before March 9, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4673 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-150-000]

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Application

February 17, 1982.

Take notice that on January 12, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-150-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.200 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Con Ed during the period from February 1, 1982, to April 1, 1982, up to 75,836 Mcf of natural gas per day which Con Ed has arranged to purchase from Equitable Gas Company (Equitable). It is stated that the transported natural gas would be used by Con Ed solely to displace fuel oil it would otherwise use in its electric generating stations and that Con Ed would not exceed the volumetric limitations imposed on such use of natural gas by the Powerplant and Industrial Fuel Use Act of 1978.

Applicant states that the volumes to be transported would be made available to it by Equitable for the account of Con Ed at Applicant's existing Pittsburgh Terminal sales meter station delivery point located in Allegheny County, Pennsylvania. Applicant states that it would deliver equivalent volumes to Transcontinental Gas Pipe Line Corporation (Transco) at its existing Rivervale sales meter station delivery point to Transco in Bergen County, New Jersey, and that Transco would deliver equivalent volumes to Con Ed.

Assuming that the proposed transportation service commences on February 1, 1982, Applicant estimates that it would transport up to 4,550,000 Mcf of gas for Con Ed during the period ending April 1, 1982, based on a peak day transportation volume of 75,836 Mcf.

It is stated that the transportation service proposed would be performed only to the extent Applicant's operating conditions and available capacity permit through the utilization of existing facilities.

It is stated that pursuant to a transportation contract among Applicant, Con Ed, Equitable, and Transco, Applicant's service rate is the rate contained in its Rate Schedule IT currently 16.24 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4667 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-17-003]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 16, 1982.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on February 8, 1982 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Substitute Revised Sixty-first Revised Sheet No. 14
Substitute Revised Sixty-first Revised Sheet No. 14A
Substitute Revised Sixty-first Revised Sheet No. 14B
Substitute Revised Sixty-first Revised Sheet No. 14C
Substitute Revised Sixty-first Revised Sheet No. 14D

These sheets were issued pursuant to Ordering Paragraph (C) of the Commission's Order Accepting For Filing and Suspending Revised Tariff Sheets, issued January 29, 1982 in Docket No. TA82-1-17-002 (PGA 82-1).

The changes proposed consist of:

(1) A reduction in rates, based on reductions in underlying pipeline supplier rates, consisting of a $0.007/dth decrease in monthly demand rates and a $0.0034/dth decrease in commodity rates; and

(2) A temporary reduction of 14.79¢/dth to reflect elimination of amounts attributable to a proposed purchase from Northwest Pipeline Corporation which gas had not been connected to Texas Eastern's system as of February 1, 1982, the effective date of Texas Eastern's PGA filing. As stated, the reduction is temporary only, and is proposed to terminate as described below.

The proposed effective date of the above tariff sheets is February 1, 1982.

On April 28, 1981, Northwest Pipeline Corporation filed in Docket No. CP81-307 for authorization to commence a sale to Texas Eastern and Transwestern Pipeline Company of certain volumes of natural gas. Although it was anticipated that this source of supply would be connected to Texas Eastern's system by February 1, 1982, the issuance of the certificate has been delayed to the extent that these volumes remain unconnected to this date. In its last PGA filing in Docket No. TA-81-2-17, Texas Eastern proposed to eliminate amounts attributable to the Northwest sale until such time as deliveries commenced thereunder. At such time as deliveries from Northwest commenced, Texas Eastern proposed to reinstate amounts attributable thereto in its PGA, so that Revised Substitute Sixtieth Revised Sheet Nos. 14, 14A through 14D, submitted therewith for filing, would become effective on the first day of the month following the date of first delivery to Texas Eastern under the Northwest contract. Texas Eastern stated that amounts of undercollection could be substantial if current recovery of costs were not permitted, to the detriment of both Texas Eastern and its customers. In response to Texas Eastern's request for a waiver of § 154.38(d)(4)(iv) of its rules and regulations to permit Revised Substitute Sixtieth Revised Sheet Nos. 14, 14A through 14D submitted therewith to become effective on the date proposed above, the Commission, while denying the request for waiver, nevertheless responded that at such time as deliveries of the Northwest volumes commenced, Texas Eastern would be permitted to make a showing as to why § 154.38(d)(4)(iv) should then be waived. Texas Eastern assumes that similar treatment will be afforded it under the instant filing. If such is not the Commission's intention, then Texas Eastern renews its request that the Commission at this time grant waiver of § 154.38(d)(4)(iv) to permit Revised Substitute Revised Sixty-first Revised Sheet Nos. 14, 14A through 14D submitted herewith for filing to become effective on the first day of the month following the commencement of deliveries to Texas Eastern of the Northwest volumes.

By its filing, Texas Eastern has requested the Commission to grant waiver of its Rules and Regulations as may be necessary to allow these tariff sheets to become effective as proposed.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4674 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-18-002]

Texas Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

February 12, 1982.

Take note that on February 5, 1982, Texas Gas Transmission Corporation (Texas Gas tendered for filing Substitute Thirty-Sixth Revised Sheet No. 7 to its FPC Gas Tariff, Third Revised Volume No. 1. The requested proposed effective date for the substitute tariff sheets is February 1, 1982.

Texas Gas states that the tariff sheet was filed to reflect downward modifications in the rates of two of Texas Gas' pipeline suppliers, Texas Eastern Transmission Corporation (Texas Eastern) and United Gas Pipe Line Company (United). The Commission's Order issued January 29, 1982, in Docket No. TA82-1-18-002 accepted Texas Gas' February 1, 1982 PGA rates subject to the condition that they reflect any downward modifications of the Texas Eastern and United PGA rates.

Copies of this filing were served to all of Texas Gas' jurisidictional sales customers, interested state commissions and parties of record in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4688 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-171-000]

Transcontinental Gas Pipe Line Corp.; Application

February 17, 1982.

Take notice that on January 22, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-171-000 an application as supplemented February 3, 1982, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 103,500 dekatherms (dt) equivalent of natural gas per day which Con Ed has arranged to purchase from Equitable Gas Company (Equitable). It is asserted that Equitable would deliver the gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and/or Texas Eastern Transmission Corporation (Texas Eastern) at the existing interconnection between Equitable and Tennessee in Allegheny County, Pennsylvania, and/or the point of interconnection between Equitable and Texas Eastern in Westmoreland County, Pennsylvania. The gas would be made available to Applicant by Tennessee at Rivervale, Bergen County, New Jersey, and/or Texas Eastern at its point of interconnection with Applicant at Applicant's meter station #249, Montgomery County, Pennsylvania. Applicant asserts that it would redeliver equivalent quantities to Con Ed at existing points of delivery between the two.

It is stated that the proposed service is for a term beginning on the date of initial deliveries and ending on October 31, 1982, or the expiration of the "fuel shortage emergency period" as defined in § 284.201(e) of the Commission's Regulations whichever occurs first. The transportation would be interruptible at Applicant's sole discretion and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to Con Ed under Applicant's Rate Schedules CD, ACQ, LGA, GSS and WSS.

It is stated that Con Ed would initially pay Applicant 7.0 cents per dt equivalent delivered with 0.7 percent retention for compressor fuel and line loss make-up.

Con Ed has advised that it would burn the gas directly to generate electricity and/or steam and such gas would displace fuel oil which would otherwise be burned for such purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4690 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-8837-002, et al.]

Shell Offshore Inc. (Successor in Interest to Shell Oil Company) et al.; Application as Successor in Interest for Certificates of Public Convenience and Necessity

February 16, 1982.

Take notice that on February 5, 1982, Shell Offshore Inc., (Applicant or "Shell Offshore") of One Shell Plaza, Room 3892, Post Office Box 2463, Houston, Texas 77001, filed an application as successor in interest for certificate of public convenience and necessity in which Shell Offshore proposes to continue service by selling and delivering gas produced from certain acreage covered by certificates issued to Shell Oil Company ("Shell Oil"). Shell Offshore is filing for redesignation of the Shell Oil FERC Rate Schedules and as complete successor to Shell Oil in the dockets as listed on Exhibit "A".

Effective as of January 1, 1982, Shell Oil Company assigned its interests in certain properties to Shell Energy Resources Inc. ("Shell Energy"), and Shell Energy in turn assigned such interests to Applicant. As a result of such assignments, Shell Offshore has acquired all of the interests of Shell Oil in all of the properties which are subject to the Shell Oil FERC Gas Rate Schedules which are listed in Exhibit "A" attached hereto.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the

certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene in timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applications to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

EXHIBIT "A"

Shell Oil Co. gas rate schedule No.	Certificate docket No.	Field or block	Contract date	Purchaser
130	G-8837, G-10987	South Pass 27 [1]	6-16-76	Tennessee Gas Pipeline Company.
171	G-15700	Eugene Island 18	5-18-79	Tennessee Gas Pipeline Company.
176	G-13944	West Black Bay	11-19-57	Southern Natural Gas Company.
180	G-15250	West Cameron 192	10-5-77	Tennessee Gas Pipeline Company.
186	G-17264	Atchafalaya Bay	4-28-79	Tennessee Gas Pipeline Company.
200	G-18402	Eugene Island 100	3-23-59	Transcontinental Gas Pipe Line Corporation.
237	CI61-104	West Delta 30	11-1-79	Tennessee Gas Pipeline Company.
244	CI61-1066	Eugene Island 128	4-21-81	Transcontinental Gas Pipe Line Corporation.
248	CI61-1421	South Pass 27	8-2-81	Tennessee Gas Pipeline Company.
345	CI67-808	West Delta 105 [1]	10-3-66	Southern Natural Gas Company.
349	CI68-91	Eugene Island 175 [1]	8-18-76 7-18-67	Michigan Wisconsin Pipe Line Company.
357	CI68-1146	Bay Marchand 2	2-21-68	United Gas Pipe Line Company.
358	CI68-1211	South Timbalier 176 [1]	11-1-68	Trunkline Gas Company.
361	CI68-1374	South Marsh Island 6	5-3-68	Michigan Wisconsin Pipe Line Company.
362	CI69-242	Main Pass 289 [1]	8-27-68	Southern Natural Gas Company.
364	CI69-690	Eugene Island 19	1-2-69	Tennessee Gas Pipeline Company.
366	CI69-293	Eugene Island 276	8-30-68	Michigan Wisconsin Pipe Line Company.
369	CI69-266	Vermilion 164	8-27-68	Texas Eastern Transmission Corporation.
376	CI70-102	South Timbalier 26	6-30-69	United Gas Pipe Line Company.
377	CI70-69	South Marsh Island 27 [1]	7-16-69	Sea Robin Pipeline Company.
379	CI70-398	West Cameron 192	10-6-69	Texas Eastern Transmission Corporation.
384	CI71-840	Eugene Island 254 [1]	4-8-71	Michigan Wisconsin Pipe Line Company.
388	CI72-495	Vermilion 191	1-13-78	Tennessee Gas Pipeline Company.
393	CI73-311	Main Pass 69	7-15-72	Tennessee Gas Pipeline Company.
396	CI73-160	Vermilion 247	8-1-73	Natural Gas Pipeline Company of America.
397	CI73-164	West Cameron 565	8-1-73	Natural Gas Pipeline Company of America.
401	CI74-299	Eugene Island 331	1-1-73	Natural Gas Pipeline Company of America.
402	CI75-79	Eugene Island 331	5-1-74	Natural Gas Pipeline Company of America.
403	CI74-372	Vermilion 321	9-1-73	Natural Gas Pipeline Company of America.
404	CI75-386	Vermilion 321	7-1-74	Natural Gas Pipeline Company of America.
407	CI76-225	Vermilion 321	8-1-75	Natural Gas Pipeline Company of America.
408	CI76-3	Grand Isle 76	5-7-75	Southern Natural Gas Company.
409	CI76-196	Grand Isle 76	8-21-75	Florida Gas Transmission Company.
410	CI76-137	Bay Marchand 2	11-26-81	United Gas Pipe Line Company.
415	CI76-778	Vermilion 22 [1]	9-1-76	Transcontinental Gas Pipe Line Corporation.
416	CI76-780	Vermilion 22 [1]	9-1-76	Florida Gas Transmission Company.
421	CI77-750	Vermilion 302	6-1-77	Natural Gas Pipeline Company of America.
426	CI78-303	High Island A-350 [1]	1-9-78	Transcontinental Gas Pipe Line Corporation.
427	CI78-304	Vermilion 340	1-10-78	Natural Gas Pipeline Company of America.
428	CI78-305	High Island A-350 [1]	1-11-78	Trunkline Gas Company.
429	CI78-389	Grand Isle 75	1-13-78	Southern Natural Gas Company.
433	CI78-864	East Cameron 96	5-1-78	Tennessee Gas Pipeline Company.
434	CI78-1161	South Marsh Island 149 [1]	8-1-78	Florida Gas Transmission Company.
435	CI78-628	South Marsh Island 115	2-21-78	Natural Gas Pipeline Company of America.
436	CI78-625	South Marsh Island 132	3-10-78	Transcontinental Gas Pipe Line Corporation.
437	CI78-563	South Marsh Island 130 [1]	3-3-78	Transcontinental Gas Pipe Line Corporation.
438	CI78-569	South Marsh Island 106	3-3-78	Transcontinental Gas Pipe Line Corporation.
439	CI78-654	East Cameron 56 [1]	3-17-78	Transcontinental Gas Pipe Line Corporation.
440	CI78-1167	South Marsh Island 149	8-1-78	Southern Natural Gas Company.
441	CI79-488	High Island 179 [1]	1-22-79	United Gas Pipe Line Company.
442	CI79-498	High Island 179 [1]	5-9-79	Transcontinental Gas Pipe Line Corporation.
443	CI79-546	Mississippi Canyon 194 [1]	7-1-79	Southern Natural Gas Company.

EXHIBIT "A".—Continued

Shell Oil Co. gas rate schedule No.	Certificate docket No.	Field or block	Contract date	Purchaser
444	CI79-114	Mississippi Canyon 311	7-1-79 9-27-78	Southern Natural Gas Company.
445	CI79-115	Mississippi Canyon 311	8-1-79 9-27-78	Florida Gas Transmission Company.
446	CI80-138	High Island A-490	11-1-79	United Gas Pipe Line Company.
448	CI79-599	Matagorda Island 619 [1]	6-15-79	Transcontinental Gas Pipe Line Corporation.
449	CI79-613	Mississippi Canyon 194 [1]	8-1-79	Florida Gas Transmission Company.
451	CI80-369	Sabine Pass 10 [1]	4-1-80	Florida Gas Transmission Company.
452	CI80-361	West Cameron 65	5-7-80	Tennessee Gas Pipeline Company.
453	CI80-382	Matagorda Island A-7 [1]	6-15-79	Transcontinental Gas Pipe Line Corporation.
454	CI80-432	Vermilion 144	6-2-80	Columbia Gas Transmission Corporation.
455	CI80-420	High Island A-269 [1]	6-9-80	Tennessee Gas Pipeline Company
456	CI80-20	West Cameron 65	8-1-80	Transcontinental Gas Pipe Line Corporation.
457	CI81-27	West Cameron 65	8-1-80	Florida Gas Transmission Company.
458	CI80-400	South Marsh Island 16	6-13-80	Sea Robin Pipeline Company.
460	CI81-197	Galveston 223	12-3-80	Transcontinental Gas Pipe Line Corporation.
461	CI81-198	Brazos A-19 [1]	12-22-80	Columbia Gas Transmission Corporation.
462	CI81-199	Brazos A-19 [1]	12-15-80	Transcontinental Gas Pipe Line Corporation.
464	CI81-110	Vermilion 370	12-1-80	Transcontinental Gas Pipe Line Corporation.
465	CI81-364	East Cameron 240	3-1-81	Southern Natural Gas Company.

[1] Also other fields or blocks.

[FR Doc. 82-4658 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5734-000]

Synergics Inc.; Application for Preliminary Permit

February 23, 1982.

Take notice that Synergics Inc. (Applicant) filed on December 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5734 to be known as the Cuddebackville Hydropower Project located on the Neversink River in Orange County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Wayne L. Rogers, President, Synergics Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

Project Description.—The proposed project would consist of: (1) The existing concrete gravity dam 12 feet high and 290 feet long; (2) a reservoir having a surface area of 2 acres with a normal water surface elevation of 540 feet m.s.l. and negligible storage capacity; (3) a new powerhouse with units having a total generating capacity of 1,200 kW; (4) the existing substation is owned by Orange and Rockland Utilities Inc.; and (5) appurtenant facilities.

The Applicant estimates the annual energy production to be between 4.0 and 4.5 GWh. Project energy would be sold to Orange and Rockland Utilities Inc. Existing project facilities, except for substation are owned by the Delaware and Hudson Canal Association.

Proposed Scope of Studies under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates cost of the studies under the permit would be $30,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 1, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)] A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 30, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 30, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4659 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5919-000]

Vermillion River Co.; Application for Preliminary Permit

February 18, 1982.

Take notice that Vermillion River Company (Applicant) filed on January 25, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5919 to be known as the Vermillion River Project located on the Vermillion River, near Noxon in Sanders County, Montana. The project would occupy U.S. lands within Kaniksu National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: The Vermillion River Company, c/o Mr. Leo Fisher, Suite 1009, 1625 I Street NW., Washington, D.C. 20006.

Project Description.—The proposed project would consist of: (1) A 7-foot high concrete dam; (2) an intake; (3) a 25,000-foot long, 6-foot diameter concrete pipeline; (4) a 1,500-foot long, 5-foot diameter steel penstock; (5) a powerhouse containing one generating unit rated at 5,900 kW; and (6) a 6-mile long transmission line. The average annual energy generation is estimated to be 15.5 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant seeks a 24-month preliminary permit, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant proposes to conduct test borings and all disturbed land will be restored. The cost of the work is estimated to be $125,000.

Competing Applications.—This application was filed as a competing application to the City of Conrad, Montana's application for Project No. 5568 filed on October 26, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 12, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS," "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4689 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-297-000]

Washington Water Power Co.; Filing

February 16, 1982.

The filing Company submits the following:

Take notice that on February 8, 1982, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a Settlement of Contract.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to December 31, 1981, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4675 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5853-000]

Western Hydro Electric, Inc.; Application for License (5 MW or Less)

February 23, 1982.

Take notice that Western Hydro Electric, Inc. (Applicant) filed on January 4, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as Olney Creek Falls Project No. 5853. The project would be located on Olney Creek near Town of Gold Bar in Snohomish County, Washington. Correspondence with the

Applicant should be directed to: Mr. J. Kirk Rector, Legal Counsel, Western Hydro Electric, Inc., 4832 Colony Circle, Salt Lake City, Utah 84117.

Project Description—The proposed project would consist of: (1) An existing diversion structure which would be renovated; (2) an existing 30-foot wide spillway; (3) a 1,150-foot long, 60-inch diameter penstock; (4) a powerhouse with total installed capacity of 1,500 kW; (5) a 100-foot long tailrace canal; (6) a pump and flow return pipe returning some of the powerplant discharge to the base of the Olney Creek Falls; (7) the facilities to interconnect with existing transmission line maintained by the Snohomish County Public Utility District No. 1; and (8) improving and widening by 5 feet, an existing access road.

Purpose of Project—The proposed project would redevelop the potential hydropower at Olney Creek Falls. Applicant estimates that 9.3 million kWh of energy produced annually by the project, would be sold to the Snohomish County PUD.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Carjen Company's application for Project No. 4741 filed on May 8, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate]

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules and Practice of Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application in or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4660 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5591-000]

City of Ypsilanti; Application for Preliminary Permit

February 22, 1982.

Take notice that the City of Ypsilanti, Michigan (Applicant) filed on November 2, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791–825(r)) for Project No. 5591 to be known as the Peninsular Paper Company Dam located on the Huron River in Washtenaw County, Michigan. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald W. Lystra, P.E., Ayres, Lewis, Norris & May, Inc., 3983 Research Park Drive, Ann Arbor, Michigan 48104.

Project Description—The proposed project would consist of: (1) An existing concrete ogee overflow spillway approximately 240 feet long and 18 feet high; () an existing reservoir with a surface elevation of 713 feet m.s.l., a surface area of approximately 66 acres and a usable storage capacity of 590 acre-feet; (3) an existing powerhouse to contain generating units with an estimated installed capacity of 520 kW; (4) existing transmission lines; and (5) appurtenant facilities. The proposed project is not located on Federal lands. The applicant estimates that the average annual energy output would be 2.5 GWh. Power produced by the Applicant would be consumed by the Peninsular Paper Company, and sold to nearby users, and the Detroit Edison Company.

Purposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates the cost of the studies would be $14,000.

Competing Applications—This application was filed as a competing application to Mr. Harry A. Bogorad's application for Project No. 4955 filed on June 24, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit of license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to

take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before April 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4661 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-178-000]

Western Slope Gas Co.; Application

February 17, 1982.

Take notice that on January 26, 1982, Western Slope Gas Company (Applicant), P.O. Box 840, Denver, Colorado 80201, filed in Docket No. CP82-178-000 an application pursuant to Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the Regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant is a Colorado corporation whose rates, facilities, and service are subject to the jurisdiction of the Public Utilities Commission of the State of Colorado. Applicant asserts that its Western System facilities have been declared exempt by the Federal Power Commission (FPC). Applicant further presumed that its South Central System was also exempt pursuant to the previous exemption granted by the FPC.

It is explained that Colorado-Wyoming Gas Company (Colorado-Wyoming) was originally engaged in interstate natural gas operations. Colorado-Wyoming sold all of its facilities located within the State of Wyoming to Cheyenne Light, Fuel and Power Company and retired or sold to Colorado Interstate Gas Company (CIG) certain facilities located within the State of Colorado. Colorado-Wyoming, it is stated, was then declared exempt under the Natural Gas Act by the FPC.

Applicant asserts that on December 31, 1964, Colorado-Wyoming merged into Applicant. The facilities encompassed by such acquisition principally consisted of three transmission lines: (1) One starting from a point near GIG's Cheyenne meter station located in Colorado extending south to the Mesa compressor station near Denver, Colorado; (2) one starting at CIG's Norfolk meter station located in Colorado extending to the Mesa compressor station near Denver, Colorado; and (3) one from the Mesa compressor station extending southerly to Denver, Colorado. Applicant explains that in 1969 the facilities comprising the South Central and what were formerly the Colorado-Wyoming transmission systems were connected via a pipeline across Rollins Pass in Boulder County, Colorado, comprising Applicant's Central System.

Applicant in response to a condition in the order issued October 26, 1981, in Docket No. CP81-345-000 requests that all of its operations be exempt from the Natural Gas Act including all facilities subsequently added to the Western System and all facilities which are a part of the Central System including those facilities acquired from Colorado-Wyoming.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4676 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5858-000]

Woods Creek, Inc.; Application for Preliminary Permit

February 18, 1982.

Take notice that Woods Creek, Inc. (Applicant) filed on January 7, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5858 to be known as the Index Creek Project located on Index Creek in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Neil H. Macdonald, Project Manager, Woods Creek, Incorporated, 14 South Idaho Street, Seattle, Washington 98134.

Project Description—The proposed project would consist of: (1) Three 6-foot high diversion weirs located at elevation 1950 feet on two tributaries and the mainstem of Index Creek; (2) four power conduits, having a total length of 22,500 feet; (3) a powerhouse at elevation 800 feet containing 2 turbine-generator units with a total capacity of 9300 kW; and (4) a one-mile long transmission line. Applicant estimates that the average annual energy production will be 38 million kWh. The proposed project will be located partially on lands under the management of the U.S. Forest Service.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 24 month preliminary permit during which time technical, economic and financial feasibility studies will be undertaken to support an application for license or exemption. The cost of the above activities is estimated to be $170,000.

Competing Applications—Any one desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 26, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 26, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be

filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 24, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 26, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies requires by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4691 Filed 2-19-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[TSH-FRL-2056-6; OPTS-51399]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of six PMNs and provides a summary of each.

DATES: Written comments by: PMN 82-82, 82-83, and 82-84, April 9, 1982. PMN 82-85, 82-86, and 82-87, April 10, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51399]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St. SW., Washington, D.C. 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St. SW., Washington, D.C. 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-82

Close of Review Period. May 9, 1982.

Manufacturer's Identity. Texaco Chemical Company, 4800 Fournace Place, Bellaire, TX 77401.

Specific Chemical Identity. Alpha-methyl glucoside propoxylate.

Use. The manufacturer states that the PMN substance will be used in making rigid polyurethane foam.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, amber liquid.

Specific gravity @ 20/20° C—1.050-1.100.

Boiling point—Decomposes before boiling.

Flash point—280-290° F.

Viscosity, cp, 77° F—1,000-10,000.

Solubility:

Water—Appreciable.

Ethanol—Appreciable.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>$<$10 g/kg.

Acute dermal toxicity LD_{50} (rat)—>8 g/kg.

Skin irritation (rabbit)—Slightly irritating.

Eye irritation (rabbit)—Minimally irritating.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal, inhalation and occular exposure 8 hrs/day, 200 days/yr.

Environmental Release/Disposal. No data were submitted. Disposal is by approved landfill and incineration.

PMN 82-83

Close of Review Period. May 9, 1982.

Manufacturer's Identity. Texaco Chemical Company, 4800 Fournace Place, Bellaire, TX 77401.

Specific Chemical Identity. Alpha-methyl glucoside propoxylated ethoxylate.

Use. The manufacturer states that the PMN substance will be used in making rigid polyurethane foam.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, amber liquid.

Specific gravity @ 20/20° C—1.10.

Boiling point—Decomposes before boiling.

Flash point—Approximately 300° F.

Viscosity, cp, 77° F—Approximately 10,000.

Solubility:

Water—Appreciable.

Ethanol—Appreciable.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>10 g/kg.

Acute dermal toxicity LD_{50} (rat)—>8 g/kg.

Skin irritation (rabbit)—Slightly irritating.

Eye irritation (rabbit)—Minimally irritating.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal, inhalation and occular exposure 8 hrs/day, 200 days/yr.

Environmental Release/Disposal. No data were submitted. Disposal is by approval landfill and incineration.

PMN 82-84

Close of Review Period. May 9, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$250,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkylthio metallic mercaptan.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a plastic additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Oral toxicity LD_{50} (rat)—>3,500 mg/kg.

Dermal toxicity LD_{50} (rat)—>4.0 g/kg.

Primary skin irritation (rabbit)—3/2.8.0.

Primary eye irritation (rabbit)—Mildly irritating.

Exposure. The manufacturer states that during manufacture and use a total of 29 workers may experience dermal and inhalation exposure up to 24 hrs/day, up to 60 days/yr during packaging and cleaning.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air 2 hrs/day, 60 days/yr with less than 10–100 kg/yr released to water 1 hr/day, 60 days/yr. Disposal is to a biological waste treatment unit.

PMN 82-85

Close of Review Period. May 10, 1982.

Manufacturer's Identity. Andrews Paper and Chemical Company, Inc., 1 Channel Drive, P.O. Box 509, Port Washington, NY 11050.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aromatic sulfonate salt.

Use. The manufacturer states that the PMN substance will be used in diazo reproduction paper.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st yr	1,000	3,000
2d yr	2,000	8,000
3d yr	3,000	10,000

Physical/Chemical Properties

Appearance—White, crystalline powder.

pH—5.5.

Solubility:

Water—Soluble.

Alcohol—Insoluble.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 20 workers may experience dermal and inhalation exposure up to 1 hr/day, up to 100 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to water. Disposal is to a publicly owned treatment works (POTW).

PMN 82-86

Close of Review Period. May 10, 1982.

Importer's Identity. Mobay Chemical Corporation, Penn-Lincoln Parkway West, Pittsburgh, PA 15205.

Specific Chemical Identity. A mixture of 1-amino-8-naphthol-4,6-disulfonic acid and its mono and disodium salts.

Use. The importer states that the PMN substance will be used as an industrial manufacturer of a dyestuff intermediate.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st yr	20,000	30,000
2d yr	24,000	34,000
3d yr	28,000	38,000

Physical/Chemical Properties

Appearance—Grey, odorless powder.

Melting point—>200° C (>392° F).

Solubility: water—Soluble.

Bulk density—700 kg/m³.

Toxicity Data

Oral toxicity LD_{50} (rat)—>5,000 mg/kg.

Skin irritation (rabbit)—No irritation.

Eye irritation (rabbit)—Moderate irritation.

Exposure. The importer states that during use workers may experience dermal and inhalation exposure during charging.

Environmental Release/Disposal. No data were submitted.

PMN 82-87

Close of Review Period. May 10, 1982.

Manufacturer's Identity. Scher Chemicals, Inc., 1 Styertowne Road, P.O. Box 1236, Clifton, NJ 07012.

Specific Chemical Identity. Octadecyl docosenoate.

Use. The manufacturer states that the PMN substance will be used as a cosmetic emollient.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st yr	20,000	25,000
2d yr	25,000	30,000
3d yr	30,000	35,000

Physical/Chemical Properties

Appearance—Soft solid.

Specific gravity @ 25° C—0.875

Flash point—Over 170° C.

Melting range—30–35° C.

Solubility:

water—Insoluble.

vegetable oil—Soluble.

mineral oil—Soluble.

aliphatic and aromatic hydrocarbons—Soluble.

Pounds/gallon @ 25° C—7.3.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5 g/kg.

Skin irritation (rabbit)—Not an irritant.

Eye irritation (rabbit)—Not an irritant.

Exposure. The manufacturer states that during manufacture and processing 43 workers may experience dermal exposure 8 hrs/day, 40 days/yr during sampling, drumming and clean up.

Environmental Release/Disposal. The manufacturer states that 10–100 kg/yr will be released to water. Disposal is to a POTW.

Dated: February 11, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-4707 Filed 2-19-82; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans,

Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 4, 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 competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 2744–47.

Filing Party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

Summary: Agreement No. 2744–47 would remove ports on the West Coast of Colombia from the geographic scope of the Atlantic & Gulf/West Coast of South America Conference Agreement.

Agreement No. 7590–30.

Filing Party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

Summary: Agreement No. 7590–30 would add ports on the West Coast of Colombia to the geographic scope of the East Coast Colombia Conference which would then be renamed the United States Atlantic & Gulf/Colombia Freight Conference.

By Order of the Federal Maritime Commission.

Dated: February 17, 1982.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 82–4762 Filed 2–19–82; 8:45 am]

BILLING CODE 6730–01–M

[Agreement No. T–4014]

Port Authority of New York and New Jersey and Scandinavian World Cruises (Bahamas) Limited, Inc.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T–4014 will not constitute a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Agreement No. T–4014, between the Port Authority of New York and New Jersey and Scandinavian World Cruises (Bahamas) Limited, Inc. (Scandinavian) provides for the payment of dockage and wharfage at rates stipulated in the agreement in connection with the operation of a car cruise service by Scandinavian between the New York City Passenger Ship Terminal and port(s) in the Bahamas.

This Finding of No Significant Impact (FONSI) will become final on March 4, 1982 unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 82–4759 Filed 2–19–82; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License Applicant; Cargo Ven, Inc.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Cargo Ven, Inc., 2700 Greens Road, Bldg. C, Houston, TX 77032, Officers: Paul Willemin, President, Larry J. Chilcoat, Vice President, Rudolf Humbel, Secretary/Treasurer.

By the Federal Maritime Commission.

Dated: February 17, 1982.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 82–4760 Filed 2–19–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 1838]

Ortiz Cargo of Miami, Inc.; Revocation of License

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule § 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Ortiz Cargo of Miami, Inc., P.O. Box 52–0065, Miami, FL 33152 was cancelled effective February 10, 1982.

By letter dated January 12, 1982, Ortiz Cargo of Miami, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1838 would be automatically revoked unless a valid surety bond was filed with the Commission.

Ortiz Cargo of Miami, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(f) dated November 12, 1981;

Notice is hereby give, That Independent Ocean Freight Forwarder License No. 1838 be and is hereby revoked effective February 10, 1982.

It is ordered, That Independent Ocean Freight Forwarder License No. 1838 issued to Ortiz Cargo of Miami, Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Ortiz Cargo of Miami, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 82–4761 Filed 2–19–82; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Aging Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on March 24, 25, and 26, 1982 in Building 31, Conference Room 10 (C wing), National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on March 24,

for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 24, from 10:00 a.m. to adjournment on March 26, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 2C05, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5898, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: February 16, 1982.

Thomas E. Malone,

Acting Director, NIH.

[FR Doc. 82–4619 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee on March 24–25, 1982, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on March 25, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on March 23 from 1:00 to 5 p.m. in the 5th Floor Conference Room of the Lister Hill Center Building.

The meeting on March 24 will be open to the public from 8:30 to 11:00 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 553b(c)(6), Title 5, U.S.C., and section 10(d) of Pub. L. 92–463, the regular meeting and the subcommittee meeting will be closed to the public for the review, discussion and evaluation of individual grant applications, as follows: March 24 from 11:00 a.m. to 5:00 p.m., March 25 from 8:30 a.m. to adjournment; and March 23 for the subcommittee meeting from 1:00 to 5:00 p.m. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301–496–4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: February 16, 1982.

Thomas E. Malone,

Acting Director, NIH.

[FR Doc. 82–4620 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Cancer Center Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Center Support Review Committee, National Cancer Institute, March 18, 1982, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on March 18 from 8:30 a.m. to 10 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 18, from 10 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Robert L. Manning, Executive Secretary, Cancer Center Support Review Committee, National Cancer Institute, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7721) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–4621 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Cancer Special Program Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Special Program Advisory Committee, National Cancer Institute, March 11–12, 1982, Linden Hill Hotel, Sea Pines Room, 5600 Pooks Hill Road, Bethesda, Maryland 20814. This meeting will be open to the public on March 11 from 9:00 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 11, from 10:00 a.m. to adjournment, and on March 12, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commerical property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would

constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William R. Sanslone, Executive Secretary, Cancer Special Program Advisory Committee, National Cancer Institute, Westwood Building, Room 805, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.392, project grants in cancer construction, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular)

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–4624 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Cellular and Molecular Basis of Disease Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, on March 23, 1982, at the Linden Hill Hotel, Bethesda, Maryland.

This meeting will be open to the public on March 23, 1982, from 8:30 a.m. until 10:00 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 23, 1982, from 10:00 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland 20205 (Telephone: 301/496–7301) will provide a summary of the meeting and a roster of committee members.

Dr. Carl D. Rhodes, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 950, Westwood Building, Besthesda, Maryland 20205 (Telephone: 301/496–7125) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–863, Cellular and Molecular Basis of Disease Research)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–4614 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Clinical Cancer Program Project Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Cancer Program Project Review Committee, National Cancer Institute, March 29–31, 1982, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on March 29 from 8:30 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 29, from 10:00 a.m. to adjournment; March 30, from 8:30 a.m. to adjournment; and on March 31, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Louise G. Thomson, Executive Secretary, Clinical Cancer Program Project Review Committee, National Cancer Institute, Westwood Building, Room 809, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7924) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular)

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–4618 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, on April 4–6, 1982, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20014.

This meeting will be open to the public from 8:00 p.m. to 9:00 p.m. on April 4, 1982 to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 4, from 9:00 p.m. to adjournment and on April 5, and April 6, 1982, from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Therefore, this meeting is concerned with matters exempt from mandatory disclosure under section 552b(c)(6) of Title 5, U.S.C.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland, 20205, Building 31, Room 4A–21, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts

Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–4616 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, on March 28–29, 1982, at the Holiday Inn, 245 South Airport Boulevard, South, San Francisco, California 94080.

This meeting will be open to the public from 8:00 p.m. to 9:00 p.m. on March 28, 1982 to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 28, from 9:00 p.m. to adjournment and on March 29, 1982, from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individual associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Therefore, this meeting is concerned with matters exempt from mandatory disclosure under section 552b(c)(6) of Title 5, U.S.C.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland 20205, Building 31, Room 4A–21, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–4617 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, on March 26–27, 1982, in Building 31, Conference Room 7.

This meeting will be open to the public on March 26, 1982 from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C., and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 26, from approximately 9:30 AM until adjournment on March 27, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Peter Spooner, Executive Secretary, NHLBI, Westwood Building, Room 648, Bethesda, Maryland 20205, phone (301) 496–7265, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–4613 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, on March 26–27, 1982, in Building 31, Conference Room 9.

This meeting will be open to the public on March 26, 1982, from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C., and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 26, 1982, from approximately 9:30 AM to adjournment on March 27, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, (301) 496–7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–4612 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Mental Retardation Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on March 18, 1982, in Conference Room A Landow Building, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on March 18 from 8:30 a.m. to 10:00 a.m. to discuss items relative to the Committee's activities including announcements by the Acting Director, National Institute of Child Health and Human Development, and the Executive Secretary, Mental Retardation Research Committee.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 18 from 10:00 a.m. to adjournment on March 18 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, 6C–08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and roster of committee members. Dr. Stanley L. Slater, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room 6C–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–4623 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health on March 21–22, 1982, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20014.

This meeting will be open to the public on March 21, 1982, from 8 p.m. to approximately 10 p.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung and Blood Institute.

In accordance with the provisions set forth in section 552b(C)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 22, 1982, from 8 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Carol H. Letendre, Executive Secretary, NHLBI, Westwood Building, Room 548, Bethesda, Maryland 20205, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–4615 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Vision Research Program Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, March 25, 1982, Building 31–C, Conference Room 8, and March 26, 1982, Building 31–A, Room 6A–35, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on March 25, from 8:30 a.m. to 9:00 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:00 a.m. on March 25 until adjournment on March 26 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Carter, committee Management Officer, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of the meeting and rosters of commitee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–5561, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13,871 Sensory and Motor Disorders of Visual Research; National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: February 16, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–4622 Filed 2–19–82; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Toxicology Program; Request for Comments

SUMMARY: On December 9, 1981, the Chemical Evaluation Committee of the National Toxicology Program (NTP) reviewed 15 chemicals nominated for toxicological testing. The evaluation of nominated chemicals by the Committee constitutes an integral part of the NPT

chemical nomination and selection process. This notice lists the 15 chemicals reviewed by the Committee and requests public comment on these chemicals.

FOR FURTHER INFORMATION AND SUBMISSION OF COMMENTS, CONTACT: Dr. Dorothy Canter, Assistant to the Director, National Toxicology Program, Room 2B55, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–3511.

SUPPLEMENTARY INFORMATION: As part of the chemical selection process of the National Toxicology Program (NTP), nominated chemicals which have been reviewed by the NTP Chemical Evaluation Committee (CEC) are published with request for comment in the **Federal Registger** and *NTP Technical Bulletin*. This enables individuals and groups to participate in the NTP evaluation process, thereby helping the NTP to make better informed decisions as to whether to select, reject, or defer chemicals for testing.

The comments and data supplied as a result of this request for information are reviewed and summarized by NTP technical staff and made available to both the NPT Board of Scientific Counselors for its evaluation of nominated chemicals and to the NTP Executive Committee for decision making. The NTP chemical selection process is summarized in the **Federal Register**, April 14, 1981 (46 FR 21828).

On December 9, 1981, the CEC met to evaluate 15 chemicals nominated to the NTP for various types of toxicological testing. Listed below are the chemicals and their Chemical Abstract Service registry numbers:

Chemical	CAS No.
Cholesterol	57-88-5
Cholesterol 5α, 6α-epoxide	1250-95-9
Cytidine	65-46-3
Ferrous sulfate	7720-78-7
Folic acid	59-30-3
Fumaric acid	110-17-8
Guanine	73-40-5
Linoleic acid	60-33-3
Linolenic acid	463-40-1
Methylene bis(2-chloroaniline)	101-14-4
Potassium iodide	7681-11-0
Riboflavin	83-88-5
Thiamine hydrochloride	67-03-8
L-Tyrosine	60-18-4
Vitamin E	59-02-9

Methylene bis(2-chloroaniline) was nominated for teratogenicity and reproductive effects testing by the State of Michigan Toxic Substance Control Commission. The National Cancer Institute nominated the other 14 chemicals both for carcinogenicity testing and for studies regarding their potential role as modifiers of the carcinogenic process.

Vitamin E has previously been selected by the NTP for carcinogenicity testing on the basis of its exposure to a significant portion of the human population through its use as an antioxidant in food and as a vitamin supplement. It was also selected for mutagenicity testing in the *Salmonella* microsomal assay.

Interested parties are requested to submit pertinent information as well as comments on the nominations of the 15 chemicals.

Of particular relevance to the NTP in its evaluation and decision making process are the following types of data:

(1) Completed, ongoing and/or planned toxicological testing in the private sector including detailed protocols and, in the case of completed studies, resultant data.

(2) Modes of production, present production levels and potential for occupational exposure.

(3) Uses and resulting exposure levels, where known.

(4) Results from toxicological studies of structurally related compounds.

Kindly submit such information in writing by (thirty days after date of publication). Submissions received after this date, however, will be accepted and utilized where possible.

Dated: February 16, 1982.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 82-4625 Filed 2-19-82; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6653-A and AA-6653-B]

Alaska Native Claims Selection

The purpose of this decision is to modify item 2 of page 15 of the decision dated January 22, 1982, to include the following section 17(b) easement reservations.

(EIN 29 L) An easement for an existing access trail twenty-five (25) feet in width from site EIN 36 C5 adjacent to the Edgerton Highway in U.S. Survey No. 4977, lot 37 (Sec. 15, T. 2 S., R. 3 E., Copper River Meridian), southwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

(EIN 36 C5) A one (1) acre site easement in U.S. Survey No. 4977 lot 37 (Sec. 15, T. 2 S., R. 3 E., Copper River Meridian), east of and adjacent to Edgerton Highway and located at the junction of trails EIN 28 L and EIN 29 L. The uses allowed are those listed above for a one (1) acre site easement.

Except as modified by this decision, the decision of January 22, 1982 stands as written.

Sandra C. Thomas,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-4714 Filed 2-19-82; 8:45 am]

BILLING CODE 4310-84-M

[AA-38301]

Alaska Native Claims Selection

The document entitled Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area was ratified by Public Law (Pub. L.) 94–204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, section 3(a) of Pub. L. 95–178 (91 Stat. 1369), authorized the Secretary of the Interior to identify and reserve within 2 years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to convenyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On February 27, 1980, Patent No. 50–80–0060 and Interim Conveyance No. 293 were issued to Cook Inlet Region, Inc., for 4,920.21 acres and approximately 6,960.60 acres, respectively, of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to sections 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and section 12(c) of Pub. L. 94–204 (89 Stat. 1145, 1152), as amended by section 3(a) of Pub. L. 95–178 (91 Stat. 1369), and are described as follows.

Patent No. 50–80–0060 on February 27, 1980

Seward Meridian, Alaska (Surveyed)

T. 1 N., R. 1 W.
Sec. 22, W½NE¼, NE¼NW¼, W½NW¼, N½SE¼NW¼, SW¼SE¼NW¼, W½SE¼SE¼NW¼;
Sec. 36, W½NE¼, NW¼SE¼.

Containing 355.00 acres.

T. 5 N., R. 8 W.
Sec. 6, lot 2.

Containing 40.13 acres

T. 5 N., R. 9 W.
Sec. 35, S½;
Sec. 36, all.

Containing 960.00 acres.

T. 5 N., R. 10 W.
Sec. 1, SE¼;

Sec. 12, NE¼, E½W½, W½W½SE¼;
Sec. 15, NW¼NW¼;
Sec. 16, lot 4, NE¼NW¼SW¼, W½NW¼SW¼, W½SE¼.
Containing 690.61 acres.
T. 8 N., R. 10 W.
Sec. 19, lots 3 and 4, E½SW¼;
Sec. 30, lots 1 to 5, inclusive, S½NE¼, SE¼NW¼.
Containing 44.03 acres.
T. 4 N., R. 11 W.
Sec. 16, E½NW¼, SW¼.
Containing 240.00 acres.
T. 8 N., R. 11 W.
Sec. 25, lots 6 to 15, inclusive, 17, 18, 19, 22 to 26, inclusive SE¼NW¼NW¼, SW¼NW¼, N½SW¼, N½S½SW¼;
Sec. 34, N½SW¼NE¼, W½SW¼SW¼NE¼, NE¼NW¼, E½SE¼NW¼.
Containing 338.83 acres.
T. 1 N., R. 12 W.
Sec. 2, lot 4, SW¼NW¼, W½SW¼;
Sec. 3, lots 1 and 2, S½NE¼, SE¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼;
Sec. 9, W½NW¼;
Sec. 10, E½NE¼, NE¼SE¼;
Sec. 11, W½E½, NW¼;
Sec. 15, W½.
Containing 1, 801.61 acres.
T. 6 N., R. 12 W.
Sec. 26, SE¼NW¼NE¼.
Containing 10.00 acres.
T. 5 S., R. 13 W.
Sec. 36, NE¼NE¼.
Containing 40.00 acres.
Aggregating 4,920.21 acres.
Interim Conveyance No. 293 on February 27, 1980

Seward Meridian, Alaska (Surveyed)

T. 1 N., R. 1 W.
Sec. 36, NW¼NW¼ excluding ILMT 52363.
Containing approximately 37.50 acres.
T. 5 N., R. 8 W.
Sec. 36, lotst 1 and 4 of Block 2, Stephenkie Alaska Subdivision, ASLS 73–146.
Containing approximately 15.10 acres.
T. 5 N., R. 10 W.,
Sec. 16, NE¼NE¼, excluding that portion contained within land leases 16947, 18033, 22348 and 24099, W½NW¼ excluding lake, E½SW¼ excluding lake, SW¼SW¼ excluding lake.
Containing approximately 208.00 acres.
T. 1 N., R. 11 W.,
Those portions of Tract A more particularly described as (protected):
Sec. 7, S½SW¼, SE¼;
Sec. 8, S½;
Sec. 18, W½;
Sec. 30, W½;
Secs. 31 and 32, all.
Containing approximately 2,468.00 acres.
T. 4 N., R. 11 W.,
Sec. 16, NE¼ excluding lake, SE¼ excluding lake and ADL 39402.
Containing approximately 273.00 acres.
T. 1 S., R. 11 W.,
Those portions of Tract A more particularly described as (protected):
Sec. 2, all;
Secs. 5 to 8, inclusive, all;
Sec. 11, all.
Containing approximately 3,799.00 acres.
T. 4 S., R. 11 W.,
That portion of Tract A more particularly described as (protected):
Sec. 34, NW¼.
Containing approximately 160.00 acres.
Aggregating approximately 6,960.60 acres.

Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–39415 are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, track vehicles, four-wheel drive vehicles, small and large all-terrain vehicles, automobiles, and trucks.

a. (EIN 2 D4) An easement sixty (60) feet in width for an existing road traversing Native land in Secs. 15 and 16, T. 5 N., R. 10 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide easement.

b. (EIN 2a D4) An easement sixty (60) feet in width for an existing road beginning at Sports Lake Road Sec. 15 T. 5 N., R. 10 W., Seward Meridian, continuing easterly through Native conveyed land to State lands in Sec. 15, T. 5 N., R. 10 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. (EIN 3 C5, D4) An easement sixty (60) feet in width for an existing road traversing Native land in Sec. 34 T. 4 S., R. 11 W., Seward Meridian.

d. (EIN 3a C5, D4) An easement sixty (60) feet in width for an existing road traversing Native land in Sec. 34 T. 4 S., R. 11 W., Seward Meridian.

e. (EIN 4 C5) An easement twenty-five (25) feet in width for an existing trail traversing Native land in Sec. 22, T. 1 N., R. 1 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 5 C5) An easement sixty (60) feet in width for an existing road traversing Native land in Sec. 36, T. 1 N., R. 1 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

g. (EIN 9 L) An easement sixty (60) feet in width for an existing road which begins at the North Kenai Road in the NW¼NW¼ Sec. 34, T. 8 N., R., 11 W., Seward Meridian, continuing southeasterly across Native conveyed lands to numerous private inholdings and Kenai Borough lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

h. (EIN 11 L) An easement twenty (20) feet in width for an existing overhead electric distribution line which traverses conveyed land in the NE¼NE¼ Sec. 36, T. 5 S., R. 13 W., Seward Meridian. The uses allowed are those uses associated with the operation and maintenance of a powerline. No other uses shall be allowed.

i. (EIN 12 L) An easement twenty (20) feet in width for an existing overhead electric distribution line which traverses Native land in the N½ Sec. 34, T. 8 N., R. 11 W., Seward Meridian. This easement shall afford the Homer Electric Association, Inc., the authority to maintain and operate the existing powerline facilities where said facilities traverse Native land. No other uses shall be allowed.

When this decision becomes final, revised conveyance documents will be issued to Cook Inlet Region, Inc., for the above-described lands reflecting the easements identified above. The revised conveyance documents will remain subject to all other rights, terms, conditions, and convenants contained in Patent No. 50–80–0060 and Interim Conveyance No. 293.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have

been expended to locate, and parties who failed or refused to sign the return receipt shall have until March 24, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Sandra C. Thomas,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82–4715 Filed 2–19–82; 8:45 am]

BILLING CODE 4310–84–M

[AA–6978–A]

Alaska Native Claims Selection

On February 12, 1981, Kootznoowoo, Incorporated, for the Native village of Angoon, filed selection application AA–6978–A, as amended, under the provisions of section 506(a)(5) of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2406, 2408 (ANILCA) and as provided by section 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1615(b) 1976 (ANCSA), for the surface estate of certain lands on Prince of Wales Island.

As to the lands described below, application AA–6978–A, as amended, is properly filed, and meets the requirements of the Alaska Native Claims Settlement Act of December 18, 1971, as amended, and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands selected pursuant to section 506(a)(5) of ANILCA, and as provided by the Alaska Native Claims Settlement Act, aggregating approximately 6,985 acres, is considered proper for acquisition by Kootznoowoo, Incorporated, and is hereby approved for conveyance pursuant to section 16(b) of ANCSA.

Mineral Survey No. 729, excluding Mineral Survey No. 790 and Mineral Survey No. 895, Plat of the claim of American Coral Marble Company known as the Bay View Marble Placer Claim in Ketchikan Mining District, Alaska.
Containing approximately 5 acres.

Mineral Survey No. 730, excluding Mineral Survey No. 790 and Mineral Survey No. 889, and Mineral Survey No. 1056, Plat of the claim of American Coral Marble Company known as the Snow White, Dolomite and Clarence Strait Placer Claims in Ketchikan Mining District, Alaska.
Containing approximately 94 acres.

Mineral Survey No. 895, Plat of the claim of Princeton Mining and Milling Company, known as the Princeton No. 2 Placer Mineral Marble and Princeton No. 3 Placer Mineral Marble Claims in Ketchikan Mining District, Alaska.
Containing 32.941 acres.

Mineral Survey No. 889, Plat of the claim of Princeton Mining and Milling Company, known as the Princeton Placer-Mineral Marble Claim in Ketchikan Mining District, District of Alaska.
Containing 17.017 acres.

Those portions of Mineral Survey No. 1058, Plat of the claim of Princeton Mining and Milling Company known as the Jumbo and Jumbo No. 2 Lodes in Ketchikan Mining District, Alaska, described as follows:

That portion of Jumbo Lode beginning at Corner No. 3 of Jumbo Lode, Mineral Survey No. 1058, along a portion of line 3–4 of Jumbo Lode, Mineral Survey No. 1058, S.87°32'W., 1,456.95 ft., to the intersection of line 1–2 of Sarah Lode, Mineral Survey No. 995;
thence N.36°12'E., 209.26 ft. along a portion of line 1–2 of Sarah Lode, Mineral Survey No. 995, to Corner No. 2 of Sarah Lode, Mineral Survey No. 995 identical with Corner No. 1 of Raven Lode, Mineral Survey No. 995;
thence N.36°30'E., 396.96 ft. to Corner No. 2 of Raven Lode, Mineral Survey No. 995;
thence N.67°01'W., 111.74 ft. along a portion of line 2–3 of Raven Lode, Mineral Survey No. 995, to the intersection of line 1–2 of Jumbo Lode, Mineral Survey No. 1058;
thence N.87°32'E., 605.71 ft. along a portion of line 1–2 of Jumbo Lode, Mineral Survey No. 1058, to the intersection of line 1–4 of Fortune Lode, Mineral Survey No. 996;
thence S.43°58'E., 410.42 ft. along a portion of line 4–1 of Fortune Lode, Mineral Survey No. 996 to Corner No. 1 of Fortune Lode, Mineral Survey No. 996 identical with Corner No. 1 of Moonshine Lode, Mineral Survey No. 789;
thence S.57°47'E., 364.54 ft. along a portion of line 1–2 of Moonshine Lode, Mineral Survey No. 789, to the intersection of line 2–3 of Jumbo Lode, Mineral Survey No. 1058;
thence S.2°29'E., 5.16 ft. along a portion of line 2–3 of Jumbo Lode, Mineral Survey No. 1058 to Corner No. 3 of Jumbo Lode, Mineral Survey No. 1058, the point of beginning.
Containing 11.18 acres.

That portion of Jumbo No. 2 Lode beginning at Corner No. 2 of the Jumbo No. 2 Lode, Mineral Survey No. 1058, S.2°29'E., 492 ft. to Corner No. 3 of Jumbo No. 2 Lode, Mineral Survey No. 1058;
thence S.87°32'W., 1,500 ft. to Corner No. 4 of Jumbo No. 2 Lode, Mineral Survey No. 1058;
thence N.2°29'W., 438.22 ft. along a portion of line 4–1 of Jumbo No. 2 Lode, Mineral Survey No. 1058 to the intersection of line 1–2 of Sarah Lode, Mineral Survey No. 995;
thence N.36°12'E., 68.88 ft. along a portion of line 1–2 of Sarah Lode, Mineral Survey No. 995 to the intersection of line 1–2 of Jumbo No. 2 Lode, Mineral Survey No. 1058;
thence N.87°32'E., 1,456.95 ft. along a portion of line 1–2 of Jumbo No. 2 Lode, Mineral Survey No. 1058, identical with a portion of line 4–3 of Jumbo Lode, Mineral Survey No. 1058, to Corner No. 2 of Jumbo No. 2 Lode, Mineral Survey No. 1058, the point of beginning.
Containing 16.916 acres.

Mineral Survey No. 1581 Plat of the claim of Loretta C. Hill known as the Treasure Lode in Ketchikan Mining District, Alaska.
Containing 20.364 acres.

Copper River Meridian, Alaska (Unsurveyed)

T. 76 S., R. 88 E.,
Sec. 34, E½SW¼, S½SE¼;
Sec. 35, S½SW¼.
Containing approximately 240 acres.

T. 77 S., R. 88 E.,
Sec. 25, E½E½;
Sec. 36, E½NE¼, NE¼SE¼ excluding Mineral Survey No. 760, Mineral Survey No. 766 and Paul Lake.
Containing approximately 270 acres.

T. 77 S., R. 89 E.,
Sec. 3, W½W½;
Sec. 4;
Sec. 5, E½E½;
Sec. 8, S½SE¼;
Sec. 9, NE¼, E½NW¼, SW¼NW¼, S½;
Sec. 15, W½NW¼;
Sec. 16, NE¼, W½, W½SE¼, NE¼SE¼;
Sec. 17, E½, E½NW¼, NE¼SW¼;
Sec. 19, E½;
Sec. 20;
Sec. 21, W½W½;
Sec. 28, W½NW¼, NW¼SW¼;
Sec. 29, N½, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 30;
Sec. 31, excluding Mineral Survey No. 540 A, Mineral Survey No. 540B, Mineral Survey No. 760, Mineral Survey No. 789, Mineral Survey No. 995, Mineral Survey No. 996, Mineral Survey No. 1058, Mineral Survey No. 1581, James Lake and Paul Lake;
Sec. 32 (fractional), NW¼NW¼, S½NW¼, SW¼ excluding Mineral Survey No. 789.
Containing approximately 5,858 acres.

T. 78 S., R. 89 E.,
Sec. 5 (fractional), that portion on Prince of Wales Island excluding Mineral Survey No. 730, Mineral Survey No. 789, Mineral Survey No. 790, Mineral Survey No. 889, and Mineral Survey No. 1056;

Sec. 6 (fractional), E½ excluding Mineral Survey No. 587, Mineral Survey No. 729, Mineral Survey No. 730, Mineral Survey No. 790, Mineral Survey No. 889, Mineral Survey No. 895, Mineral Survey No. 1056, Mineral Survey No. 1058, and Paul Lake;
Sec. 7 (fractional), E½NE¼;
Sec. 8 (fractional), N½ that portion on Prince of Wales Island.

Containing approximately 420 acres.
Aggredating approximately 6,985 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein and all rights, privileges, immunities and appurtenances, of whatsoever nature, accuring unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f), as amended by the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2408; and

2. Pursuant to section 506(a)(5)(A) of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2408, the following public easements designated by the Secretary of Agriculture, and referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–6978–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

100 Foot Road—The uses allowed on a one hundred (100) foot wide road easement are: travel by foot, dogsled, animals, showmobiles, two- and three-wheel vehicles, small and large all terrain vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 1) An easement one hundred (100) feet in width for a proposed road: Beginning at the east boundary of the W½SW¼, Sec. 3, T. 77 S., R. 89 E., Copper River Meridian, thence southwesterly to the south boundary of Sec. 3, T. 77 S., R. 89 E., Copper River Meridian. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

b. (EIN 2) An easement one hundred (100) feet in width for a proposed road: Beginning at the east boundary of the NW¼NW¼, Sec. 21, T. 77 S., R. 89 E., Copper River Meridian, thence northwesterly to the north boundary of Sec. 17, T. 77 S., 89 E., Copper River Meridian. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

c. (EIN 3) An easement one hundred (100) feet in width for a proposed road: Beginning at the west boundary of the NE¼NW¼, Sec. 17, T. 77 S., R. 89 E., Copper River Meridian; thence easterly to its junction with easement EIN 2. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

d. (EIN 4) An easement one hundred (100) feet in width for a proposed road: Beginning at the east boundary of the W½NW¼, Sec. 28, T. 77 S., R. 89 E., Copper River Meridian; thence southerly to the south boundary of the NW¼SW¼, Sec. 28, T. 77 S., R. 89 E., Copper River Meridian. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

e. (EIN 5) An easement one hundred (100) feet in width for a proposed road: Beginning at the east boundary of the SE¼NW¼, Sec. 32, T. 77 S., R. 89 E., Copper River Meridian; thence westerly to the west boundary of the NE¼SE¼, Sec. 36, T. 77 S., R. 88 E., Copper River Meridian. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease under section 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, section 6(g)), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to section 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b)(2), (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of section 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1621(k), that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands;

4. Section 506(a)(6) of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2408, that nothing shall restrict the authority of the Secretary of Agriculture to exchange lands or interests therein with Kootznoowoo, Incorporated, pursuant to section 22(f) of the Alaska Native Claims Settlement Act, or other land acquisition or exchange authority applicable to the National Forest System;

5. The covenant pursuant to section 506(a)(5)(A) that all rock, sand and gravel within the confines of the easements to be reserved to the United States, shall be available to the Secretary of Agriculture without charge; and

6. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(c), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Kootznoowoo, Incorporated, is entitled to conveyance of 21,440 acres of land selected pursuant to section 506(a)(5) of ANILCA. The total approximate acreage herein approved for conveyance is 6,985 acres.

The remaining entitlement on Prince of Wales Island is approximately 14,455 acres and will be conveyed at a later date.

Pursuant to section 506(a)(5)(B) of ANILCA, conveyance of the subsurface estate of the lands described above shall be granted to Sealaska Corporation when conveyance is granted to Kootznoowoo, Incorporated, for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water bodies are considered to be navigable:

James Lake
Paul Lake

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Ketchikan Daily News*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however,

pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until March 24, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kootznoowoo, Incorporated, P.O. Box 116, Angoon, Alaska 99820;

Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

Sandra C. Thomas,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-4716 Filed 2-19-82; 8:45 am]

BILLING CODE 4310-84-M

[N-15766]

Nevada; Airport Lease Application; Correction

February 10, 1982

In **Federal Register** Document 82-2267, published on page 4351 on Friday, January 29, 1982, the last sentence of the last paragraph is hereby corrected to read:

"Interested persons should promptly send their comments together with their name and address to the Winnemucca District Manager, Bureau of Land Management, 705 East 4th Street, Winnemucca, NV 89445."

Charles E. Hancock,

Acting Chief.

[FR Doc. 82-4605 Filed 2-19-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 16034, OR 18083, OR 19861]

Oregon; Order Providing for Opening of Public Lands

Correction

In FR Doc. 82-1363 appearing at page 2929 in the issue of Wednesday, January 20, 1982 please make the following change: On page 2929, in the land description, sixth line, "WS¼SW½" should be corrected to read "SW¼SW¼".

BILLING CODE 1505-01-M

District Managers; Wyoming State Office; Redelegation of Authority

Pursuant to the authority contained in the Redelegation of Authority published in the **Federal Register** on December 9, 1980, as FR Doc. 80-38128, I hereby redelegate to the District Managers the authority to take actions on behalf of the State Director in their respective areas of responsibility in all matters listed in Section 1.9 of Bureau Order No. 701 dated July 23, 1964, as amended. This action is taken so the Bureau may be more responsive to the public demand for uses of public land by having the District Office as the focal point for land uses and realty actions.

Effective Date. This redelegation will become effective July 1, 1982.

Maxwell T. Lieurance,

State Director.

[FR Doc. 82-4607 Filed 2-19-82; 8:45 am]

BILLING CODE 4310-84-M

[W-12166]

Wyoming; Termination of Classification

February 11, 1982.

1. The following described lands were classified pursuant to The Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682a) by classification order dated April 5, 1968, for lease only to satisfy an existing occupancy:

Sixth Principal Meridian, Wyoming

T. 13 N., R. 81 W.,
Sec. 1, E½W½SE¼NE¼NE¼, W½E½SW¼NE¼NE¼.

The area described contains 5.00 acres in Carbon County, Wyoming.

2. The classification segregated the above lands from all appropriations under the public land laws, including location under the mining laws, except as to application under the mineral leasing laws and The Small Tract Act.

3. The Small Tract Act was repealed by section 702 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701). Accordingly, the classification is no longer applicable. Therefore, pursuant to the authority delegated by Bureau of Land Management Order 701, the classification is hereby terminated.

4. At 10:00 a.m. on March 26, 1982, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on March 26, 1982 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. The lands will be open to location under the United States Mining Laws at 10:00 a.m. on March 26, 1982. They have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director.

[FR Doc. 82-4606 Filed 2-19-82; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Public Participation in Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation (Bureau), Interior.

ACTION: Notice of final revised procedures for public participation in water service and repayment contract negotiations.

SUMMARY: The Department of the Interior is hereby revising the "Final General Notice of Procedures" for public participation in the water service and repayment contract negotiations published in the **Federal Register** on January 2, 1979. The revision is prompted by the lack of public response to the **Federal Register** notices of intent to enter into contract negotiations, and the need to eliminate excessive, burdensome or counterproductive regulations. The revised procedures provide that a status tabulation of all pending contractual actions will be

published in the **Federal Register** quarterly, on or about the 15th day of January, April, July, and October; that a wide variety of local publicity resources will be used to publicize most proposed contractual actions; and that **Federal Register** notices will be used when widespread public interest beyond the local project area is apparent. All meetings and negotiating sessions are open to the public as observers, unless otherwise publicly announced. All written comments regarding a specific contract proposal are available to the public pursuant to the Freedom of Information Act (80 Stat. 383) as amended. A summary report of any hearing held regarding a specific contract will be made available to the appropriate contracting authority, i.e., a Regional Director, the Commissioner of Reclamation, or the Secretary of the Interior for consideration prior to action on a given contract form.

Telephone inquiries concerning the revised procedures should be made to Contracts and Repayment Specialists, Messrs. Frank Ellis or Donald Walker, telephone (202) 343–5671.

Background

The Secretary of the Interior may approve and execute proposed water service and repayment contracts pursuant to the Reclamation Act of 1902 (32 Stat. 388–390), as amended and supplemented, and the Reclamation Project Act of 1939 (53 Stat. 1187–1198). Portions of the Secretary's authority are delegated to the Commissioner of Reclamation as set forth in Part 255 of the Departmental Manual. Portions of the delegated authority are redelegated to Regional Directors as set forth in Part 053 of the Reclamation Instructions.

The repayment of reimbursable costs associated with Bureau of Reclamation construction and loan programs is secured by consummation of contracts between the United States and beneficiaries of those programs. Such contracts are required before funds will be released for construction. The terms and conditions of such contracts (including but not limited to such matters as quantities of water to be furnished, water delivery schedules, construction of facilities, terms and conditions of repayment) sometimes affect a wider range of the public than the immediate parties to the contract.

It is the policy of the Department of the Interior to afford the affected public an opportunity to be aware of an provide comment on water service and repayment contract negotiations being conducted by the Bureau of Reclamation.

The opportunity for the public to observe negotiations, and review and comment on newly proposed water service or repayment contracts and amendments or supplements to existing contracts, was expanded in 1979. As of January 2 of that year, notices of intent to negotiate terms and conditions for "all" proposed water service and repayment contracts were required to be published in the **Federal Register.**

Preparation and publication of the notices of intent for "all" proposed contract actions required considerable staff time and was of questionable value to the public. The most effective public participation programs for water service and repayment contract negotiations were "tailored" to the needs of specific contractual actions and made extensive use of the telephone, letters, local news releases and meetings or workshops sponsored by the water user entity involved.

The procedure established by this notice is designed to encourage and continue that type of public participation programs at the regional and project office levels with support and oversight from the Commissioner's Office. At the same time, the new procedure will substantially reduce the **Federal Register** notices published each year in line with the Administration's desire to eliminate excessive, burdensome, and counterproductive regulations.

In response to the public comments on the proposed revised procedures published November 2, 1981, two changes are incorporated into the final revised procedures that follow. First, a commitment is made to publish a quarterly status tabulation of all pending contractual actions in the **Federal Register.** Second, the word "major," used to categorize proposed contractual actions to be published in the **Federal Register,** was removed and the text revised to better communicate the intent of the revision—to maintain and continue a public participation program for water service and repayment contract negotiations, using local publicity resources for most proposed contractual actions, whether "major" or "minor." Specific **Federal Register** notices will be used when there is evidence of widespread public interest in a proposed contract beyond the local project area.

Publication and implementation of the final revised procedures will not significantly affect the quality of the human environment and is categorically excluded under 516 DM 6 Appendix 9.4A (1) from further compliance with the National Environmental Policy Act of 1969, as amended.

Final Revised Public Participation Procedures

Public participation procedures for water service or repayment contracts are composed of two basic elements; publicizing proposed contractual actions and receiving public comment on such proposed actions.

Publicity: To provide national publicity of pending water service and repayment contract action, the Bureau will publish a status tabulation of all pending contractual actions on or about the 15th day of January, April, July and October in the **Federal Register.**

To provide local publicity regarding specific contractual actions, a wide variety of local publicity resources, i.e., the telephone, form letters, local news releases, public notices, meetings, workshops, hearings, etc., will be used selectively. Such publicity sources include those requried for developing and reviewing environmental impact statements and those used by contracting entities. Unnecessary duplication of publicity is not intended.

The extent and means by which a given contractual action shall be publicized will be determined by the Bureau. Initially, the determination will be based on a staff assessment and recommendations included in each request for Commissioner approval of a basis for negotiation. When the assessment identifies a proposed contract action that is not controversial with little or no economic, social and/or environmental impact, the Bureau may determine that no public announcement will be made.

When the assessment identifies a contract proposal that is potentially controversial and/or has identifiable economic, social and/or environmental impact, the Bureau will identify and use appropriate means of publicizing the intent to negotiate. If the Bureau determines that there is public interest in a particular contractual action beyond the local project area, the **Federal Register** will be used, selectively, to announce the intent to negotiate, the availability of a contract for public review, and public meetings and hearings.

Each public notice or news release announcing the intent to negotiate, public meetings or hearings, negotiating sessions, and the availability of a contract for public review and comment shall include, as appropriate, a brief description of the proposed contract, identification of specific legislative authority for the proposed contract,

issues being negotiated, date, time, place of meetings or hearings, the address and telephone number of a public contact for inquiries and comments, and the period of time in which comments will be received.

Receipt of Comments: Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) All meetings or negotiating sessions scheduled by the Bureau of Reclamation with a potential contractor for the purpose of discussing terms and conditions of a proposed contract will be open to the general public as observers, unless otherwise publicly announced. Advance notice of such meetings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(2) All written correspondence regarding proposed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383, 5 U.S.C. 552), as amended.

(3) All written comments received and testimony presented at any public hearing will be reviewed and summarized by regional staff for use by the appropriate contract approving authority, i.e., a Regional Director, the Commissioner of Reclamation, or the Secretary of the Interior.

(4) As specific proposed contracts become available for review and comment, copies may be obtained from the appropriate Regional Director of the Bureau of Reclamation. They are located in Boise, Idaho; Sacramento, California; Boulder City, Nevada; Salt Lake City, Utah; Amarillo, Texas; Billings, Montana; and Denver, Colorado. Contracts and repayment officers, project managers, and others also may be designated as public contacts.

Dated: February 16, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-4783 Filed 2-19-82; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP3-029]

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 102295 (Sub-46) (republication), filed July 17, 1981, published in the **Federal Register** issue of August 12, 1981. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438.. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, D.C. 20005. A Decision of the Commission, Division 2, Acting as an Appellate Division, decided February 8, 1981, and served February 11, 1981, finds that the performance by applicant of the service will serve a useful purpose, responsive to a public demand to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *ores and minerals, coal and coal products, chemicals and related products, metals shot, alloys, grinding balls, scrap metal, and water treatment vessels and tanks,* between points in the United States (except Alaska and Hawaii); (2) *distillers grain,* between points in Muscatine County, IA, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); that the applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 135865 (Sub-9) (republication), filed June 1, 1981, published in the **Federal Register** issue of June 15, 1981. Applicant: APPLEGATE DRAYAGE COMPANY, 325 N. 5th Street, Sacramento, CA 95814. Representative: Michael T. Applegate, 325 N. 5th Street, Sacramento, CA 95814. A Decision by the Entire Commission, decided January 18, 1982, and served February 5, 1982, finds that the performance by applicant of the service will serve a useful purpose, responsive to a public demand to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *general commodities* (except classes A and B explosives) between points in California and Nevada, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; that the applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to describe the possible tacking of applicant's existing regular route authority and the sought irregular route authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-4642 Filed 2-19-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.2. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–190

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 160364 (Sub-1–1TA), filed February 2, 1982. Applicant: AINSWORTH TRUCKING CORPORATION, 214 Commercial Street, Malden, MA 02148. Representative: Scott R. Ainsworth (same as applicant). *Food and related products, frozen pre-cooked fish, frozen french fried onion rings, breading and batter for use in processing food products* between points in NE, KS, OH, MI, NJ, MA, IL, IN, WI, TX, MN, IA, MO, OH, KY, AL, GA, FL, SC, NC, VA, WV, MD, DE, NY, CT, RI, VT, NH, ME, and TN. Supporting shipper: Caribou Food Ind., Inc., 301 Northern Ave., Boston, MA.

MC 125329 (Sub-1–1TA), filed February 4, 1982. Applicant: APEX TRUCKING CO., INC., 120 Seaview Drive, Secaucus, NJ 07094. Representative: Edward L. Nehez, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. *Contract carrier:* Irregular routes: *Business and office machines, systems, or parts thereof,* between Hudson and Bergen Counties, NJ, on the one hand, and, on the other, points in Suffolk County, NY, under continuing contract(s) with International Business Machines Corp., Princeton, NJ. Supporting shipper: International Business Machines Corp., P.O. Box 10, Princeton, NJ 08540.

MC 145108 (Sub-1–21TA), filed February 3, 1982. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, Bullet Express, Inc., 5600 First Avenue, Brooklyn, NY 11220. *Contract carrier:* Irregular routes: *Food and related products* between points in the U.S. (except AK and HI) under continuing contract(s) with Kane Miller Corporation and Amelio Brothers and Co., Inc. both of Chicago, IL. Supporting shipper(s): Kane Miller Corporation, Union Stockyards, Chicago, IL 60609; Amelio Brothers & Co., Inc., 3131 South Canal Street, Chicago, IL 60616.

MC 36485 (Sub-1–1TA), filed February 5, 1982. Applicant: P. E. BURKE MOVING & STORAGE CORP., 113 Crescent Street, Waltham, MA 02154. Representative: Gerald A. Burke, (same as applicant). *Household goods as defined by the Commission* between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, DC, VA, WV, OH, and NC. Supporting shipper: The Mitize Corporation, Box 208, Bedford, MA.

MC 150987 (Sub-1–8TA), (republication), filed January 15, 1982. Applicant: DYSART'S TRANSPORTATION, INC., MRC 156, Bangor, ME 04412. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. *General commodities (except classes A and B explosives and hazardous waste)* between points in ME, on the one hand, and, on the other points, in the U.S. (except AK and HI). Supporting shipper(s): There are 37 statements of support attached to this application which may be examined at the Regional Office of the I.C.C. in Boston, MA. Sole purpose of republication is to add "points in ME, on the one hand, and, on the other," to requested scope of authority.

MC 148560 (Sub-1–7TA), filed February 8, 1982. Applicant: GOLD STAR, INC., 130 Davidson Avenue, Somerset, NJ 08873. Representative: A. David Millner, 7 Becker Farm Road, P.O. Box, Roseland, NJ 07068. *Contract carrier:* Irregular routes: *Such merchandise as is dealt in by wholesale, retail and chain food business houses, and in connection therewith equipment, materials and supplies used in the conduct of such business* between points in the U.S. (except AK and HI) under continuing contract(s) with The Kroger Co., Cinti, OH. Supporting shipper: The Kroger Co., 1014 Vine Street, Cinti, OH 45201.

MC 160507 (Sub-1–1TA), filed February 10, 1982. Applicant: HARDEN FURNITURE, INC., 1 Mill Pond Way, McConnellsville, NY 13401. Representative: Wayne W. Wilson, 150 E. Gilman Street, Madison, WI 53703. *Contract carrier:* Irregular routes: *Urethane products* from Chicago, IL to Binghamton, NY under continuing contract(s) with Clark Foam Products Corp., Binghamton, NY. Supporting shipper: Clark Foam Products Corp., P.O. Box 1605, Binghamton, NY 13902.

MC 160183 (Sub-1–3TA), filed February 4, 1982. Applicant: LONE STAR TRANSPORTATION INC., 369 Passaic Avenue, Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Steel Doors, frames, and related building products, and (2) Materials, equipment, and supplies used in the manufacture of the commodities named in (1) above,* between the facilities used or utilized by Williamsburg Steel Co., its subsidiaries, divisions, or vendors at points in the U.S., on the one hand, and, on the other, points in the U.S. Suppporting shipper: Williamsburg Steel Co., 50 Paidge Avenue, Brooklyn, NY 11200.

MC 31024 (Sub-1–1TA), filed February 5, 1982. Applicant: NEPTUNE WORLD WIDE MOVING, INC., 55 Weyman Avenue, New Rochelle, NY 10805. Representative: S. S. Eisen, 370 Lexington Avenues, New York, NY 10017. *Contract carrier:* Irregular routes: *General commodities (except Classes A and B explosives)* between points in the U.S. (except AK and HI), under continuing contract(s) with Eastman Kodak Co., Rochester, NY. Suppporting shipper: Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650.

MC 160433 (Sub-1–1TA), filed February 4, 1982. Applicant: ROBERT H. BOLDUC, d.b.a. ROBO, 2 Stuart Street, Hudson, NH 03051. Representative: Robert M. Parodi, Esq., 41 E. Pearl Street, Box 541, Nashua, NH 03061. *Machinery and related parts, assembled and unassembled* between points in Hillsborough County, NH, Rockingham County, NH, and MA on the one hand, and, on the other, points in the U.S. (excluding AK and HI). Suppporting shipper(s): Ingersoll-Rand Co., 150 Burke Street, Nashua, NH 03060; Improved Plastic Machinery Corporation, 11 Sagamore Park Drive, Hudson, NH 03051.

MC 135069 (Sub-1–1TA), filed February 10, 1982. Applicant: ROCKAWAY TRUCKING INC., Route 46, Rockaway, NJ 07866. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract carrier:* Irregular routes: *Incinerator systems, including materials, equipment and supplies,* between Dover, NJ, including its Commercial Zone, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Burn-Zol Corporation, a Division of New Wayne Industries. Suppporting shipper: Burn-Zol Corporation, a Division of New Wayne Industries, 42 Bennett Avenue, Dover, NJ 07801.

MC 160410 (Sub-1–1TA), filed February 4, 1982. Applicant: ROSEDALE TRANSPORT LIMITED, 161 Brockley Drive, P.O. Box 363, Hamilton, Ontario, CD L8N 3C8. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Floor and wall coverings, and materials, supplies and equipment used in the manufacture, production, sale or distribution of floor and wall coverings,* between ports of entry on the International Boundary line between the U.S. and CD in NY and MI, on the one hand, and, on the other, points in the U.S. in the east of ND, SD, NE, KS, OK,

and TX. Suppporting shipper(s): There are 13 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 160151 (Sub-1–1TA), filed February 8, 1982. Applicant: SHOREVILLE TRUCK RENTAL, INC., 38 Roosevelt Place, Massapequa, NY 11758. Representative: John P. Tynan, Esq., P.O. Box 777, Jupiter, FL 33458. John V. Salierna, Esq., 65–12 69th Place, Middle Village, NY 11379. *Contract carrier:* Irregular routes: Beer and Ale between international boundary at Rouses Point, NY, and Nassau and Suffolk counties and New York, NY under continuing contract(s) with Midway Beverage Corporation, Farmingdale, NY. Supporting shipper: Midway Beverage Corporation, One Adams Blvd., Farmingdale, NY 11735.

MC 160159 (Sub-1–1TA), filed January 28, 1982. Applicant: SUFFOLK SERVICES, INC., 98 Taylor Street, Boston, MA 02122. Representative: Frederick Shaffer, 20 Harris Road, Medford, MA 02155. *Hazardous waste and solid, liquid, and gaseous chemical-materials for disposal, storage, treatment, reclamation and/or reuse* from MA, Burlington, VT, Portland, ME, Nashua, NH, Hartford, CT, to Arvona, VA, Emelle, AL, Cohoes, NY, Mt. Marion, NY, Niagara Falls, NY, Newark, NJ, Waterbury, CT, Bristol, CT, Baltimore, MD, Columbus, OH, Glenn Bernie, MD and Groes (near Morrisville), PA. Supporting shipper(s): New England Industrial Waste, 135 Millbury St., Suite 3, Worcester, MA 01610; General Latex & Chemical Corp., 666 Main Street, Cambridge, MA 02139; Solar Power Corp., 20 Cabot Rd., Woburn, MA 01801.

MC 59666 (Sub-1–7TA), filed February 2, 1982. Applicant: TRAFIK SERVICES, INC., 25 Esten Avenue, Pawtucket, RI 02860. Representative: Robert A. Mega (same as applicant). *Contract carrier:* Irregular routes: *Freight, all kinds,* between Springfield, MA on the one hand, and, on the other, points in the U.S. (except HI and KA) under continuing contract(s) with Taylor Rental Corporation, Springfield, MA. Supporting shipper: Taylor Rental Corporation, 570 Cottage Street, Springfield, MA.

MC 61335 (Sub-1–1TA), filed February 8, 1982. Applicant: TRANS-BRIDGE LINES, INC., P.O. Box 146, Phillipsburg, NJ 08865. Representative: W. C. Witchell, 370 Lexington Avenue, New York, NY 10017. *Common carrier:* Regular routes: *Passengers and their baggage, in the same vehicle with passengers* (1) between Phillipsburg, NJ, and Atlantic City, NJ, from Phillipsburg, NJ via U.S. Hwy 22 to jct PA Hwy 191, then via PA Hwy 191 to Bethlehem, PA, then via city streets in Bethlehem and Allentown, PA, to jct PA Hwy 145, then via PA Hwy 145 to jct US Hwy 22, then via US Hwy 22 to jct PA Hwy 9 (PA Turnpike Extension), then via PA Hwy 9 to jct PA Turnpike, then via PA Turnpike to jct Interstate Hwy 76, then via Interstate Hwys 76 and 676 to Jct NJ Hwy 42, then via NJ Hwy 42 and Atlantic City Expressway to Atlantic City, and return in the reverse direction via the same route, serving the intermediate points of Easton, Wilson, Bethlehem and Allentown, PA; (2) between Stroudsburg, PA, and Atlantic City, NJ, from Stroudsburg via US Hwy 209 to jct PA Hwy 33, then via PA Hwy 33 to jct PA Hwy 312, then via PA Hwy 312 to Bethlehem, PA, and jct PA Hwy 378, then via PA Hwy 378 to jct PA Hwy 309, then via PA Hwy 309 to jct PA Hwy 663, then via PA Hwy 663 to jct PA Hwy 9 (PA Turnpike Extension, then via PA Hwy 9 to jct PA Turnpike, then PA Turnpike to jct Interstate Hwy 76, then via Interstate Hwys 76 and 676 to jct NJ Hwy 42, then via NJ Hwy 42 and Atlantic City Expressway to Atlantic City, and return in the reverse direction via the same route, serving the intermediate points of Wind Gap, Bath, Bethlehem and Quakertown, PA. There are 134 statements of support with this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 159805 (Sub-1–1TA), filed February 2, 1982. Applicant: TRANSPORT ROBERT PRIMEAU INC., 1102 Rue Centrale, Ville Ste-Catherine (Laprairie County), PQ, CD, JOL 1EO. Representative: J. P. Vermette, 5205 Metropolitan Blvd, Room 7, St. Leonard (Montreal), PQ, CD H1R 1Z7. *Lumber, rough or dressed,* (1) between the Ports of Entry on the International Boundary Line between the U.S. and CD and points in CT, IL, MA, MI, NH, NJ, NY, PA, VT and WV; (2) From points in MD, OH and VA to the Ports of Entry on the International Boundary Line between the U.S. and CD. Supporting shipper(s): NuNutt Lumber Company Ltd, P.O. Box 716, Pointe-Claire/Dorval, PQ, CD H9R 4S8; McMahon & McPhail Inc., 4 Foothills Drive, Nepean, ON, CD K2H 6K3.

MC 154265 (Sub-1–1TA), filed February 10, 1982. Applicant: MIKE WILLIAMS TRANSFER, INC., 2 Foxhurst Court, Manhasset Hills, NY 11040. Representative: Kenneth M. Piken, Esq., Piken & Piken, P.C., Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374–4565. *Flight simulation equipment* between Fairfax, VA and points in its commercial zone, on the one hand, and, on the other, Los Angeles, CA, Jacksonville, FL, New River, NC, and points in their respective commercial zones, under continuing contract(s) with Sperry Corp., Fairfax, VA. Supporting shipper: Sperry Corporation, 2724 Dorr Avenue, Fairfax, VA 22031.

MC 155644 (Sub-1–1TA), filed February 8, 1982. Applicant: WRIGHT BROTHERS KITTY HAWK EXPRESS SYSTEMS, INC., Hevelyn Road, Elmsford, NY 10523. Representative: Dixie C. NewHouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Contract carrier:* Irregular routes: *Gym exercisers, including materials, parts and supplies* between Yonkers, NY, including its commercial zone, on the one hand, and, on the other, points in NJ, DE, MA, CT, NH, RI, VT, ME, PA, OH, WV, VA, MD and DC, under continuing contract(s) with Beacon Enterprises, Inc., Yonkers, NY. Supporting shipper: Beacon Enterprises, Inc., 937 Saw Mill Road, Yonkers, NY 10701.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

Originally published in **Federal Register** of January 25, 1982.

MC 86690 (Sub-II–5TA), filed January 12, 1982. Applicant: BOND TRANSFER CO., INC., 1301 Towson St., Baltimore, MD 21230. Representative: Leonard W. Smith (same as applicant). Contract, irregular: *Containers, plastic, steel and tin; covers and parts thereof,* between points in the U.S., under continuing contract(s) with The McClayton Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): The McClayton Co., Inc., 1440 Desoto Rd., Baltimore, MD 21230. The purpose of the re-publication is to show corrected commodity description.

MC 160373 (Sub-II–1TA), filed February 4, 1982. Applicant: C & G TRUCKING, INC., P.O. Box 56, Seaford, DE 19973. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Contract, irregular: *Textile fibers and related materials, equipment, and supplies,* between the facilities of E. I. du Pont de Nemours & Co., Inc., at Seaford, DE and points in GA, MD, NJ, NY, NC, PA, SC, TN, VA, and WV, under a continuing contract with E. I. du Pont de Nemours & Co., Inc., Wilmington, DE. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 139638 (Sub-II–5TA), filed February 4, 1982. Applicant: N. L. MONTGOMERY, INC., P.O. Box 626, Rocky Mount, VA 24151. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Metal products* from points in MD, OH, PA, VA, SC, GA, and WV to points in NC. An underlying ETA seeks 120 days authority. Supporting shipper: Dillon Supply Company, P.O. Box 1418, Goldsboro, NC 27530.

MC 160370 (Sub-II–1TA), filed February 2, 1982. Applicant: OAKMONT CARRIER CORPORATION, Box 306D, R.D. #2, Chestertown, MD 21620. Representative: Charles J. Blundell (same address as applicant). *Contract,* irregular: *Packaging materials and such materials and supplies as are used in the manufacture of packaging materials, (except commodities in bulk),* between points in DE, NJ, NY, CT, PA, MA, RI, ME, VT, NH, MD, VA, WV, NC, SC, GA and DC. Supporting shipper: Free-flow Packaging Corp., 2500 Middlefield Rd., Redwood City, CA 94063.

MC 160370 (Sub-II–2TA), filed February 2, 1982. Applicant: OAKMONT CARRIER CORPORATION, Box 306D, R.D. #2, Chestertown, MD 21620. Representative: Charles J. Blundell (same address as applicant). *Contract,* irregular: *Carpet, tile, linoleum and floor covering and materials and supplies used in the manufacture and installation of the above commodities* between points in MA, NY, NJ, CT, PA, GA and SC. Supporting shipper: Crockett and Buss, Inc., 5 Albertson Ave., Albertson, NY.

MC 158931 (Sub-II–2TA), filed February 11, 1982. Applicant: CELEBRITY LIMOUSINE, INC., 1228 Spruce St., Philadelphia, PA 19107. Representative: Barbara S. Chesarek, 2600 The Fidelity Building, Philadelphia, PA 19109. *Passengers and their baggage, in special and charter operations, in vehicles capable of transporting six passengers or less, not including drivers,* beginning and ending in points in NY and extending to points in Atlantic and Cape May Counties, NJ for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 8 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 150939 (Sub-II–24TA), filed February 11, 1982. Applicant: GEMINI TRUCKING, INC., 1533 Broad Street, Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Office furniture and materials, equipment and supplies used in the manufacture of office furniture* between Gallatin and Knoxville, TN, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with G. F. Business Equipment, Inc. of Youngstown, OH for 270 days. Supporting shipper: G. F. Business Equipment, Inc., 229 East Dennick Avenue, Youngstown, OH 44501.

MC 159857 (Sub-II–2TA), filed February 10, 1982. Applicant: J&L TRUCK LEASING, INC., 3621 State Route 14, Edinburg, OH. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415. *Lamps and lamp parts* between Cincinnati, Cleveland and Columbus, OH and Allegheny, Erie, Lackawana and Philadelphia Counties, PA, on the one hand, and, on the other, Hopkinsville, KY; and McKenzie and Paris, TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Parker Lamp & Fixture Supply, Inc., 230 Fifth Avenue, Suite 1108, New York, NY 10001.

MC 160448 (Sub-II–1TA), filed February 8, 1982. Applicant: TIMOTHY R. MARTIN, 8800 Limeridge Rd., Revenna, OH 44266. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415. *Contract: Irregular:* (1) *lumber and pallets* between the facilities of industrial Lumber & Timber Co., at or near Middlefield, OH, on the one hand, and, on the other, points in IN, KY, MI, NY, PA and WV under continuing contract(s) with Industrial Lumber & Timber Land Co. of Cleveland, OH, and (2) *lumber and pallets* from the facilities of Norman Lumber, Inc,, at or near Southington, OH, to points in NC and PA under continuing contract(s) with Norman Lumber, Inc. of Southington, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Industrial Timber & Land Company, 23980 Chagrin Blvd., Cleveland, OH 44122 and Norman Lumber, Inc., P.O. Box 21, Southington, OH.

MC 160062 (Sub-II–1TA), filed February 9, 1982. Applicant: O. R. TRUCKING, INC., 6149 S. Ridge West, Geneva, OH 44041. Representative: Lewis S. Witherspoon, 2455 North Star Road, Columbus, OH 43221. *Contract; Irregular: Spent hydrochloric and sulphuric acid, ferrous sulphate, and ferrous chloride* between points in IL, IN, MI, OH, NY, PA, and WI, under continuing contract(s) with By-Products Management of Ohio, Inc. of Cleveland, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: By-Products Management of Ohio, Inc., 17877 St. Clair Ave., Cleveland, OH 44110.

MC 1017 (Sub-II–2TA), filed February 9, 1982. Applicant: SWAN TRUCKING CORPORATION, INC., 3433 Holyoke Road, Philadelphia, PA 19114. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *New and used tires, loose;* between No. Brunswick, NJ and Philadelphia, PA Commercial Zone, for 270 days under a continuing contract with Pep Boys of Philadelphia, PA. An underlying ETA seeks 120 days authority. Supporting shipper: The Pep Boys, 3111 W. Alleghany Ave., Phila., PA 19132.

MC 160483 (Sub-II–1TA), filed February 8, 1982. Applicant: JOE C. VALLELONGA d.b.a. VALELONGA TRUCKING, 107 Hazelwood Drive, Seville, OH 44273. Representative: Lynn R. Delnoce, 10219 Brecksville Road, Brecksville, OH 44141. (1) *Textiles and related products* between points in CA, IL, IN, KY, MD, MO, NY, OH, SC, TX, UT, VA, NJ, MI, NC, CO, FL, PA, MS, LA, TN, & GA (2) *toys, games, bicycles and juvenile furniture* between points in AZ, CA, CO, FL, GA, KS, MD, OH, PA & TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Lionel Corporation, 2951 Grant Avenue, Philadelphia, PA 19114. Schott International, Inc., 1340 East Archwood Avenue, Akron, OH 44306.

MC 108631 (Sub-2–7TA), filed February 10, 1982. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville, Rd. at Industrial Dr., Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Food and related products,* between Williamsburg, VA on the one hand, and, on the other, Northampton County, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Raymond Baurkot Distributors, Inc., Sullivan Trail Rd., Easton, PA.

The following applications were filed in region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 159786 (Sub-3–1TA), filed February 3, 1982. Applicant: LINCOLN COUNTY READY MIX, INC., South Highway 27, Stanford, KY 40484. Representative: Dwayne Greer (same address as applicant). *Coal* from KY to OH and IN. Supporting shipper: Owens Chevrolet, Inc., Stanford, KY 40484.

MC 30446 (Sub-3–11TA), filed February 8, 1982. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 North Graham Street, P.O. Box 5647, Charlotte, NC 28225. Representative: Leon Thompson (same address as applicant). *Contract carrier:* Irregular: *General commodities (except classes A and B explosives),* between Mecklenburg County, NC and York County, SC, on the one hand, and, on the

other, points in AL, FL, GA, NC, SC, TN and VA. Supporting shipper: Distribution Technology, Inc., P.O. Box 7123, Charlotte, NC 28217.

MC 143753 (Sub-3–3TA), filed February 9, 1982. Applicant: BOLES & FRANKLIN, INCORPORATED, Route 2, Box 169, Weaverville, NC 28787. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Coal,* in bulk, in dump vehicles, from points in KY to the facilities of M. Lowenstein Corporation in Spartanburg County, SC. Supporting shipper: M. Lowenstein Corporation, P.O. Box 10352, Rock Hill, SC 29730.

MC 146456 (Sub-No. 3–1TA), filed February 8, 1982. Applicant: HALLMARK TRUCKING, INC., P.O. Box 87, Locust Fork, AL 35097. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. *Contract:* Irregular: *coal in dump vehicles* from Jefferson County, AL, to the plant site of Martin Marietta Corp. at or near Atlanta, GA. Supporting shipper: Mining Ore & Equipment Co., 3918 Montclair Rd., Suite 200, Birmingham, AL 35213.

MC 142232 (Sub-3–3TA), filed February 8, 1982. Applicant: BARRETT TEXTILE TRANSPORT, INC., Post Office Box 6, Kings Mountain, NC 28086. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204–2667. *Contract;* irregular; *textile mill products,* from Charleston, SC to Madison, NC; from Kinston, NC to Clio, SC, under continuing contracts with MacField Texturing, Inc. and Highlander, Ltd. Supporting shippers: MacField Texturing, Inc., P.O. Box 737, Madison, NC 27025, and Highlander, Ltd., P.O. Box 187, Clio, SC 29525.

MC 148714 (Sub-3–1TA), filed February 8, 1982. Applicant: JAMES BROWN TRUCKING CO., 6850 Chapman Road, Lithonia, GA 30058. Representative: Mark S. Gray, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. (1) *Tea, tea extract, (instant or soluble) and beverage preparations, dry or liquid, other than straws containing beverage preparations* from Atlanta and Marietta, GA, to Los Angeles, CA and its commercial zone, restricted to traffic originating at or destined to the facilities owned or utilized by Southern Tea Company; and (2) *Batteries and battery components, including lead, lead plates, cases and tops* from Costa Mesa, CA and its commercial zone, to points in GA, AL, MS, TN, KY, VA, NC, SC, FL, OK, TX and AR, restricted to traffic originating at or destined to the facilities owned or utilized by Alco Battery Co. Supporting shipper(s): Southern Tea Company, 1650 Marietta Blvd., N.W., Atlanta, GA 30318 and Alco Battery Co., 5194 Minola Dr., Atlanta, GA 30058.

MC 146343 (Sub-3–7TA), filed February 8, 1982. Applicant: SOUTHERN EXPRESS CORPORATION, 505 South Ocean Boulevard, Pompano Beach, FL 33062. Representative: Southern Enterprises Incorporated, 2 Sawyer Drive, Coventry, RI 02816. *Contract Carrier:* Irregular: *Rotating louver fan, fluorescent light adapters, fluorescent light fixtures, Related Materials, Equipment and Supplies, (except class A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between points in the U.S. under continuing contract or contracts with Diversified Appliance Corporation of Providence, RI. Supporting shipper: Diversified Appliance Corporation, 669 Elmwood Avenue, P.O. Box 2706, Providence, RI 02907.

MC 160458 (Sub-3–1TA), filed February 8, 1982. Applicant: D & R DELIVERY SERVICE, 43 Freeway Drive, Mobile, AL 36619. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209–4786. *Pharmaceuticals and drugstore commodities,* between the facilities of McKesson Drug Co., A Division of Foremost-McKesson, Incorporated located in or near Mobile, AL and Jackson, MS on the one hand, and, on the other, FL, AL, MS and LA. Supporting shipper: McKesson Drug Co., A Division of Foremost-McKesson, Incorporated, P.O. Box 1367, Mobile, AL 36609.

MC 160457 (Sub-3–1TA), filed February 8, 1982. Applicant: LAREWS LEASING COMPANY, Route 5, Forest Pines Dr., P.O. Box 884, Statesboro, GA 30458. Representative: Ralph M. Andrews (same address as applicant). *Passengers and their baggage in special and charter operations.* Beginning and ending in Bulloch, Jenkins, Screven, Effingham, Bryan, Liberty, Evans, Candler, Emanuel Counties in GA and extending to all points in the U.S. except AK and HI. Supporting shipper: There are six support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 142467 (Sub-3–3TA), filed February 8, 1982. Applicant: DIXIE FREIGHT LINE, INC., P.O. Box 532, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Such commodities as are dealt in or used by regional farm supply, manufacturing and marketing cooperatives* (except Classes A and B explosives), between points in the U.S. in and east of ND, SD, NE, CO, and NM. Supporting shipper: MFC Services, Inc., P.O. Box 590, Madison, MS 39110.

MC 160454 (Sub-3–1TA), filed February 8, 1982. Applicant: OWEN PRODUCE, INC., Locust Grove Rd., Elizabethtown, KY 42701. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Auto parts, industrial fasteners, metal products and supplies used in industrial maintenance and auto parts industries* from Elizabethtown, KY and Cleveland, OH to points in TX, CA, and WA. Supporting shipper: Bowman Distribution; Barnes Group, Inc., 850 East 72 St., Cleveland, OH 44103.

MC 148947 (Sub-3–2TA), filed February 8, 1982. Applicant: HUNTER TRANSPORT CO., INC., 1603 Long Street, Chattanooga, TN 37408. Representative: Ann K. Merriman, Assistant to the President, 1603 Long Street, Chattangooa, TN 37408. *Contract* carrier, *irregular* routes: *Paper, pulp and cotton linters* from Chattanooga, TN, to points in CT, MA, MI, NH, NJ, NY, OH, PA, VA, WI, and WV. Supporting shipper: Southern Cellulose Division of Knowlton Bros., P.O. Box 2219, Chattanooga, TN 37409.

MC 152878 (Sub-2), filed February 8, 1982. Applicant: LEXINGTON CARTAGE COMPANY, 2180 Young Drive, Lexington, KY 40593. Representative: Herbert D. Liebman, P.O. Box 478, 403 West Main Street, Frankfort, KY 40602. *Contract;* irregular; *such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses and equipment, material and supplies used in the conduct of such business* between all points in Hamilton County, OH, on the one hand, and, on the other, all points in Fayette County, KY, under continuing contract(s) with The Kroger Company of Cincinnati, OH. Supporting shipper: The Kroger Company, 1014 Vine Street, Cincinnati, OH 45202.

MC 153106 (Sub-3–2TA), filed February 5, 1982. Applicant: THORNTON FURNITURE CARRIERS, INC., 840 Winston Street, Greensboro, NC 27405. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602. *New furniture (restricted to residential deliveries)* from points and places in NC to points and places in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WV, and WI. There are five supporting shipper statements, which may be examined at the ICC's Regional Office in Atlanta, Georgia.

MC 151173 (Sub-3–16TA), filed February 8, 1982. Applicant: HAR-BET, INC., 7209 Tara Blvd., P.O. Box 855, Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr. (same address as applicant). *Potatoes, frozen, sliced, diced or grated, blanched,* between points in GA on the one hand, and, on the other, points in ID, OR and MI. Supporting shipper: Martin & Jones Produce Company, Inc., State Farmers Market Bldg. E., Forest Park, GA 30050.

MC 136876 (Sub-3–1TA), filed February 10, 1982. Applicant: THE PAULIE BRAZIER COMPANY, P.O. Box 652, Buffalo Road, Lawrenceburg, TN. 38464. Representative: B. E. Bryant, P.O. Box 985, 107 North Military Avenue, Lawrenceburg, TN. 38464. Contract: Irregular: *Fertilizer, fertilizer materials, agricultural chemicals, and agricultural commodities, and products used in manufacturing* between all points east of and including MN, IA, KS, OK and TX. Supporting shipper, USS Agri-Chemicals Division, United States Steel Corporation, 233 Peachtree Street, NE., Atlanta, GA. 30303.

MC 160538 (Sub-3–1TA), filed February 11, 1982. Applicant: PHILLIP G. PYLE d.b.a., PYLE AUTOMOTIVE AND WRECKER SERVICE, 1514 Bridgewater Lane, Kingsport, TN 37660. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004. *Wrecked and disabled vehicles, in tow away service,* between points in Sullivan, Hawkins, Washington, Greene, Hancock, Carter, Johnson, Hamblen and Knox Counties, TN, Scott, Wise and Washington Counties, VA, on the one hand, and, on the other, points in and east of TX, OK, KS, MO, IL and WI. Supporting shipper(s): McNabb-Wadsworth Trucking Co., 305 S. Wilcox Drive, Kingsport, TN 37665.

MC 128117 (Sub-3–11TA), filed February 11, 1982. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *New furniture and furniture parts,* from Lawrenceville, GA to points in AR, LA, OK, TX, CO, NM, AZ, CA, KS and NE. Supporting shipper: American Charm, Inc., 309 Maltbie Street, Lawrenceville, GA 30246.

MC 159382 (Sub-3–2 TA), filed February 11, 1982. Applicant: ADAMS TRUCKING COMPANY, INC., Route 1, Box 72, McCalla, AL 35111. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209–4786. *Metal and metal articles, plastics and plastic articles and pipe;* between the facilities of Folsom Metal Products/Spirotech, McCalla, AL; Natchez Steel Company, Bessemer, AL; on the one hand and on the other all points in the U.S. Supporting Shippers: Natchez Steel, Bessemer, AL 35020; Folsom Metals/Spirotech, P.O. Box 331, McCalla, AL 35111.

MC 160466 (Sub-3–1 TA), filed February 11, 1982. Applicant: FOLSOM TRUCKING COMPANY, INC., 609 Van Buren, Birmingham, AL 35226. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209–4786. *Metal and metal articles, plastic and plastic articles* between the failities of Folsom Metal Products, Incorporated in or near McCalla, AL on the one hand and on the other TX, LA, OK, and AL. Supporting shipper: Folsom Metal Products, incorporated, P.O. Box 98, McCalla, AL 35111.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604

MC 69901 (Sub-4–5 TA), filed February 3, 1982. Applicant: COURIER-NEWSOM EXPRESS, INC., 2820 N. National Road, P.O. Box 270, Columbus, IN 47201. Representative: Don C. Butler, Traffic Manager (same as applicant). *Common carrier:* Irregular route; *General Commodities,* serving points in Wilson County, TN, as off-route points in connection with existing regular route operations. Their are 6 supporting shippers.

Note.—Applicant intends to tack the above authority with its existing operating authorities.

MC 15735 (Sub-4–7 TA), filed February 8, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *General commodities* except class A & B explosives (1) between points in CO, on the one hand, and, on the other, points in AZ, CA, ID, OR, UT and WA, (2) from AZ, CA, ID, OR, UT and WA to Lexington, KY under a continuing contract with the International Business Machines Corporation. Supporting shipper: International Business Machine Corporation, P.O. Box 10, Princeton, NJ 08540.

MC 103602 (Sub-4–1 TA), filed February 8, 1982. Applicant: SKJONSBY TRUCK LINE, INC., 2831 First Avenue North, P.O. Box 362, Fargo, ND 58107. Representative: Richard P., Anderson, P.O. Box 2581, Fargo, ND 58108. *Contract,* irregular: *General commodities* (except household goods and classes A and B explosives), between points in ND, SD, MN, IA, WI and NE, on the one hand, and, on the other, points in the United States, under contract with Transportation Systems International, Inc. of Minneapolis, MN. Supporting shipper: Transportation Systems International, Inc., 2500 Kennedy Street, N.E., Minneapolis, MN 55413.

MC 127303 (Sub-4–4 TA), filed February 8, 1982. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. *Food and related products,* between Peoria, IL, on the one hand, and on the other, points in WI, IN, OH, MI, KY, IL, IA, and MN. Supporting shipper: Kal Kan Foods, Inc., P.O. Box 58853, Vernon, CA 90058.

MC 127550 (Sub-4–4 TA), filed February 2, 1982. Applicant: BOSCH TRUCKING COMPANY, INC., 5600 South Washington Street, Bartonville, IL 61607. Representative: Edward G. Bazelon, 29 South La Salle Street, Chicago, IL 60603. *Contract:* Irregular: (1) *Alcoholic beverages* (except commodities in bulk), from Milwaukee, WI, St. Paul, MN, and Pabst, GA, to Pekin, IL, and (2) *materials, equipment and supplies* used in the distribution of alcoholic beverages, from Pekin, IL, to Milwaukee, WI, St. Paul, MN, and Pabst, GA, under contract with Pekin Distributing Company, Inc., of Pekin, IL, for 270 days. An underlying ETA seeks 120-day authority. Supporting shipper: Pekin Distributing Company, Inc., 1208 Koch Street, Pekin, IL 61554.

MC 141237 (Sub-4–1), filed February 5, 1982. Applicant: LOREN J. SLAGHT, 990 La Pointe St., Prairie du Chien, WI 53821. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701. *Dry fertilizer* from Prairie du Chien, WI, to points in IA on and east of I–35, and points in MN on and south of I–90, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Growmark, Inc., 1701 Towanda Avenue, Bloomington, IL, 61701.

MC 146519 (Sub-4–2 TA), filed February 8, 1982. Applicant: MORRIS TRUCKING CORPORATION, 3201 Canal Road, Terre Haute, IN 47802. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Fuel, home heating and lube oil, diesel fuel, and gasoline, in bulk, in tank vehicles,* between Robinson and Lawrenceville, IL, on the one hand, and, on the other, points in Vigo, Vermillion, Clay, Owen, Greene, Sullivan, Fountain, and Knox Counties, IN, and Crawfordsville,

Greencastle, Bloomington, Crane, Washington, Petersburg, Haubstadt, Vincennes and Lynnville, IN. An underlying ETA has been granted for 120 days. Supporting shippers: There are 6 statements of support attached.

MC 149334 (Sub-4–2 TA), filed February 5, 1982. Applicant: PIONEER ACQUISITION CORP., 2500 28th Street, S.W., Wyoming, MI 49509. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Contract:* Irregular. *General commodities,* except household goods, between points in the United States, as a contract carrier under continuing contract with United Forwarding, Inc, of Omaha, NE. Supporting shipper: United Forwarding, Inc, 7000 Building, Suite 445, Onaha, NE 68106.

MC 158089 (Sub-4–1 TA), filed February 4, 1982. Applicant: K & B TRANSPORT, INC., 7923 Whitecliff Road, Egg Harbor, WI 54209. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle Street, Chicago, IL 60602. *Contract:* Irregular. *Corrugated paper boxes,* from the facilities of Crown Zellerbach Corp., at Carol Stream, IL to Minneapolis and St. Paul, MN. Supporting shipper: Crown Zellerbach Corp., 1 River Street, South Glen Falls, N.Y. 12801.

MC 160203 (Sub-4–1 TA), filed February 5, 1982. Applicant: TRIMBO ENTERPRISES, INC., Rural Route 2, Henderson, MN 56044. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th St, Minneapolis, MN 55402. *Lime in bulk* from Fort Dodge, Iowa to Shakopee, MN under a continuing contract with Midland Glass Company, an underlying ETA seeks 120 days authority. Supporting shipper: Midland Glass Co., Hwy 101 & Scott Rd. 83, Shakopee, MN 55379.

MC 160328 (Sub-4–1), filed February 8, 1982. Applicant: JUNTTI MOVING AND DELIVERY, 6135 Coach House Drive, East Lansing, MI 48823. Representative: David D. Bone, Attorney, 2940 Lake Lansing Road, East Lansing, MI 48823. *Contract* Irregular: *Transporting household appliances* from Lansing, MI to the following counties: Ingham, Eaton, Ionia, Clinton, Shiawassee, Livingston, Jackson, Calhoun, Washtenaw, Gratiot, and Barry County, MI under continuing contract with General Electric Corporation. Supporting shipper: General Electric Company, Appliance Park, Louisville, KY 40225.

MC 160388 (Sub-4–1 TA), filed February 4, 1982. Applicant: DAVID HALES, INC., 1615 South 8th Street, Aberdeen, SD 51401. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402 *Pre-cast concrete,* from Sioux Falls, SD to Denver, CO. An underlying ETA seeks 120 days authority. Supporting shipper: Gage Bros. Concrete Products, Inc, P.O. Box 1526, Sioux Falls, SD 57101.

MC 160389 (Sub-4–1TA), filed February 2, 1982. Applicant: OSENGA TRANSPORT SYSTEM, INC., 192 W. 155th Street, South Holland, IL 60473. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. *Contract irregular. General commodities* (except Classes A & B explosives, household goods, and commodities in bulk), between South Holland, IL, on the one hand, and, on the other, points in WI, IN, MI, OH, IA, MN and MO under continuing contract(s) with South Holland Metal Finishing Co., Inc. Supporting shipper: South Holland Metal Finishing Co., Inc., 192 W. 155th St., South Holland, IL 60473.

MC 160400 (Sub-4–1TA), filed February 3, 1982. Applicant: CARE TRANSPORT, INC., 18433 Glen Oak Ave., Lansing, IL 60438. Representative: Robert C. Collins, Jr., 850 Burnham Ave., P.O. Box 1245, Calumet City, IL 60409. *Contract—irregular oils, other than petroleum,* in bulk, in tank vehicles between points in the U.S., except AK and HI. An underlying ETA seeks 120 days authority. Supporting shippers: Bunge Edible Oil Corp., P.O. Box 192, Kankakee, IL 60901 and Enterprise Companies, 1191 S. Wheeling Road, Wheeling, IL 60090.

MC 160411 (Sub-4–1TA), filed February 4, 1982. Applicant: VIRGIL JAEGER d.b.a. 8–J's TRUCKING, P.O. Box 3, Washburn, ND 58577. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056. *Common; irregular; transporting agricultural machinery and equipment and parts and attachments therefor;* from Moline, Peoria, East Moline, and Rock Island, IL; Davenport, Bettendorf, Ankeny, Waterloo, Ottumwa, and Des Moines, IA; Minneapolis and St. Paul, MN; and Canton, OH, to ND on and west of U.S. Highway #281. Underlying ETA seeks 120 day authority. Supporting shippers: Washburn Greenline, Inc., Washburn, ND; Knudtson Implement, Inc., Underwood, ND, and Wentz Equipment, Inc., Napoleon, ND.

MC 160436 (Sub-4–1TA), filed February 8, 1982. Applicant: CUSTOMIZED TRANSPORTATION SERVICES, INC., 2414 Jacobs Drive, New Albany, IN 47150. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47201.*Contract irregular, Pulversized Limestone.* Between points in Ste Genevieve County, MO., on the one hand, and, on the other, points in Jefferson and Marshall Counties, Ky., under continuing contract(s) with Airco Carbide, a Division of Airco, Inc. of Louisville, Ky. An underlying ETA seeks 120 days authority. Supporting shipper: Airco Carbide, a Division of Airco, Inc., P.O. Box 10037, Louisville, Ky. 40201.

MC 144153 (Sub-4–1TA), filed February 9, 1982. Applicant: OSCAR G. BJUGSTAD, OSCAR L. BJUGSTAD, AND AUGUST D. BJUGSTAD d.b.a. BJUGSTAD TRUCKING CO., Route 2, Hwy. 51, Stoughton, WI 53589. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract irregular. Salt* from Hutchinson, KS to Milwaukee, WI, and points in the Milwaukee, WI commercial zone, under a continuing contract(s) with Waukesha Warehouse, Inc. Supporting shipper: Waukesha Warehouse, Inc., 223 Maple Ave., Waukesha, WI 53816.

MC 145042 (Sub-4–9 TA), filed February 8, 1982. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. *Fruit concentrate (except in bulk)* from New Castle County, DE to Van Buren County, MI. Supporting shipper: The Coca–Cola Company, Foods Division, P.O. Box 229, Paw Paw, MI 49079.

MC 145503 (Sub-4–1 TA), filed February 8, 1982. Applicant: ART ANDERSON TRUCKING, INC., P.O. Box 138, Oakford, IL 62673. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, Attorneys at Law, 907 South Fourth St., Springfield, IL 62703. *Fertilizer* between points in the states of MO, IN, IL, & IA, on the one hand, and points in the state of KY, on the other hand. Supporting shippers are: Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116 and Estech, Inc., P.O. Box 338, East St. Louis, IL 62202.

MC 146753 (Sub-4–9 TA), filed February 9, 1982. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. *Clay targets, and materials and supplies* used in the manufacture of clay targets, between points in Wayne County, IN, on the one hand, and, on the other, points in the United States in and east of ND, SD, MO, NE, KS, MO, AR, and LA. Supporting shipper: Champion Target Division of Federal Cartridge Corp., 9th & Taylor, Anoka, MN 55303.

MC 154207 (Sub-4–2 TA), filed February 8, 1982. Applicant: J. C. ELLIS TRANSPORTATION, INC., P.O. Box

1009, Washington Park, IL 62204. Representative: John M. Hessel, One Mercantile Center, Thirty–Second Floor, St. Louis, MO 63101. *Contract* irregular *Fertilizers, insecticides, fungicides, weed controlling chemicals* used in animal feed mixtures. We also ship items as *fertilizer spreaders* and *advertising materials* between our origin in Fairmont City, Washington Park and East St. Louis, IL all in St. Clair County, IL to points in CO, IN, KS, KY, LA, MI, MN, NE, ND, OH, OK, SD, TX and WI. Supporting shipper: Estech, Inc., 2501 North Kingshighway, P.O. Box 338, East St. Louis, IL 62202.

MC 160441 (Sub-4–1 TA), filed February 5, 1982. Applicant: S & S CARTAGE CO., INC., P.O. Box 6424, South Bend, IN 46660. Representative: Paul D. Borghesani, KATZ & BORGHESANI, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516. *Contract* irregular: *General commodities* (except classes A and B explosives, commodities in bulk, and household goods), between Cook, Lake, DuPage and Will Counties, IL; Berrien, Calhoun, and Jackson Counties, MI; Elkhart and LaPorte Counties, IN; Scott County, KY; and Buncombe, Richmond, and Iredell Counties, NC, on the one hand, and, on the other, points in WI, MI, IL, IN, OH, and KY. Supporting shipper: Clark Equipment Company, Circle Drive, Buchanan, MI 49107.

MC 15546 (Sub-4–4 TA), filed February 10, 1982. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 West Carroll Ave., Chicago, IL. 60612. Representative: Ronald C. Kirchwehm, 1700 West Carroll Ave., Chicago, IL. 60612. *Contract irregular Food and related products* between points in the U.S. under continuing contract with The Larsen Company. An underlying ETA has been filed for 120 days. Supporting shipper: The Larsen Co., 520 N. Broadway, Green Bay, WI 54305

MC 41347 (Sub-4–2 TA), filed February 11, 1982. Applicant: DE BACK CARTAGE COMPANY, INC., 4841 Burnham Street, Miluaukee, WI 53219. Representative: William P. Dineen, 710 N. Plankinton Avenue, Miluaukee, WI 53203. *Contract,* irregular: *Food and related products* between points in the Miluaukee, WI, Commercial Zone, on the hand, and, on the other, points in the Chicago, IL, Commercial Zone under a continuing contracts(s) with Ward-Johnston, Division of Terson, Inc. Supporting shipper: Ward-Johnston, Division of Terson, Inc., 250 North Sunny Slope Road, Brookfield, WI, 53005.

MC 124408 (Sub-4–9 TA), filed February 11, 1982. Applicant: THOMPSON BROS. INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Frozen potato products* from Park Rapids, MN to points in the United States. An underlying ETA seeks 90 days authority. Supporting shipper: Chef Reddy Foods, Inc., P.O. Box 552, Park Rapids, MN 56470.

MC 126196 (Sub-4–1 TA), filed February 11, 1982. Applicant: BLACHOWSKE TRUCK LINE, INC., R.R.1, Fairmont, MN 56031. Representative: ROBERT N. MAXWELL, P.O. Box 2471, Argo, ND 58108. *Coal* from Brazil and Terre Haute, IN to Granite City, IL, Waterloo, IA, and St. Louis, MO. An underlying ETA seeks 120-day authority. Supporting shipper: American Colloid Company, P.O. Box 228, Skokie, IL 60077.

MC 135924 (Sub-4–3 TA), filed February 11, 1982. Applicant: SIMONS TRUCKING CO, INC., 3851 River Road, Grand Rapids, MN 55744. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Waferboard sheets,* flaked with added resin binder, compressed, not further finished, from Beltrami County, MN to points in the U.S. except AK and HI. Supporting shipper: Mead Corporation, Courthouse Plaza, N.E., Dayton, OH 45463.

MC 138512 (Sub-4–3TA), filed February 10, 1982. Applicant: ROLAND'S TRANSPORTATION SERVICES, INCORPORATED, P.O. Box 1000 (100 Waukegan Road), Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant). *Contract irregular Cheese and Milk Products, and Supplies and Materials used in the manufacture thereof,* between the facilities of Meinerz Creamery, Div. of Beatrice Foods, Inc., at Fredericksburg, IA, Preston, IA, Marshfield, WI, New Berlin (Milwaukee), WI on the one hand and, on the other, points in the United States. An underlying ETA filed this date. Supporting shipper: Meinerz Creameries, Div. of Beatrice Foods Co., 2200 South 170 Street, New Berlin, WI 53151.

MC 145917 (Sub-4–1TA), filed February 10, 1982. Applicant: STALLMAN TRUCKING, INC., 1114 Brookwood St., Bensenville, IL 60106. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Bradenton, FL 33507. *Contract* Irregular *Scrap Paper* between points in Cook, DuPage and Lake Counties, IL on the one hand, and, on the other, points in IL, IN, IA, MI, OH and WI, restricted to traffic moving between the facilities of Trans American Fibers and DuPage Paper Stock Co. Supporting shippers: Trans American Fibers, Itasca, IL, DuPage Paper Stock Co., Carol Stream, IL.

MC 146062 (Sub-4–2TA), filed February 10, 1982. Applicant: J. C. HAULING CO., P.O. Box 12, Millstadt, IL 62260. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, Mo. 63102. *Lime* between the facilities of Mississippi Lime Company at or near Ste. Genevieve, MO. and the facilities of Granite City Steel, Div. of National Steel Co. at or near Granite City, IL. Supporting shipper: Granite City Steel, Div. of National Steel, 20th & State Strs., Granite City, MO.

MC 146062 (Sub-4–3TA), filed February 10, 1982. Applicant: J.C. HAULING CO., P.O. Box 12, Millstadt, IL 62260. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. *Dolomite* between St. Francois County, MO and Morris County, TX. Supporting shipper: North American Refractories Co, an Allied Company, Cleveland, OH.

MC 156359 (Sub-4–2TA), filed February 10, 1982. Applicant: HARBOR CARTAGE, INC., 312 West End, Detroit, Michigan 48209. Representative: ALEX J. MILLER, 555 S. Woodward, Ste. 512, Birmingham, MI 48011, (313) 647–3350. *Contract irregular self-contained room air-conditioners* between Hillsdale County, MI and Lucas County, OH. Under a continuing contract with the York Division, Borg Warner Corporation. Supporting shipper: York Div., P.O. Box 1592, York, PA. 17405.

MC 158463 (Sub-4–2TA), filed February 10, 1982. Applicant: CENTRAL STATES DISTRIBUTING, INC., 3536 E. 200 N., Marion, IN 46952. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract,* irregular *Advertising circulars,* between Marion, IN, on the one hand, and, on the other, Wilmington, DE, Camden, NJ, White Plains, NY, and West Nyack, NY. Restricted to service provided pursuant to contract(s) with Gannett Company, Inc., Supporting shipper: Gannett Company, Inc., 610 South Adams, Marion, IN 46952.

MC 160472 (Sub-4–1), dated February 9, 1982. Applicant: TROJAN CORPORATION, Route No. 3, Wolf Lake, IL 62988. Representative: Jack L. Schiller, 123–60 83d Ave., Kew Gardens, NY 11415, (212) 263–2076. *Contract,* irregular: *blasting agents* between the facilities of International Minerals and Chem., located at or near Salyersville, KY and Romney, WV, on the one hand, and, on the other, points in IL, IN, MO,

OH, PA and TX. Condition: services to be performed under continuing contract(s) with International Minerals and Chem of Des Plaines, IL. Supporting shipper: International Minerals and Chem., 666 Garland Place, Des Plaines, IL 60016.

MC 160498 (Sub-4–1), filed February 9, 1982. Applicant: WENDELL MOORE d.b.a. WESTERN DRAY LINES, Rural Route 4, Winona, MN 55987. Representative: Edward H. Instenes, P.O. Box 676, Winona, MN 55987. *General Commodities* between points in the U.S. for the account of Miller Waste Mills and its subsidiaries. Supporting shipper: Miller Waste Mills, 580 East Front St., Winona, MN 55987.

MC 160541 (Sub-4–1TA), filed February 11, 1982. Applicant: RAHM'S TRUCK SERVICE, INC., 909 Blackstone Avenue, Waukesha, WI 53186. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 94956. *(1) Steel Buildings* from Mt. Pleasant, IA to points in WI and the Upper Peninsula of MI, and *(2) Lumber* from Spearfish, SD to Medford, WI. Supporting shippers: Brewer Builders, Wausau, WI and Doberstein Lumber, Inc., Medford, WI.

MC 160542 (Sub-4–1TA) filed February 11, 1982. Applicant: EASTERN TRUCKLINES, INC., 10418 Broardmoor, Palos Hills, IL 60465. Representative: Patrick H. Smyth, Smyth & Guth, P.C., 105 West Madison Street, Suite 1008, Chicago, IL 60602. *General commodities* (except classes A and B explosives, household goods as defined, and commodities in bulk) between Chicago, IL and Cleveland, OH and their Commercial Zones. Supporting shipper(s): J & B Expediters, Inc., 764 Thomas Drive, Bensenville, IL; Rail Van Dist., Inc., 1209 N. 25th Ave., Melrose Park, IL; International Multifoods Corporation, 2000 N. George St., Melrose Park, IL; Noranda Building Products, Inc., 11440 W. Addison St., Franklin Park, IL.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 145925 (Sub-5–1TA), filed February 9, 1982. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Road, Hazelwood, MO 63042. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, Irregular: *General Commodities (except Classes A and B explosives),* between points in the U.S. under continuing contract(s) with Banquet Foods Corporation, Dana Brown Private Brands, Inc., Green Bay Food Co. and Schnuck Markets, Inc. Supporting shipper(s): Banquet Foods Corporation, One Banquet Place, P.O. Box 70, Ballwin, MO 63011; Dana Brown Private Brands, Inc., 4907 West Pine Boulevard, St. Louis, MO 63108; Green Bay Food Co., Division of Dean Foods, P.O. Box 3670, Green Bay, WI 54303; Schnuck Markets, Inc., 12921 Enterprise Way, Bridgeton, MO 63044.

MC 150017 (Sub-5–3TA), filed February 8, 1982. Applicant: DELICIOUS FOODS CARRIERS, INC., P.O. Box 730, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract; Irregular. *General commodities (except Classes A and B explosives and household goods),* between pts in the U.S. under a continuing contract(s) with Wetterau, Inc. and its subsidiaries. Supporting shipper: Wetterau, Inc., 8840 Pershall Road, Hazelwood, MO 63042.

MC 151467 (Sub-5–1TA), filed February 8, 1982. Applicant: DERROLD DEATHERAGE d.b.a. DEATHERAGE TRUCKING, Rt. 1, Box 5, Russell, KS 67665. Representative: Ilene Deatherage (same as applicant). *Pipe, sucker rods, pumping units, tanks, drilling muds, chemicals and railroad ties* between points in KS, OK, NE, TX, CO and WY. Supporting shippers: 6.

MC 154488 (Sub-5–7TA), filed February 8, 1982. Applicant: LASLEY TRUCKING COMPANY, INC., P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr., P.O. Box 1368, Conway, AR 72032. Contract; Irregular, *Lumber and building materials,* between points in the U.S. under continuing contract with Continental Timber Company, Inc., Valley Center, KS. Supporting shipper: Continental Timber Company, Inc., 202 South Cedar, Valley Center, KS 67147.

MC 154759 (Sub-5–1TA), filed February 8, 1982. Applicant: WEAVER TRUCKING, INC., Route 1, Box 441, West Helena, AR 72390. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Contract Irregular *Lumber and Wood Products* between West Helena, AR, on the one hand, and, on the other, Talluleh, LA and Greenville, MS, under continuing contract(s) with Chicago Mill & Lumber Company of West Helena, AR. Supporting shipper: Chicago Mill & Lumber Company, P.O. Box 2517, West Helena, AR 72390.

MC 159513 (Sub-5–2TA), filed February 9, 1982. Applicant: LOK TRUCKING COMPANY, P.O. Box 44B, Frisco, TX 75034. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Fabric* between CT, GA, MA, NJ, NC, RI, SC, TN on the one hand, and, on the other, Cleburne or Sweetwater, TX. Restricted to shipments originating at or destined to the facilities of Walls Industries, Inc. Supporting shipper: Walls Industries, Inc., 1905 N. Main St., Cleburne, TX 76031.

MC 160451 (Sub-5–1TA), filed February 8, 1982. Applicant: F & S FREIGHTWAYS, 962 Red Barn Lane, Wichita, KS 67212. Representative: Paul Ferguson (same as applicant). Contract; Irregular. *Woodpulp in rolls, tape-adhesive backing, polyurthane in rolls, and disposable diapers,* between all points in the U.S. Supporting shipper: Riegel Textile Corporation, 1000 No. College Dr., Maryville, Mo. 64468.

MC 160459 (Sub-5–1TA), filed February 8, 1982. Applicant: ROCKY MOUNTAIN EXPRESS, INC., P.O. Box 509, Gordon, NE 69343. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract; Irregular. *Food and related products,* between pts in the U.S., under a continuing contract or contracts with Nebraska Beef Packers, Inc. and Romo Paco, Inc. Supporting shippers: Nebraska Beef Packers, Inc., Gordon, NE 69343 and Romo Paco, Inc., Gordon, NE 69343.

MC 160490 (Sub-5–1TA), filed February 9, 1982. Applicant: HORACE T. HODGES d.b.a. HODGES TRUCK LINE, P.O. Box 1528, Claremore, OK 74017. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. (1) *Steel sucker rods* from the facilities of Del-Tex, Inc., at or near Claremore, OK to points in AR, CO, KS, KY, IL, LA, MS, NM, OH, TX and WY and (2) *materials, equipment and supplies used in the manufacture of sucker rods* from points in AR, CO, KS, KY, IL, LA, MS, NM, OH, TX and WY to the facilities of Del-Tex, Inc. Supporting shipper: Del-Tex, Inc., P.O. Box 1187, Claremore, OK.

MC 160492 (Sub-5–1TA), filed February 9, 1982. Applicant: CLEATUS P. JONES, 411 N. Beverly Drive, Wichita Falls, TX 76305. Representative: Cleatus P. Jones (same address as above). Contract; Irregular. *Limestone and concrete products,* between Wichita Falls, TX, and Comanche County, OK. Supporting shipper: O.K. Concrete Co., 2304 Sheppard Access Road, Wichita Falls, TX 76304; and Leo Brock Paving Co., 224 N. Beverly Drive, Wichita Falls, TX 76305.

MC 160494 (Sub-5–1TA), filed February 9, 1982. Applicant: CONVOY, INC., P.O. Box 606, Richardson, TX 75080. Representative: Bryant Whitten, 13527 Vargon, Dallas, TX 75243. Contract, irregular: *Automotive chemicals: canned, boxed and palletized,* between TX, CA, AL, and

AZ. Supporting shipper: Berryman Products Co., 3800 E. Randol Mill Rd., Arlington, TX 76011.

MC 26825 (Sub-5–24TA), filed February 10, 1982. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Metal products,* between the facilities of Baron Drawn Steel Corp. in the U.S., on the one hand, and, on the other, pts in the U.S. Supporting shipper: Baron Drawn Steel Corporation, 1400 Hastings, Toledo, OH 43607.

MC 140205 (Sub-5–1TA), filed February 11, 1982. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, IA 51249. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Food and Related Products, Materials, Equipment and Supplies (except in bulk in tank vehicles) used in the manufacture, sale and distribution of the above named commodities* between pts in Osceola, Johnson and Muscatine Counties, IA, on the one hand, and, on the other, pts in OH, PA, CA, NE, ND, SD, KS, CO, MO, IL, WI and MN. Supporting shipper: Heinz, USA, Division of H. J. Heinz Company, Pittsburgh, PA.

MC 145168 (Sub-5–2TA), filed February 11, 1982. Applicant: BRACKEEN TRUCKING, INC., Route 2, Box 612, Scurry, TX 75158. Representative: Thomas L. Cook, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237–2385. *Motorcycles,* between points in Dallas and Tarrant Counties, TX, and Baton Rouge, LA, on the one hand, and, on the other, points in AR and MS. Supporting shippers: Hot Springs Cycle Center, Inc., 540 Quachita Avenue, Hot Springs, AR; Cycle Center, Inc., 214 East Harding, Pine Bluff, AR 71601; North Little Rock Suzuki, 4801 MacArthur Drive, North Little Rock, AR 72118; and Greenville Suzuki-Kawasaki, 418 Highway 15, Greenville, MS 38701.

MC 145240 (Sub-5–5TA), filed February 10, 1982. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Contract, irregular; *Food and related products* from Kansas City, KS to points in OK and TX under continuing contract(s) with Inland Storage Distribution Center. Supporting shipper(s): Inland Storage Distribution Center, P.O. Box 2249, Kansas City, KS 66110.

MC 147196 (Sub-5–42–TA), filed January 26, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10686, Jefferson, LA 70181–0686. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. *Store fixtures and materials, equipment and supplies used in the manufacture and distribution thereof* between Terrell, TX, on the one hand, and, on the other, all points in the states of AR, CA, CO, FL, GA, IL, IN, KS, LA, MO, NM, NC, OH, OK, SC, and TN. Supporting shipper: Maytex Store Fixtures, P.O. Box 729, Terrell, TX.

MC 151118 (Sub-5–15TA), filed February 10, 1982. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *Pulp, paper, and related products; printed matter* and *machinery* between points in Lenawee County, MI; Middlesex County, CT; Dunklin County, MO; Lamar County, TX; Hardin County, KY; Douglas County, OR; Stevens County, GA; Cook, Iroquois and Lake Counties, IL; Lake County, OH; Chicago, IL and Riverside, CA, and points in their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: UARCO, Inc., Barrington, IL.

MC 152775 (Sub-5–5TA), filed February 10, 1982. Applicant: RAM ROD TRUCKING, INC., P.O. Box 1127, Marrero, LA 70073. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Cement products manufactured into mats or slabs for use in erosion, environmental or construction projects* between the facilities of Nicolon Corporation at or near New Orleans, Baton Rouge, and Lake Charles, LA, on the one hand, and, on the other, points in AL, AR, FL, MS, TN, and TX. Supporting shipper: Nicolon Corporation, Peachtree Corners Plaza, Suite 1990, Norcross, GA 30071.

MC 153323 (Sub-5–8TA), filed February 10, 1982. Applicant: Iowa-Texas Express, Ltd., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Meat and meat products,* between the facilities of John Morrell & Co. located at Estherville and Sioux City, IA; Fairmont and Worthington, MN; and Sioux Falls, SD on the one hand, and, on the other, points in AL, AR, CT, DE, GA, FL, KY, MD, MA, MS, MO, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC. Supporting shipper: John Morrell & Co., 208 South LaSalle, Chicago, IL 60604.

MC 154053 (Sub-5–2TA), filed February 12, 1982. Applicant: EAST-TEX PLASTICS EXPRESS, INC., 3850 Williams, Orange TX 77630. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Synthetic plastic granules or pellets* from Orange, TX to El Dorado, AR. Supporting shipper: Gulf Oil Chemicals Company, P.O. Box 3706, Houston, TX 77253.

MC 155767 (Sub-5–2TA), filed February 12, 1982. Applicant: NATIONAL CARTAGE, INC., P.O. Box 278, Plattsburg, MO 64477. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. *Refined sugar except in bulk* between facilities of Supreme Sugar Co., Supreme, LA, and railroads located at New Orleans and Reserve, LA, applying only on shipments having a prior or subsequent movement interstate by rail. Supporting Shipper: Supreme Sugar Company, Inc., One Shell Square, Suite 320, New Orleans, LA 70139.

MC 155796 (Sub-5–4TA), filed February 12, 1982. Applicant: TRANSPORTATION SPECIALISTS, LTD., 440 Commercial Federal Tower, 2120 South 72nd Street, Omaha, NE 68124. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Food and Related Products* between pts in the U.S., restricted to shipments having a prior or subsequent movement by rail or water. Supporting Shippers: 6.

MC 156328 (Sub-5–3TA), filed February 12, 1982. Applicant: U.S. TRANSPORTATION LTD., 334 N.W. Greenwood, Ankeny, IA 50021. Representative: James R. Snyder, Pres. (same as above). Contract; Irregular. (1) *Meat, Meat Products, Meat By-Products and Articles, Distributed by Meat Packing Houses.* Between pts. in the U.S. Applicant intends to tack. Supporting Shipper: Trans World Meat Corp., Cedar Rapids, IA.

MC 157181 (Sub-5–3TA), filed February 11, 1982. Applicant: WASHINGTON TRUCKING OF NEW ORLEANS, INC., P.O. Box 1411, Gretna, LA 70053. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Paper and Paper Articles* from West Monroe, LA to Denver, CO. Restricted to shipments originating at the facilities of Con Pac, Inc. Supporting Shipper: Con Pac, Inc., 1053 Constance St., New Orleans, LA 70130.

MC 157181 (Sub-5–4TA), filed February 11, 1982. Applicant: WASHINGTON TRUCKING OF NEW ORLEANS, INC., P.O. Box 1411, Gretna, LA 70053. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Malt Beverages and such commodities as are dealt with by manufacturers of Malt Beverages* between Longview, TX on the one hand, and, on the other, points in CO. Restricted to shipments originating at or destined to the facility of Jos. Schlitz Brewing Company. Supporting Shipper:

Jos. Schlitz Brewing Co., 235 West Galena St., Milwaukee, WI 53212.

MC 159603 (Sub-5–1TA), filed February 11, 1982. Applicant: GREAT WESTERN TRANSPORT, INC. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Meat and meat products* between Cochran County, TX on the one hand, and, on the other, points in the U.S. Supporting shipper: Great Western Meat Company, P.O. Box 915, Morton, TX 79346.

MC 160406 (Sub-5–1TA), filed February 12, 1982. Applicant: ALAMO TOURS, INC., P.O. Box 1451, San Antonio, TX 78295. Representative: Thomas F. Sedberry, P.O. Box 2023, Austin, TX 78768. *Passengers and their baggage,* in the same vehicle with passengers, in round trip special or charter operations, beginning and ending in Bexar County, TX and extending to points in the U.S. Supporting shippers: 5.

MC 160520 (Sub-5–1TA), filed February 10, 1982. Applicant: OWENS, MINOR INC., 624 Wholesalers Parkway, Harahan, LA 70123. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. *Intravenous solutions and sets and associated hospital supplies,* from points in Jefferson Parish, LA, to all points in MS. Supporting shipper: Abbott Laboratories, 14th & Sheridan Road, North Chicago, IL 60064.

MC 160529 (Sub-5–1TA), filed February 11, 1982. Applicant: CLIFFORD E. COSSEY, P.O. Box 28, Oakridge, MO 63769. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. (1) *paints, stains, lacquers, varnishes, liquid roof coatings, aluminum exterior wall coatings, solvents, adhesives, caulk and caulking compounds and brushes* between St. Louis, MO, on the one hand, and, on the other, points in OK and TX and (2) *aloe vera juice and aloe vera gel* between Harlingen, TX, on the onehand, and, on the other, Bensonville, Chicago and Posen, IL, Hilliard, OH and Milwaukee, WI. Supporting shippers: (1) Schulte Paint & Lacquer Manufacturing Co. of St. Louis and (2) Vera Products, Inc., of Harlingen, TX.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 152671 (Sub-6–11TA), filed February 3, 1982. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O.B. 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Foodstuffs and Kindred Products,* between points in WA and ID, on the one hand, and, on the other, points in CA, CO, ID, OR, WA, AZ, NM, NV, MT, and UT for the account of Twin City Foods, Inc., for 270 days. Supporting shipper: Twin City Foods, Inc., P.O.B. 699, Stanwood, WA 98292.

MC 160404 (Sub-6–1TA), filed February 3, 1982. Applicant: ERIC MOTOR LINES, INC., P.O. Box 297, Newhall, CA 91322. Representative: Milton W. Flack, 8383 Wilshire Blvd., Ste 900, Beverly Hills, CA 90211. *Contract Carrier,* Irregular routes: *Coin operated video machines, lawn furniture, plastic or textile bags, petroleum and chemical products (except in bulk), and automotive parts and accessories,* from Chicago, IL and its Commercial Zone, and Hialeah and Miami, FL, to points in MT, AR, CA, FL, GA, IL, NJ, NY and TX, under continuing contract(s) with Manufacturers Coordination, Inc., of Hialeah, FL, for 270 days. Supporting shipper: Manufacturers Coordination, Inc., of Hialeah, FL. 33014.

MC 153758 (Sub-6–4TA), filed February 5, 1982. Applicant: LAMPMAN BROKERAGE, INC., d.b.a. MASTRO ENTERPRISES, 4233 Sierra Madre, Fresno, CA 93711. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Contract;* irregular; *cheese, bulk and packaged, cheese products, and materials, equipment and supplies* used in the manufacture, sale and distribution of such commodities from Fond du Lac, WI, to points in AZ, CA, OR and WA. An underlying ETA seeks 120 days authority. Supporting shipper: Tolibia Cheese, Inc., 45 E. Scott St., Fond du Lac, WI 54935.

MC 160405 (Sub-6–1TA), filed February 3, 1982. Applicant: PRONTO TRUCKING, 208 Russel Ave., Douglas, WY 82633. Representative: William M. Tibbs (same address as applicant). (1) *Machinery, material, equipment, and supplies,* used in, or in connection with the discovery, development and distribution of natural gas and petroleum and their products and byproducts and (2) *machinery, materials, equipment, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. (Restricted against the transportation of complete oil rigs.), from WY to points in AR, CA, CO, ID, KS, LA, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, for 270 days. Supporting shippers: There are 7 shippers. Their statements may be examined at the Regional Office listed above.

MC 158675 (Sub-6–1TA), filed February 2, 1982. Applicant: REMICK TRUCKING LTD., 215 E. 37th, Boise, ID 83704. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Lumber and wood products, fencing and building materials,* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, for 270 days. Supporting shipper: Workmans Forest Products, Inc., P.O.B. 361, Clackamas, OR 97015.

MC 151869 (Sub-6–2TA), filed February 8, 1982. Applicant: A. M. ROUTLEY TRUCKING LTD., 11420 Granville Ave., Richmond, B.C. CD V6Y 1R6. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Lumber, veneer, pig iron and silica sand,* (1) From CA and WA to Ports of Entry on the International Boundary Line between the U.S. and CD in WA, and (2) From Ports of Entry on the International Boundary Line between the U.S. and CD in WA to OR, for 270 days. Supporting shippers: Brady Lumber Co., P.O.B. 12267, Seattle, WA 98102; Overseas Commodities, 750 Industrial Ave., Vancouver, B.C.

MC 143037 (Sub-6–1TA), filed February 4, 1982. Applicant: T & T REFRIGERATED TRANSPORT, INC., 2290 W. Adams Ave., Fresno, CA 93706. Representative: Edward L. Fanucchi, 2409 Merced St., #3, Fresno, CA 93721. *Such commodities, refrigerated and non-refrigerated, as are dealt in by grocery stores* between points in the States of CA, OR, WA, ID, NV, AZ, and NM, for 270 days. Supporting shippers: Avoset Co. Sterile Products Plant, 299 Fifth, Gustine, CA; Anderson-Clayton Foods, Box 10051, Fresno, CA; R. T. French Co., 3366 E. Muscat, Fresno, CA 93725.

MC 160403 (Sub-6–1TA), filed February 2, 1982. Applicant: TRANS WEST SYSTEMS INC., P.O.B. 2618, Pocatello, ID 83201. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Pipe, pipe fittings, and equipment, materials and supplies used in the manufacture and distribution thereof,* between points in ID, NV, OR and WA, on the one hand, and, on the other, points in the U.S., for the account of Water & Waste Water Equipment Company, Inc., for 270 days. Supporting shipper: Water & Waste Water Equipment Company, Inc., P.O.B. 9405, Boise, ID 83707.

MC 159558 (Sub-6–2TA), filed February 8, 1982. Applicant: EIGHTEEN WHEEL TRANSPORTATION, INC., 355 South Santa Fe Ave., Los Angeles, CA

90013. Representative: Frederick J. Coffman, P.O.B. 1455, Upland, CA 91786. *General Commodities* (except classes A & B explosives and used household goods) between points in CA. Restricted to traffic having a prior or subsequent movement by rail, for 270 days. Supporting shipper: Inter-Modal Concepts, Inc., 353 South Santa Fe Avenue, Los Angeles, CA 90013.

MC 160504 (Sub-6–1TA), field February 8, 1982. Applicant: ANTONIO FLORES, d.b.a. FF TRUCKING, 764 Hollister Ave., San Diego, CA 92174. Representative: Antonio Flores (same as applicant). *Contract carrier*, Irregular routes: *Electronic Articles and Equipment*, between points in AZ in foreign commerce on freight originating in Guadalajara, JA, for 270 days. Supporting shippers: Motorola De Mexico, S.A., Apartado Postal Num. 31–191, Guadalajara, JA; Motorola Inc., 4141 E. Raymond, Tempe, AZ.

MC 160489 (Sub-6–2TA), filed February 5, 1982. Applicant: JASCO TRUCKING, INC., 202 94th Street, SW., Albuquerque, NM 87100. Representative: David C. Olson, P.O. Drawer 965, Albuquerque, NM 87103. *Contract carrier*, irregular routes: *coal* between a point near Burnham, San Juan county, NM, and a point near St. Johns, Apache County, AZ, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Consolidation Coal Company, Western Region, 2 Inverness, East Building, Englewood, CO 80112.

MC 124735 (Sub-6–6TA), filed February 9, 1982. Applicant: R. C. KERCHEVAL, JR., 2214 4th S., Seattle, WA 98134. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier*, irregular routes: *Parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, and part for motor vehicle chassis and motor vehicle undercarriage*, from points in KA, IL, IN, IA, MO, MI, OH, WI to ports of entry on the U.S./CD International boundary line in ID & WA, restricted to traffic moving in foreign commerce for the account of Canadian Wheel Industries, Ltd., for 270 days. Supporting shipper: Canadian Wheel Industries, Ltd., 16825 111th Ave., Edmonton, Alberta, CD.

MC 160505 (Sub-6–1TA), filed February 8, 1982. Applicant: MIKE J. LAWRENCE (an individual), P.O. Box 139, Doyle, CA 96109. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. (1) *Refractory Products, and Refractory Materials, Equipment and Supplies*, between points in OR, WA, CA and NV; and between points in OR, WA, CA and NV on the one hand, and Ports of Entry on the U.S./Canada International Border in the States of WA, MT and ID on the other hand, and (2) *Building Materials*, Between points in ID, CO, OR, WA, CA, NV, UT and AZ, and between points in OR, WA, ID, CA and NV on the one hand, and Ports of Entry on the U.S.-Canada International Border in WA, ID and MT on the other hand, for 270 days. Supporting shippers: There are five (5) shippers. Their statements may be examined at the Regional Office listed.

MC 160489 (Sub-6–1TA), filed February 5, 1982. Applicant: MARTIN BROTHERS, INC., P.O. Box 851, Evanston, WY 82930. Representative: Dennis S. Chapman, 656 E. 3230 N., Provo, UT 84604. *Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products*, between Uinta County, WY and Utah County, UT and locations in WY, UT, CO, ID for 270 days. Supporting shipper: Placid Oil Company, 2300 University Club Building, Salt Lake City, UT.

MC 160506 (Sub-6–1TA), filed February 8, 1982. Applicant: SALLY WANN & JAMES GAUDINA d.b.a., SALCO ENTERPRISES, 235 N E 103rd, Portland, OR 97220. Representative: Sally Wann (same as Applicant). *Contract carrier*, irregular routes: (1) *Doors and Door Parts*, From Portland and Springfield, OR to points in AR, CO, FL, IL, LA, MI, MS, OK, TN, and TX for the account of Nicoli Co., (2) *Insulating Materials*, from points in FL, LA, MI, and TN to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY for the account of S & S Industries, Inc., (3) *Paper Products*, from Ashdown, AR, Courtland, AL, Pomona and Ripon, Ca to Portland, OR and Spokane, WA for the account of Rose City Business Supply Corp., for 270 days. Supporting shippers: Robert E. Davis, Nicolai Co., 1029 N W Hoyt, Portland, OR, Pat A. Mitchell, S & S Industries, Inc., P.O. Box 1360, Maryville, TN 37801, Joseph A. Mayo III, Rose City Business Supply, 5432 S. E. International Way, Portland, OR 97222.

MC 113271 (Sub-6–13TA), filed February 9, 1982. Applicant: TRANSYSTEMS INC., P.O.B. 399, Black Eagle, MT 59414. Representative: Kenneth G. Thomas (same as Applicant). *Metal products*, between Los Angeles, CA, and its commercial zone, and points at or near the international boundary line between the U.S. and CD located in WA, ID and MT, for 270 days. Applicant seeks an underlying 120 day ETA. Supporting shipper: Superior Fireplace Co., 4325 Artesia Ave., Fullerton, CA.

[FR Doc. 82–4643 Filed 2–19–82; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29818]

Rail Carriers; Illinois Central Gulf Railroad Co.—Abandonment in Addison, DuPage County, IL—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10505 the abandonment by Illinois Central Gulf Railroad Company of 0.92 miles of track in Addison, DuPage County, IL, from the requirements of 49 U.S.C. 10903.

DATES: Exemption effective March 24, 1982. Petitions to reopen for reconsideration must be filed by March 15, 1982, and petitions for stay must be filed by March 4, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave., N.W., Washington, D.C. 20423.

(2) Petitioner's Representative, Howard D. Koontz, Senior General Solicitor, Illinois Central Gulf Railroad Company, 233 North Michigan Avenue, Chicago, IL 60601, (312) 565–1600, Ext. 2027. Pleadings should refer to F.D. No. 29818.

For a copy of the full decision, write to the Interstate Commerce Commission, Room 2227, Washington, D.C., 20423, or call toll-free 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision in Finance Docket No. 29818.

Decided: February 12, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–4641 Filed 2–19–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-No. 90)]

Rail Carriers; Seaboard Coast Line Railroad Co. and Louisville & Nashville Railroad Co., Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Donald J. Shaw, Jr.
or
Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Seaboard Coast Line Railroad Company (SCL) and the Louisville & Nashville Railroad Company (L&N) filed a petition on February 8, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). They request that we permit their contract tariff ICC–SCL–C–0017 to become effective on one day's notice. The tariff was filed to become effective on March 8, 1982. The tariff provides for the through movement of superphosphate (including diammonium phosphate and monoammonium phosphate), with certain exceptions.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Early implementation of the contract will allow the railroads to transport a limited number of trainloads of supersphosphate in advance of the peak superphosphate shipping season, which begins around March 1. This will enable the carriers to utilize presently idle cars and will help ensure that cars are available during the peak season. We find that to be the type of exceptional circumstance which warrants a provisional exemption.

The SCL and L&N contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings;

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: February 16, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–4639 Filed 2–19–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-No. 91)]

Rail Carriers Seaboard Coast Line Railroad Co., Louisville & Nashville Railroad Co., and Norfolk & Western Railway Co., Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Donald J. Shaw, Jr., or
Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Seaboard Coast Line Railroad Company (SCL), the Louisville & Nashville Railroad Company (L&N), and the Norfolk & Western Railway Company (N&W) filed a petition on February 9, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). They request that we permit their contract tariff ICC–SCL–C–0018 to become effective on one day's notice. The tariff was filed to become effective on March 12, 1982. The tariff provides for the through movement of superphosphate (including diammonium phosphate and monoammonium phosphate), with certain exceptions.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Early implementation of the contract will allow the railroads to transport a limited number of trainloads of superphosphate in advance of the peak superphosphate shipping season, which begins around March 1. This will enable the carriers to utilize presently idle cars and will help ensure that cars are available during the peak season. We find that to be the type of exceptional circumstance which warrants a provisional exemption.

The SCL, L&N and N&W contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10550)

Dated: February 16, 1982.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie

votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary

[FR Doc. 82-4646 Filed 2-19-82; 8:45 am]

BILLING CODE 7035-01-M

Release of Waybill Data to States and Railroads

In the interest of reducing government redtape, the Commission grants permission to the Department of Transportation, Federal Railroad Administration for the release to railroads and States of waybill data collected under the ICC order (Ex Parte No. 385; 49 CFR 1244; 46 FR 45141, Sept. 10, 1981; 46 FR 26781, May 15, 1981). The State governments and the railroads will no longer be required to submit a letter of request to the ICC for release of these data.

Each State may have any waybill record covering traffic that originated, or was intercharged within the State. FRA may also release to the State any record covering traffic that FRA can identify as having a high probability of having passed through the State. For example: A shipment from Alabama to Kentucky could be released to Tennessee even though it was not interchanged in Tennessee. Each railroad may have any waybill record covering traffic that originated, terminated, or was bridged by railroad.

It shall be the railroads' responsibility to treat the data as if they had collected it themselves, and to meet all the requirements of the Interstate Commerce Act relating to the release of shipper information.

It shall be the State's responsibility:

1. To avoid disclosure of confidential carrier or shipper information.

The State is not to release to the public data for an origin or destination area for any commodity class containing less than three shippers or receivers. Three different freight stations (FSAC's) present in the waybill sample for any area or commodity class may be used to show that there are three or more shippers or receivers in an area.

2. To take into account in any study result, the fact that the waybill data are samples.

Each State shall obtain a copy of the Waybill Sample Plan before using the waybill data.

For further information on release of waybill data contact James Nash, Office of Transportation Analysis, (202) 275-6864.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-4638 Filed 2-19-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte MC 157]

Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers for Canadian Operating Authority

AGENCY: Interstate Commerce Commission.

ACTION: Notice of investigation and request for comments.

SUMMARY: The Commission intends to conduct an oral hearing to investigate whether existing law and policy on the part of the Canadian government effectively discriminates against U.S. motor carriers, precluding their single line participation in the transportation of international general commodity frieght.

DATES: Notice of intent to participate in this proceeding must be given in writing to the Commission on or before March 2, 1982. A participation list will be distributed before the cross-service of statements.

Written verified statements must be served on the participants and filed with the Commission on or before March 23, 1982.

A pre-hearing conference will be held on Wednesday, March 31, 1982. Administrative Law Judge Paul S. Cross has been assigned to preside at the oral hearing. The judge should receive a courtesy copy of all pleadings: Room 3166A, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7474.

ADDRESS: Letters of intent to participate and an original and 12 copies of all statements should be sent to: Office of the Secretary, Room 2203, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Van Bosco, (202) 275-7973.

SUPPLEMENTARY INFORMATION: Several applications by Canadian motor carriers are now pending before the Commission.[1] A number of pleadings have been filed in these proceedings which cumulatively raise certain issues of fact and law which this investigation is intended to address.

The Commission is concerned over allegations that practices by the Foreign Investment Review Agency (FIRA) of the Canadian federal government make it more difficult for U.S. carriers than for Canadian carriers to receive licensing authority in Canada. In effect, different standard may exist for U.S. carriers seeking operating authority in Canada than exists for Canadian carriers desiring the same rights. In contrast, the opportunities available to Canadian carriers to operate within the United States have substantially increased under the more liberal licensing policies mandated by the Motor Carrier Act of 1980 (Pub. L. 96-296). It is argued that these circumstances have an anti-competitive and discriminatory effect. Canadian carriers may obtain single-line operating rights across the international boundary line whereas U.S. carriers, because of the alleged actions of FIRA, cannot as easily obtain operating rights to participate in single-line international traffic.

A resolution expressing many of these same concerns was introduced in the Senate on February 10, 1982, by Senator Cannon and joined by 18 co-sponsors. Other senators have introduced legislation. Accordingly, in view of these concerns, the Commission is instituting this investigation and oral hearing, to focus on the following issues:

(1) Respondents should initially direct their attention to whether the Commission may legally consider Canadian reciprocity in deciding applications of Canadian motor carriers for American operating rights. The Commission is currently considering the reciprocity issue and the extent it should be a consideration in the issuance of certificates of authority to Mexican applicants. See No. MC-141313 (Sub-No. 1) Permisionarios De Express Y Carga, S.A. DE C.V.

(2) Secondly, respondents should address the primary factual question as to the effect of the Canadian Foreign Investment Review Act and its administration by FIRA. We are seeking specific factual information indicating the effect of this law as applied to American motor carriers. Respondents should concentrate on the actual content of the law and document examples of their experience before the FIRA (successful as well as unsuccessful). We will also expect documentation as to

[1] No. MC-111307 (Sub-No. 16), TNT Canada, Inc.; No. MC-127284 (Sub-No. 5), Dominion-Consolidated Truck Lines, Limited; No. MC-86247 (Sub-No. 31), I.C.L. International Carriers, Limited; No. MC-133327 (Sub-No. 5), Melburn Truck Lines; No. MC-133008 (Sub-No. 1), Millar & Brown Ltd.; No. MC-143698 (Sub-No. 4), Cast North American Ltd.; No. MC-109294 (Sub-No. 28), Commercial Truck Co., Ltd.; No. MC-129573 (Sub-No. 4), Thibodeau-Finch Express Limited; No. MC-158474, J.K. Stockwell Ltd.; No. MC-158601, Trans Canada Truck Lines, Inc.; and, No. MC-153367 (Sub-No. 1), Transx, Ltd.

whether different licensing standards, in law or in practice, apply to American carriers at the provincial levels. To aid in the development of the record, the Commission's Office of Compliance and Consumer Assistance will be directed to participate.

(3) Finally, we solicit respondents' opinions as to the options open to the Commission if it should be established that Canadian law or practice discriminates against American motor carrier applicants.

The requirement of an initial decision will be waived in this proceeding in order to expedite consideration by the entire Commission.

This action is taken under the authority of 49 U.S.C. 10101, 10321, 11701, and 10922. This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered: The proceeding is set for oral hearing, with a prehearing conference scheduled for March 31, 1982. The Administrative Law Judge is directed to close the record no later than 90 days from the date of publication of this notice in the **Federal Register.**

On or before March 2, 1982, any person intending to participate in this proceeding shall notify the Commission by filing with the Office of the Secretary an original and one copy of a statement of intention.

Verified statements, consisting of a signed original and 12 copies, shall be filed by participant on or before March 23, 1982.

The Office of Compliance and Consumer Assistance is directed to participate in this proceeding.

A copy of this notice will be served on the United States Departments of State, Commerce, and Transportation and the United States Trade Representative.

Dated: February 11, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

James H. Bayne,

Acting Secretary.

[FR Doc. 82-4697 Filed 2-19-82; 8:45 am]

BILLING CODE 7035-01-M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Public Hearing; Collective Ratemaking

DATE: Friday, March 5, 1982.

PLACE: Kansas Hyatt Regency, Chicago Room, 2345 McGee Street, Kansas City, Missouri.

TIME: 9:00 a.m.

PURPOSE: To receive testimony from various parties on collective ratemaking.

The Motor Carrier Act of 1980, Public Law 96-296, directs the Motor Carrier Ratemaking Study Commission (Commission) to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers and of the need or lack of need for continued antitrust immunity thereof. The Commission is specifically directed to estimate the impact of the elimination of such immunity upon the rate levels and rate structures and to describe the impact of such on the Interstate Commerce Commission and its staff. Also, the Commission has been directed to give special consideration to the impact of the elimination of such immunity upon rural areas and small communities.

The Commission, through its Hearings Committee, calls this regional hearing for the purpose of exploring collective ratemaking in special commodity sectors, and the impact of collective ratemaking or rate levels, rate structure, and competitive conditions.

Anyone who is interested in submitting written testimony for the record of the Commission may do so by sending same to: Larry F. Darby, Executive Director, Motor Carrier Ratemaking Study Commission, 214 Massachusetts Avenue, NE, Washington, D.C. 20002.

FOR FURTHER INFORMATION CONTACT: Name: J. Kent Jarrell, Title: General Counsel, phone No.: (202) 724-9600.

Submitted this, the 17th day of February, 1982.

Larry F. Darby,

Executive Director.

[FR Doc. 82-4609 Filed 2-19-82; 8:45 am]

BILLING CODE 6820-BD-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 82-10]

NASA Advisory Council, Aeronautics Advisory Committee, Subcommittee on Aviation Safety Reporting System; 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, Aeronautics Advisory Committee, Subcommittee on Aviation Safety Reporting System (ASRS).

DATE AND TIME: March 11, 1982, 9 a.m. to 5 p.m.; March 12, 1982, 9 a.m. to 12 noon.

ADDRESS: National Aeronautics and Space Administration, Building 10B, Room 625, 600 Independence Avenue SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Herman A. Rediess, National Aeronautics and Space Administration, Code RTE-6, Washington, DC 20546 (202/755-3237).

SUPPLEMENTARY INFORMATION: The Subcommitee on ASRS was established to review the ASRS Operations and NASA actions taken in response to Subcommittee recommendations. The Subcommittee, chaired by Mr. John Winant, is comprised of 10 members. The meeting will be open to the public up to the seating capacity of the room (approximately 35 persons including the Subcommittee members and participants).

Type of meeting: Open

Agenda

March 11, 1982

9 a.m.—Chairperson's Remarks.
10 a.m.—Operations Report.
1 p.m.—Research Report.
2 p.m.—Evaluation Summary/Post-Report Actions.
5 p.m.—Adjourn.

March 12, 1982

9 a.m.—Future Program Options.
11 a.m.—Community Participation Issues.
12 noon—Adjourn.

Dated: February 16, 1982.

Robert F. Allnutt,

Acting Associate Administrator for External Relations.

[FR Doc. 82-4628 Filed 2-19-82; 8:45 am]

BILLING CODE 7510-01-M

[Notice 82-9]

NASA Advisory Council; 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.

DATE AND TIME: March 10, 1982, 9 a.m. to 5 p.m., March 11, 1982, 9 a.m. to 4 p.m.

ADDRESS: NASA Headquarters, Room 7002, 400 Maryland Avenue SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB-4, National Aeronautics and Space

Administration, Washington, DC 20546 (202/755-8383).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Prof. William A. Nierenberg and is composed of twenty members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, life sciences, space and terrestrial applications, space science, space systems and technology, and history, as they relate to NASA's activities.

Visitors will be admitted to the meeting room up to its capacity, which is approximately 60 persons including Council members and other participants. Visitors will be requested to sign a visitor's register.

Type of Meeting: Open.

Agenda

March 10, 1982

9 a.m.—Introduction.
9:30 a.m.—Space Shuttle: Status of STS-3 mission.
10:45 a.m.—FY 1983 President's Budget.
1 p.m.—Administration Space Policy Studies.
1:30 p.m.—Program Planning Issues.
5 p.m.—Adjourn.

March 11, 1982

9 a.m.—Council Discussion.
10:45 a.m.—NASA Planning for a Permanent Presence in Space.
1 p.m.—NSAS Planning for a Global Ecology Program.
2 p.m.—Council Discussion.
4 p.m.—Adjourn.

Dated: February 16, 1982.

Robert F. Allnutt,

Acting Associate Administrator for External Relations.

[FR Doc. 82-4627 Filed 2-19-82; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts; Design Arts Panel (Design Communication); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Design Communication) to the National Council on the Arts will be held on March 9-10, 1982, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sections will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 12, 1982.

[FR Doc. 82-4708 Filed 2-19-82; 8:45 am]

BILLING CODE 7537-01-M

National Council on the Arts; Expansion Arts Panel (Organizations: Visual/Media/Design/Literary); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Organizations: Visual/Media/Design/Literary) to the National Council on the Arts to be held March 15-17, 1982, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 12, 1982.

[FR Doc. 82-4709 Filed 2-19-82; 8:45 am]

BILLING CODE 7537-01-M

National Council on the Arts; Folk Arts Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Folk Arts Panel to the National Council on the Arts to be held March 18th from 8:30 a.m.-10:30 p.m., March 19th from 8:30-10:00 p.m., March 20th from 8:30 a.m.-5:30 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 12, 1982.

[FR Doc. 82-4710 Filed 2-19-82; 8:45 am]

BILLING CODE 7537-01-M

National Council on the Arts; Media Arts Panel (Workshops/Residencies); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Workshops/Residencies) to the National Council on the Arts will be held on March 16-17,

1982, from 9:30 a.m.–5:30 p.m. in the 14th floor Law Library at the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506 or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 12, 1982.

[FR Doc. 82-4711 Filed 2-19-82; 8:45 am]

BILLING CODE 7537-01-M

National Council on the Arts; Visual Arts Panel (Art in Public Places); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Art in Public Places) to the National Council on the Arts will be held on March 17–18, 1982, from 9:00 a.m.–5:30 p.m., in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW, Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 12, 1982.

[FR Doc. 82-4712 Filed 2-19-82; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences Subcommittees; Meeting

In accordance with Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Stratigraphy and Paleontology, Environmental Geosciences, Crustal Structure and Tectonics, Seismology and Deep Earth Structure, Experimental and Theoretical Geophysics, Petrogenesis and Mineral Resources, Mantle Geochemistry, and Experimental and Theoretical Geochemistry Subcommittees)

Date and time: March 10, 11 and 12, 1982; 8:30 to 5:00 p.m. each day

Place: The National Science Foundation, Room 642, 1800 G. Street, NW., Washington, D.C. 20550

Type of meeting: Closed

Contact person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550; Telephone: (202 357–7958

Purpose of committee: To provide advice and recommendations concerning support for research in Earth Sciences

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: February 17, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82-4632 Filed 2-19-82; 8:45 am]

BILLING CODE 7555-01-M

Alan T. Waterman; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee

Date: Monday, March 8, 1982

Time: 9 a.m. to 5 p.m.

Place: Rm. 543, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed

Contact person: Mrs. Lois J. Hamaty, Executive Secretary of the Alan T. Waterman Award Committee, National Science Foundation, Washington, D.C. 20550. Telephone: 202/357–7512.

Purpose of committee: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review nominations, with supporting documentation, as part of the selection process for the Award.

Reason for closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are within exemption 6 of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: The determination made on February 9, 1982 by the Director of the National Science Foundation pursuant to the provisions of Section 10(d) of Pub. L. 92–463.

Dated: February 17, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82-4633 Filed 2-19-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471]

Boston Edison Co.; Withdrawal of Application for Construction Permit

The Boston Edison Company, 800 Boylston Street, Boston, Massachusetts 02199, by Motion dated October 23, 1981, has requested withdrawal of its application for licenses to construct and operate the Pilgrim Nuclear Power Station, Unit 2, a single-unit pressurized water reactor at its site located in Plymouth County, Massachusetts, about 60 km southeast of Boston. A copy of the Motion to Withdraw Application and Terminate Adjudicatory Proceedings is available for inspection in the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. By order dated November 16, 1981 (ALAB–656) the Atomic Safety and Licensing Appeal Board vacated the partial initial decision pending before it on appeal. By order dated January 15, 1982, the Atomic Safety and Licensing Board granted Boston Edison Company's request to withdraw its application and terminate the proceedings before it. Accordingly,

the Nuclear Regulatory Commission grants the applicant's request for withdrawal of this application.

Notice of receipt of the application was published in the **Federal Register** on January 14, 1974 (39 FR 1786).

Dated at Bethesda, Maryland, this 16th day of February 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-4755 Filed 2-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-461]

Illinois Power Co.; Availability of Safety Evaluation Report for the Clinton Power Station, Unit 1

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Clinton Power Station, Unit 1, under construction in DeWitt County in central Illinois, about six miles east of the city of Clinton. Notice of receipt of Illinois Power Company's application to operate the Clinton Power Station, Unit 1 was published in the **Federal Register** on September 29, 1980 (45 FR 64307).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C., and at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727 for inspection and copying. The report (Document No. NUREG-0853) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161 or from the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. GPO Deposit Account holders may charge their orders by calling (301) 492-9530.

Dated at Bethesda, Maryland, this 16th day of February 1982.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 82-4756 Filed 2-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York, which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications relating to the Strandby Gas Treatment System to allow heaters to be on continuously while the system is functioning in lieu of the previous intermittent control by humidity elements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 18, 1981, (2) Amendment No. 66 to License No. DPR-59, and (3) the Commission's letter to the licensee dated February 12, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of February 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-4757 Filed 2-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 OL and 50-362 OL]

Southern California Edison Co. et al. (San Onofre Nuclear Generating Station, Units 2 and 3); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's Order of February 16, 1982, oral argument on intervenors' Carstens *et al.*, application for stay of the Licensing Board's January 11, 1982 partial initial decision which authorized the issuance of a license for fuel loading and low-power testing for Unit 2 of the San Onofre Nuclear Generating Station, will be heard at 9:00 a.m. on Friday, March 12, 1982, in the San Diego County Administration Building, Room 310 (Board North Chamber Room) 1600 Pacific Highway, San Diego, California.

Dated: February 16, 1982.

For the Appeal Board,

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82-4758 Filed 2-19-82; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. 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.

The draft, temporarily identified by its task number, EE 042-2 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 1.89 and is entitled "Environmental Qualification of Electric Equipment for Nuclear Power Plants." This revision is being developed to describe procedures that would be acceptable to the NRC staff for complying with proposed amendments

to the Commission's regulations published January 20, 1982 (47 FR 2876) on qualification of electric equipment for service in nuclear power plants. This guide, with certain modifications, endorses IEEE Std 323–1974, "IEEE Standard for Qualifying Class IE Equipment for Nuclear Power Generating Stations."

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by April 23, 1982.

Although a time limit is given for comments on these drafts, 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.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 18th day of February 1982.

For the Nuclear Regulatory Commission.

G. A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 82-4603 Filed 2-19-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

February 16, 1982.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reportng requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Farmers Home Administration
7 CFR 1872–A (FMHA Inst. 465–1), servicing and liquidation of real estate security for loans to individuals and certain note-only cases
FMHA 465–1, FMHA 443–16
On Occasion
Individuals or households/farms/businesses or other institutions

Indiv., cooperatives, partnership and corp. in rural areas
SIC: 011, 013, 016, 017, 018, 019, 021, 024, 025, 027
Small businesses or organizations
Farm income stabilization: 56,432 responses; 36,349 hours; $174,208 Federal cost; $218,094 public cost; 2 forms; not applicable under 3504(h)
Neil Minow, 202–395–7340

Information is needed to make loan servicing decision and is necessary to determine appropriate servicing actions and whether proposed actions are justified.

• Extension Service
EFNEP/FS—An alternative teaching method
Other—See SF83
Individuals or households
EFNEP participants in selected states
Agricultural research and services: 4,455 responses; 3,045 hoyrs; $50,000 Federal cost; $30,450 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Information will be to evaluate alternative methods for providing nutrition education to low income homemakers.

Extensions (Burden Change)

• Agricultural Marketing Service
Marketing order regulating the handling of spearmint oil produced in the far west marketing order No. 985
On occasion—Annually
Farms/businesses or other institutions
Producers and handlers of spearmint oil
SIC: 289
Agricultural research and services: 963 responses; 62 hours; $537 Federal cost; $317 public cost; 6 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The 4 committee forms are used by the Spearmint Administrative Committee to identify oil, issue producer allotments, and fulfill the policy of the act as expressed in the order.

• Economics and Statistics Service
Weekly weather and crop report
Weekly
Businesses or other institutions
County extension agents
SIC: 964
Agricultural research and services: 152,500 responses; 25,468 hours; $1,121,000 Federal cost; $407,488 public cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Provides narrative summary of progress, development and condition of crops, condition of livestock, soil moisture and related matters plus a narrative summary of the week's weather. Information used by farmers, government and agriculturally related business to keep abreast of crop development at state and national level.

• Rural Electrification Administration
Request for release of lien and/or approval of sale
REA–793
On occasion
Businesses or other institutions
REA telephone borrowers
SIC: 481
Small businesses or organizations
Energy supply: 75 responses; 75 hours; $1,735 Federal cost; $675 public cost; 1 form; not applicable under 3504(h)
Neil Mionow, 202–395–7340

This form provides borrowers a means of obtaining a release of lien and/or approval to sell capital assets that are mortgaged to the Federal Government as part of the mortgage agreement.

Reinstatements

• Farmers Home Administration
7 CFR 1945–A disaster assistance general
Nonrecurring
State or local goverments
County and state governments
SIC: 911, 912, 913, 919
Farm income stabilization: 3,086 responses; 25,468 hours; $35,200 Federal cost; 1 form; not applicable under 3504(h)
Neil Minow, 202–395–7340

Section 321 of the Consolidated Farm and Rural Development Act authorizes FMHA to determine areas to be designated eligible to receive emergency (EM) loans. No EM loans can be made without such designation.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
1982 census of agriculture
Nonrecurring
Farms
Farmers, ranchers, and agricultural related respondents
SIC: Multiple
Other advancement and regulation of commerce: 4,000,000 responses; 1,780,000 hours; 3 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The census of agriculture is the primary source of state and county data that has a uniform definition. It provides the benchmark data for the agriculture sector of the economy which are used to benchmark sample surveys and to analyze farm policy and programs by government as well as nongovernment.

Reinstatements

• Economic and Statistical Analysis
Initial report on a foreign person's direct or direct acquisition, establishment or purchase of the operating assets of a U.S. business enterprise, including real estate
BE–13, BE–14
On occasion
Farms/businesses or other institutions
Newly acquired or established business enterprises
SIC: All
Other advancement and regulation of commerce: 1,000 responses; 1,000 hours; $30,000 Federal cost; $25,000 public cost; 2 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Secures information and data on U.S. companies at the time they are established or acquired by foreign persons, and information on the foreign parent. Consists of data on assets and income, property, plant, and equipment, source of funds for financing the investment, and acres of land and mineral rights owned. Authorized by the International Investment Survey Act of 1976 (Pub. L. 94–472). Required for the preparation of the international investment accounts of the U.S.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Alcohol, Drug Abuse, and Mental Health Administration
NIMH ECA program survey—Duke site
Other—See SF83
Individuals or households
Residents of Durham, Franklin, Granville, Vance, etc.
Health: 5,250 responses; 3,675 hours; $1,825,000 Federal cost; $36,750 public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This project will provide basic psychiatric epidemiologic data on incidence and prevalence of mental disorders, and will assess the relationship between psychiatric disorders in the community and the use of psychiatric and general health facilities.

• Human Development Services
A study of speech impairments in Head Start children

Nonrecurring
Individuals or households/businesses or other institutions
A sample of approx. 68 Head Start programs and related, etc.
SIC: 835
Small businesses or organizations
Multiple functions: 1,356 responses; 133 hours; $219,330 Federal cost; $1,330 public cost; 5 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

A steady increase in the number of speech impaired children enrolled in Head Start has concerned both Head Start and Congress. Certain factors have been identified as having potential influence on this increasing incidence. Study results will document the frequency of various factors which impact speech impairment as a diagnosis and will provide administative recommendations.

• Health Care Financing Administration
Annual survey of independent prepaid and self-insured health plans
HCFA–1807
Annually
Businesses or other institutions
Self-funded health plans, dental and vision service corps.
SIC: 801, 807, 808
Small businesses or organizations
Health: 200 responses; 200 hours; $42,500 Federal cost; $2,000 public cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

The data collected in this survey are essential in making accurate annual estimates of the enrollment coverage and benefit expenditures of independent health plans. The data are used in the annual series of articles on private health insurance, in HCFA health notes, and for national health expenditure estimates, gross national product estimates, and consumer price index estimates.

• Social Security Administration
Request for review of hearing decision/order
HA–520–U6 (7–81)
On occasion
Individuals or households
Claimants requesting reviews on SSA benefits issues
General retirement and disability insurance: 57,000 responses; 9,500 hours; $45,202 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The information collected in completing this form is needed and used to afford claimants their statutory right under the Social Security Act to request review of a hearing decision.

• National Institutes of Health
NIH visitor parking permit
NIH 26–18
On occasion
Individuals or households
Individuals wishing to visit NIH for Business
Health: 6,000 responses; 100 hours; $50 Federal cost; $1,000 public cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

The visitor parking permit is used by members of the public who wish to park vehicles in NIH parking areas. 45 CFR 3.24 requires display of a valid parking permit.

• Office of Assistant Secretary for Health
National survey of family growth—Cycle III: Main field work
PHS–T–492 Through PHS–T–496 (pretest forms)
Nonrecurring
Individuals or households
Women 15 to 44 yrs. of age residing in hsehlds, etc.
Health: 34,500 responses; 9,960 hours; $2,350,000 Federal cost; $99,600 public cost; 8 forms; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

The national survey of family growth provides detailed information on fertility patterns and related topics to persons and organizations concerned with population changes, maternal and child health, and family planning. The information it collects is made available through written reports, special tabulations, and public use tapes.

• Social Security Administration
Financial status and performance report forms for transition program for refugee children and educational services for Cuban and Haitian entrant children
ED 443, FD 443–1
Annually
State or local governments
State education agencies
SIC: 941
Other income security: 56 responses; 2,240 hours; $25,000 Federal cost; $91,440 public cost; 2 forms; not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

Data collected will provide national information on total obligations and unexpended funds (financial), and program file and problem areas (performance).

• National Institutes of Health
Feasibility study for national headache survey
Nonrecurring
Individuals or households
Patients of headache clinics
Health: 500 responses; 500 hours; $50,000 Federal cost; $5,000 public cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

The Study will collect information by telephone on the natural history and associated features of headache disorders from a group of headache patients. The data are needed for comparison with clinical data and will be used to develop classification algorithms for major types of headaches which can be used in epidemiological studies.

Revisions

• Human Development Services
Instruction for applying for grants from HDS programs
SF–424
Annually
Individuals or households/businesses or other institutions/state or local governments
State, loc. gov't, non-prof. soc. serv. agen, Indian tribes
SIC: All
Education, training, employment, and social services: 12,000 responses; 360,000 hours; $540,000 Federal cost; $3,600,000 public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This application is the sole funding mechanism of the six granting offices comprising human development services.

• Social Security Administration
Student's statement regarding resumption of attendance
SSA–1386 (6–82)
On occasion
Individuals or households
Students currently receiving SSA benefits
General retirement and disability insurance: 450,000 responses; 45,000 hours; $137,835 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to certify from both student and educational institutions that the student is in full-time attendance.

Extensions (Burden Change)

• Social Security Administration
States report of adjustments
SSA–3964 (10–80)
On occasion
State or local governments
State agencies administering section 218 programs
SIC: 944
Small businesses or organizations

General retirement and disability insurance: 36,411 responses; 18,205 hours; $48,438 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Form SSA–3964 is used to report, correct and substantiate previously reported wage or tip information for state and local employees covered by the provisions of section 218 of the Social Security Act. The data provided is also used in determining and accessing the states the amount of contributions due or refundable on the corrected amounts.

reinstatements

• Human Development Services
WIN certification report, SAU certification record, WIN grant change report, and WIN grant change record
HDS–WIN–117, parts A&B HDS–WIN 117 parts A&B
SAU 4 IM 9
Quarterly
State or local governments
State and project income maintenance agen. and WIN SAU agencies
SIC: 832
Training and employment: 527,124 responses; 7,435 hours; $101,641 Federal cost; 4 forms; $74,350 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The 117–A is used to report number of certifications, data on types and number of certifications are analyzed to determine effectiveness of SAU's. The ASU–4 is a worksheet that serves as a source document for the 117–A. The 117–B is used to report the amount of reduction or change in grants due to employment of registrants. The IM–9 serves as a source document for the 117–B.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masabsky—202–755–5184

New

• Housing Programs
(1) Statement of facts
(2) Supplement to statement of facts
On occasion
Businesses or other institutions
Land Developers under jurisdiction of Interstate Land Act
SIC: 665
Small businesses or organizations
Other advancement and regulation of commerce: 375 responses; 1,500 hours; $3,200 Federal cost; 4 forms; $11,250 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

The information solicited by the statement of facts or by any of its three supplements is needed and used by OILSR to determine jurisdiction under Federal law over particular subdivisions. The estimated starting date for this information collection is January 31, 1982.

• Community Planning and Development
Technical assistance awards under the secretary's discretionary fund for community development block grants
On occasion
Individuals or households/State or local governments/businesses or other institutions
State and local gov'ts
SIC: 919, 953, 881
Small businesses or organizations
Community development: 200 responses; 8,000 hours; $16,500 Federal cost; 1 form; $104,000 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

The technical assistance (TA) regulations are designed to inform potential applicants for TA funds of the community development technical assistance program. It provides such information as who may apply for an award, types of proposals and applications, selection criteria, submission times and places, and proposal content. It allows HUD to receive proper and adequate information to determine the merits of a proposal and subsequent award.

Reinstatements

• Community Planning and Development
Small multifamily rental property rehab demonstration program
SF–424 and narrative
Nonrecurring
State or local governments
Staff personnel from comm. develop. block grant recipients
SIC: 911
Community development: 100 responses; 1,200 hours; $5,000 Federal cost; 1 form; $3,000 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Although more than $1.5 billion has been budgeted for publicly sponsored rehabilitation, virtually all of the financing has been directed to over-occupied properties. This demonstration is designed to stimulate long-term investment in the neglected multifamily sector. In order to elicit responses from interested localities it is necessary to determine (1) their interest in the program, (2) characteristics of their proposed program/neighborhood information collected.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
43 CFR Parts 2800 and 2880 rights-of-way
Nonrecurring
Individuals or households/state or local governemnts/farms/businesses or other institutions
Any mbr of the pub. includ. bus. & gov't entities, etc.
SIC: Multiple
Conservation and land management: 1,000 responses; 16,800 hours; $18,500 Federal cost; 1 form; $372,000 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information supplied by an applicant is needed to allow the authorized officer to determine whether a right-of-way be granted, establish terms and conditions of the grant, and to administer the grant when made.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Employment and Training Administration
Analysis of the structure and growth of the service and its implications in ES policy
MT–319
Nonrecurring
Businesses or other institutions
Employers in 20 large SMSA's
SIC: Multiple
Small businesses or organizations
Training and employment: 1,200 responses; 300 hours; $251,537 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The results of this survey will be used by the Department of Labor to evaluate its overall policies regarding the Federal-State Employment Service System, and the employment and training programs conducted by CETA prime sponsors and their agents, and to provide a basis for recommending changes in ES and CETA regulations and legislation.

Extensions (Burden Change)

• Occupational Safety and Health Administration
Request for advancement or reimbursement
OSHA–176
Monthly
Businesses or other institutions

Labor organ., edu., instit., employer assoc. & other, etc.
Sic: multiple
Small businesses or organizations
Consumer and occupational health and safety: 135 responses; 810 hours; $20,681 Federal cost; $6,480 public cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This form is used by the grantee to request a grant advance of reimbursement. The financial documents are used to maintain the financial management system which provides the control of grant funds.

Extensions (No Change)

• Employment Standards Administration
Medical Recordkeeping Requirement
ESA–CA–37
On occasion
Businesses or other institutions
Physicians and other provid. med. treatmt. and exam., etc.
Sic: 999
Small businesses or organizations
Income Security: 795,000 responses; 26,500 hours; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Recordkeeping requirements for physicians treating and examining FECA claimants. Medical reports based on records are an important factor in the adjudication of the claims for benefits.

Reinstatements

• Employment Standards Administration
Economic survey schedule form WH–1
WH–1
Biennially
Farms/businesses or other institutions
Establishments covered by the Fair Labor Standards Act
Sic: All
Small businesses or organizations
Other labor services: 100 responses; 100 hours; $26,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Form is used by industry committees within the wage hour division to provide data form which the committee based their judgment is setting wage levels in American Somoa.

• Employment and Training Administration
Forms for the interstate clearance program of serice to migratory agricultural workers and employers
ETA 790, ETA 795, ETA 785, ETA 785A
On Occasion
State or local governments
State employment service agencies
Sic: 944
Training and employment: 22,000 responses; 13,000 hours; $93,200 Federal cost; 4 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Forms are used by the SESA's in servicing ag. employers to insure that their labor needs for domestic migratory ag. workers are MFT, in servicing domestic ag. workers to assist them in locating jobs expediously and orderly, to insure exposure of employment opportunities to domestic ag. workers before certification for employment of foreign workers.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Railroad Administration
Injuries and occupational illnesses (Recordkeeping)
Annually
Businesses or other institutions
Common carriers by rail engaged in interstate Commerce
Sic: 401
Ground transportation: 60,000 responses; 15,000 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Pub. L. 91–458. Records of accidents and employee inquiries are essential for efficient and successful safety programs both for the carrier and the inspector. Records provide the means for an objective evaluation of the overall safety program of a given railroad facility and to identify high-rate locations where inspections should be focused.

ACTION

Agency Clearance Officer—Richard D. English—202–254–8523

New

• National RSVP Impact Study
Other—See SF83
State or local governments/individuals or households
Retired senior volunteers 69 yrs. old or older—RSVP proj.
SIC: 833, 839
Social services: 2,280 responses; 1,494 hours; $325,000 Federal cost; 1 form; not applicable under 3504(h)
James Thomas, 202–395–6880

The purpose of this study is to assess the longitudinal effects of the RSVP program on volunteers and the benefits derived by the communities in which they serve in order to facilitate the programmatic decision making process and to provide the basis for improving the program.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

• Application for Notification of State Registration of a Pesticide to meet a special local need (595)
595
Nonrecurring
State or local governments
State governments
SIC: 941
Multiple functions: 1,400 responses; 8,000 hours; $283,130 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The FIFRA permits States to register additional uses of federally registered pesticides formulated for distribution and use within the State to meet a special local need, an existing or imminent pest problem within the State. EPA reviews information supplied by State registrations to assure conformance with the FIFRA.

• Data for development of new source performance standards for mineral dryers and calciners (0746)
FSED 81/08–1, ICB ID 0746
Nonrecurring
Businesses or other institutions
Various mineral processing and manufacturing plants that
SIC: 101, 105, 281, 144, 145, 147, 149, 325, 329, 333
Small businesses or organizations
Pollution control and abatement: 76 responses; 1,520 hours; $46,200 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

* * *? Are necessary in order to select candidate best systems, analyze their impacts, and propose new source performance standards as required by the Clear Air Act.

Extensions (Burden Change)

• Hazardous waste industry studies (ICR No. 818)
Generic clearance
818
Nonrecurring
Businesses or other institutions
Organic chem. industry, other industry segments as specfd.
SIC: Multiple
Pollution control and abatement: 822 responses; 19,434 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Although phase I and II of the Hazardous Waste Regs. under the Resource Conservation and Recovery Act have been promulgated, they constit. only the 1st maj. steps toward a comprehensive haz. waste pgm. phase III of the reg. pgm. will involve further expansion and refinemt. to the list of haz. waste and the implementation of mgmt. stds. tailored to the degree & type of haz. posed by specif. wastes or indust. the haz. waste indust. studies will form major info base for these regs.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202–389–4481

New

- Consolidated report of income—monthly

Monthly
Businesses or other institutions
FDIC ins. mutual svgs. banks of supervisory concern
SIC: 603
Small businesses or organizations
Mortgage credit and thrift insurance: 360 responses; 540 hours; $8,400 Federal cost; $5,400 public cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

The form provides information which the FDIC uses to monitor flows and income-expense results for insured mutual savings banks which are of a supervisory concern to the FDIC. The information collected is not available to the public.

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson—202–426–7304

New

- College and university libraries, fall 1982

ED (NCES) 2300–5
Biennially
Businesses or other institutions
Libraries in colleges & univ.
SIC: 823
Research and general education aids: 3,450 responses; 6,900 hours; $130,000 Federal cost; $82,800 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Data on academic libraries are needed by Federal agencies to administer library programs (OLLTNLM) and evaluate the condition of libraries (NCLIS). The data are also needed by library administrators, library associations, state library agencies, state education agencies, and book trade associations to appraise and compare libraries' resources, develop criteria for accreditation, and to evaluate markets for library materials.

INTERNATIONAL DEVELOPMENT ASSISTANCE

Agency Clearance Officer—Ms. Melita Yearwood—202–632–0084

Extensions (No Change)

- Supplier's certificate and agreement with aid for project commodities/ Invoice and contract abstract

AID 1450–4
On occasion
Businesses or other institutions
Commodity suppliers
SIC: 999
Small businesses or organizations
Foreign economic and financial assistance: 8,000 responses; 2,000 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

When AID is not a party to a contract which it finances, it needs some means to collect information from suppliers and a basis on which to take appropriate action against suppliers in the event they do not comply with applicable AID requirements. The information enables aid to keep records of its commodity expenditures which may be used for program management and for required reports to Congress and the OMB.

Reinstatements

- ACTION/Peace Corps volunteer reference form

A–36
On occasion
Individuals or households
Reference forms
Foreign economic and financial assistance; 51,00 responses; 20,400 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

The data collected by the volunteer reference form are required to select and place applying volunteers. ACTION/ Peace Corps has no other means of obtaining the required qualifying data.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Agency Clearance Officer—Chris Cabell—202–755–3219

Reinstatements

- Request for guest speaker

NASA 1201
Nonrecurring
State or local governments/businesses or other institutions
Civic, professional and educational organizations
SIC: Muitiple
Multiple functions: 100 responses; 10 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This form will be used only when it is necessary to obtain additional information needed to adequately judge the merits of a request already received for a NASA speaker. It will be used primarily by employees in NASA public affairs offices who have the responsibility of processing requests for speakers.

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Ms. D. Lynn Gordon—202–357–1202

Extensions (No Change)

- Financial and Statistical report

NCUA—5300
Semiannually
Businesses or other institutions
Federally insured credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance: 34,500 responses; 17,250 hours; $102,365 public cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

The semi-annual financial and statistical call reports provide essential info. for supervisory purposes, policy & regulatory decisions and NCUA's major research data base. Info. is used to determine the impact of fluctuating financial and economic conditions on credit union operations, measure the impact of national and regional econ. developments, to publish semi-annual statistics and annual report and conduct operational research.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

Reinstatements

- Survey of graduate science students and postdoctorates, fall 1982 and fall 1983

Annually
Businesses or other institutions
Science/engineering depts. of instits. of higher education
SIC: 822
General science and basic research: 10,000 responses; 25,000 hours; $197,500 Federal cost; $197,500 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The survey is the only source of national enrollment and student support statistics in graduate science/ engineering programs. Data are used by State education boards, educational assns., and individual institutions in

monitoring S/E educational progress and planning to meet future S/E resource needs. A more detailed list of users is contained in the supporting statement.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

Revisions

• Controlled copies of emergency plans
On occasion
Businesses or other institutions
NRC licensees
SIC: 483
Energy information, policy, and regulation: 145 responses; 23,250 hours; $562,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

NRC is proposing amendment to 10 CFR Part 50 to furnish controlled copies of emergency plans. this decreases burden on licensees.

OTHER TEMPORARY COMMISSIONS

Agency Clearance Officer—

New

• Physician and public surveys of informed constant practices and attitudes
Nonrecurring
Individuals or households
Primary care physicians & noninstitutionalized adult public
Health care services: 2,000 responses; 264 hours; $201,790 Federal cost; 2 forms; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Parallel physician and public surveys on current practices, attitudes and understanding of the law regarding informed consent and medical decisionmaking are crucial to the Commission's mandate. These surveys will establish the necessary data base from which to develop realistic recommendations to the President, Congress and relevant agencies.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Nynatt—715–741–2146

Reinstatements

• Farmer questionnaire—vicinity of nuclear power plant
9476
Semiannually; annually
Individuals or households/farms
Farmers and rural residents
SIC: 999
Energy supply: 1,200 responses; 1,200 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Used to locate rural residents, home gardens, milk animals and beef animals for monitoring purposes around nuclear power plants.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt (004A2)—202–389–2146

Revisions

• Notice of default
26–6850
On occasion
Businesses or other institutions
Holders of VA guaranteed or insured loans
SIC: 611, 612, 616
Veterans housing: 130,500 responses; 21,750 hours; $171,781 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Holder's report of veteran's default on home loan guaranteed under 38 U.S.C. 1810 or 1819. Report of default is required by 38 U.S.C. 1816(a). Information collected is used by VA in performing supplemental servicing, and in other servicing contacts with obligors to avoid foreclosure and claims under guaranty.

Extensions (Burden Change)

• Annual status report—Insured loans
26–1872
Annually
Businesses or other institutions
Mortgage lenders
SIC: 616
Small businesses or organizations
Veterans housing: 17 responses; 4 hours; $104 Federal cost; $43 public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Report required of lenders making VA insured loans authorized by 38 U.S.C. 1815, and cited in VA regulations 4375. Report updates status of lenders' insurance accounts and is essential in budgetary functions as an indicator of VA's contingent liability on insured loans.

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 82–4596 Filed 2–19–82; 8:45 am]
BILLING CODE 311–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–5428]

Croesus Securities Limited; Issuance of a Small Business Investment Company License

On July 1, 1981, a notice was published in the **Federal Register** (46 FR 34447) stating that an application has been filed by Croesus Securities Limited, 1290 Avenue of the Americas, Suite 820, New York, New York 10104, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), for a License as a small business investment company.

Interested parties were given until close of business July 16, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, purusant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02–5428 to Croesus Securities Limited to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 11, 1982.

Robert G. Lineberry,
Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–4630 Filed 2–19–82; 8:45 am]
BILLING CODE 8025–01–M

[Proposed License No. 08/08–0054]

Harding Financial Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102), under the name of Harding Financial Corporation, 6875 East Evans Avenue, Denver, Colorado 80224, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as Amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The officers, directors and shareholders are as follows:

Wayne Harding, Jr., 3060 South Leyden Street, Denver, Colorado 80222, President, Director and 50 percent Stockholder
Wayne Harding, III, 6024 South Kenton Way, Englewood, Colorado 80111, Vice President, Treasurer, Director and 9.8 percent Stockholder
Lan Zecher, 11582 Tanglewood Trail, Boulder, Colorado 80301, Secretary, Director and 9.8 percent Stockholder
Dorra Bavcock, 404 Shoveller, Sausien City, Colorado 94585, 9.8 percent Stockholder

Wesley Harding, 3060 South Leyden Street, Denver, Colorado 80222, 9.8 percent Stockholder
Phillip Harding, 3060 South Leyden Street, Denver, Colorado, 80222, 9.8 percent Stockholder

The Applicant, a Colorado Corporation, will begin operations with $505,000 paid-in capital and paid-in surplus. The applicant will conduct its activities principally in the State of Colorado.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is hereby given that any person may not later than March 9, 1982, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Denver, Colorado.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 16, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-4631 Filed 2-19-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 792]

United States-Spain Joint Committee for Scientific and Technological Cooperation—Postdoctoral Research and Short Term Travel Grants

The United States-Spain Joint Committee for Scientific and Technological Cooperation, established under the Treaty of Friendship and Cooperation with Spain (TIAS 8360; signed at Madrid January 24, 1976), announces the availability of postdoctoral research grants for U.S. scientific research personnel for the purpose of carrying out research in Spain. The term of the grant will be from six to twelve months. Preference will be given to recent doctorate degree recipients. In addition, short term travel grants will be awarded to qualified U.S. scientists in order that they may travel to Spain to exchange information on specific research topics or to learn special techniques. This type of grant will have a maximum term of three months and a minimum of one month (30 days).

1. Scope of Grants

Grants are available in the following areas of research:

(a) Agriculture.
(b) Natural resources.
(c) Oceanography.
(d) Environment.
(e) Urban and regional planning.
(f) Industrial technology.
(g) Energy.
(h) Biomedical sciences.
(i) Basic sciences.

For postdoctoral research grants, the grant period will begin between September 1, 1982 and January 31, 1983; in special circumstances, the Joint Committee may authorize a grant period to begin at an earlier or later date.

Short term travel grants may begin any time between September 1, 1982 and April 1, 1983.

Neither postdoctoral research grants nor short term travel grants will be extended beyond August 31, 1983.

2. Requirements

Applicants must meet the following requirements:

(a) Be a U.S. citizen or be a regular member of the U.S. scientific community.

(b) Possess a Doctoral degree, or have equivalent experience.

(c) Have knowledge of written and spoken Spanish.

(d) Submit proof of acceptance by the Spanish University or research center where the applicant wishes to carry out his/her work.

(e) Not be the recipient of any other financial aid or grant for the same purpose.

3. Amount and Nature of Grants

The grant award will include:

(a) Round-trip airfare (economy class) on a U.S. Carrier between the grantee's usual residence and his/her final destination in Spain by the most direct route.

(b) Health and accident insurance in Spain during the grantee's stay on the grant (for post-doctoral grants only).

(c) Subsistence at the rate of $1,000 per month, prorated for shorter periods.

Outbound travel will not be paid for those persons who, upon initiating the grant activity, are already in Spain.

When two grantees are married and reside in the same city in Spain during the period of their grants, the monthly stipend of one of them will be reduced by 50 percent.

4. Presentation of Applications

Application forms may be obtained from the Executive Secretariat of the United States-Spanish Joint Committee for Scientific and Technological Cooperation (Calle Cartagena, 83–85, third floor, Madrid 28, telephone 256.0408), or from Ms. Gloria Gaston-Shapiro, Bureau of Oceans and International Environmental and Scientific Affairs, Room 4330, Department of State, Washington, D.C. 20520. *Three copies of the form and any accompanying documents (with the exception of reference 5—see 5(g) below) must be submitted to the Executive Secretariat within two months of the date of publication of this Notice in the* **Federal Register.**

5. Documents To Be Presented

(a) Application form completed and signed.

(b) Professional resume.

(c) Description of the planned research.

(d) Written evidence of acceptance as referenced in paragraph 2(d).

(e) Certification of knowledge of Spanish as referenced in paragraph 2(c).

(f) Proof of possession of doctorate degree (or academic transcripts for non-doctorate holders).

(g) Two letters of reference from professors or researchers who have supervised or directed research done by applicant in his/her field. These letters should be submitted directly to the Executive Secretariat by the authors at the same time the grant application is submitted.

6. Selection

Applications will be evaluated by a joint United States-Spanish panel appointed by the co-chairmen of the United States-Spain Joint Committee for Scientific and Technological Cooperation.

The Spanish side of the panel may consult with the Comision Asesora de Investigacion Cientifica y Tecnica of the Presidencia del Gobierno.

The panel may request additional information concerning any application and conduct personal interviews with the applicant.

The panel will send to the Joint Committee a list of applicants which it recommends for grants. On the basis of this recommendation, the Joint Committee will make the final award of grants.

7. Certain Obligations of Grantees

(a) To conduct his/her activity on the research project in accordance with the practices of the host institution.

(b) To submit to the Executive Secretariat of the Joint Committee on a quarterly basis (or at the end of the stay if the grant period is shorter) a report of the work carried out and the results obtained. This report should be signed by the department head or supervising scientist at the host institution.

8. Payment Schedule

The grant stipend will be paid before the start of each quarter after the quarterly report referenced in paragraph 7 is approved. This rule will not apply to the first quarter payment.

9. Early Termination of Grant

If a grantee terminates his/her research before expiration of the grant, he/she should immediately notify the Executive Secretariat in writing. The Joint Committee will examine the reasons for the early termination and if it finds the reasons unjustifiable it may require the grantee to reimburse the Joint Committee for the amounts paid to him/her (including the cost of air fare).

Dated: February 10, 1982.

James L. Malone,

Assistant Secretary of State For Oceans and International Environmental and Scientific Affairs.

[FR Doc. 82-4519 Filed 2-19-82; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Mulino, Oregon; Availability of Draft Environmental Impact Statement

The Northwest Regional Office of the Federal Aviation Administration (FAA) announces the availability for public review of the Draft Environmental Impact Statement for the proposed Mulino Reliever Airport in Mulino, Oregon. Copies of the report are available for public review and comment at Clackamas County Public Library, Oregon City Public Library, Molalla Public Library, Multnomah County Public Library, Port of Portland Offices, FAA Office, Seattle. Review comments must be received by Mr. Mark A. Beisse, Acting Chief, Planning and Programming Branch, FAA Building, King County International Airport, Seattle, Washington 98108 by April 5, 1982. For information of questions please call Mr. Beisse at (206) 767-2633.

Dated: January 29, 1982.

Mark A. Beisse,

Acting Chief, Planning and Programming Branch, ANW-610.

[FR Doc. 82-4428 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Ad Hoc Technical Review Committee; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App I) notice is hereby given of a meeting of an RTCA Ad Hoc Committee to be held on March 9-10, 1982, in Conference Rooms 8A-B, Federal Aviation Administration Building, 800 Independence Avenue, SW, Washington, D.C., commencing at 9:30 a.m.

The purpose of the meeting is to review technical comments received by the Federal Aviation Administration (FAA) in response to a proposed Technical Standard Order (TSO) C104, Microwave Landing System (MLS) Airborne Receiving Equipment as announced in the **Federal Register** on November 5, 1981, (46 FR 54958). The proposed TSO incorporates, by reference, minimum performance standards set forth in RTCA Document DO-177 "Minimum Operational Performance Standards for Microwave Landing System (MLS) Airborne Receiving Equipment," Section 2, dated July 1981.

The Ad Hoc committee is to determine whether the affected minimum performance standards should be changed, and to provide any additional information needed prior to FAA action.

The following technical matters will be considered:

(1) Revise the definition of "Validated Guidance Signal" to permit TO and FRO scanning beams to be symmetrically located to within 40 microseconds of midpoint time.

(2) Add signal validation criteria and associated test procedure.

(3) Revise the Angle Guidance Output Characteristics to add elevation scanning beamwidth as well as azimuth and elevation data rates.

(4) Revise the Basic Electrical Output Resolution to permit 1/64 of instrument full scale deflection as an alternate to the present 0.03 degree requirement.

(5) Revision of Radio Frequency Signal Level Variation requirement to include testing under conditions of 3 degree azimuth beamwidth at 13 Hz data rate and 2 degree elevation beamwidth at 39 Hz data rate. Also, revise the test procedures to reflect this change.

(5) Revise the received differential phase shift keyed (DPSK) waveform to allow amplitude modulation during phase transitions. Also, revise the Standard Test Signal to reflect this amplitude modulation.

(7) Revise the criteria for Warning Signal generation and the time delay to produce these warnings.

(8) Revise the Output Response Characteristics to specify an azimuth or elevation angle rate of 1.0 degree per second in lieu of current 0.2 degree step. Also change the current 5 percent overshoot to 0.05 degree.

(9) Revise antenna test procedures to accommodate horn type antennas.

(10) Revise the Standard Test Signal Side Lobes to −14 dB†2.0 dB in lieu of the present −20 dB†2.0 dB.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain additional information should contact the RTCA Secretariat, Suite 655, 1717 H Street, NW, Washington, D.C. 20006; (202) 296-0484.

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

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-4626 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. IP82-6; Notice 1]

Chrysler Corp; Receipt of Petition for Determination of Inconsequential Noncompliance

Chrysler Corporation of Detroit, Michigan, has petitioned to be exempted from the notification and remedy reuirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.120, *Tire Selection and Rims for Vehicles Other Than 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 is published under section 157 of the Act (15 U.S.C 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2 of Standard No. 120 requires each rim of a truck wheel to be

marked with five discrete items of information. Chrysler has determined that spare tire wheel rims on approximately 1500 Dodge D150 Ram Miser light duty pickup trucks lack the designation of the source of the rims published nominal dimensions, the rim size designation, and the DOT certification symbol. The manufacturer identification and date of manufacture markings are present as required.

Chrysler argues that the noncompliance is inconsequential for the following reasons: The spare wheel provided is a properly matched combination of rim and tire, omission of the information does not in any way compromise the performance characteristics of the rim, and for replacement information attention is more likely to be directed to the sidewall of the tire being replaced than to the rim. Further, in the event of a recall, each rim bears a distinctive Chrysler part number which readily identifies it.

Interested persons are invited to submit written data, views, and arguments on the petition of Chrysler Corporation 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 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: March 24, 1982.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on February 16, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82–4765 Filed 2–19–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP82–5; Notice 1]

Toyo Kogyo Co., Ltd.; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Toyo Kogyo Co., Ltd. of Hiroshima, Japan, 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 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under 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.

SAE Standard J585e, *Tail Lamps (Rear Position Lamps)*, September 1977 is incorporated by reference in Standard No. 108 as a Federal requirement for tail lamps. It imposes a maximum of 20 candela on the light output of dual-compartment lamps. Petitioner has informed the National Highway Traffic Safety Administration that when the Canadian Government tested six of its tail lamps to this requirement, all six lamps exceeded the maximum with values ranging from a low of 21.4 candela to a high of 27.6 candela. Toyo Kogyo has accepted these tests as indicating a failure of the lamps to meet Canadian requirements which, for this aspect of lighting performance, are identical to U.S. requirements. The tail lamps have been used on about 87,000 Mazda GLC passenger cars, both 1981 and 1982 models. The causes of the excessive readings appear to be improper filament location and a defective inner lens. Because Standard No. 108 permits a maximum of 25 candela for three-compartment tail lamps, Toyo Kogyo argues that the noncompliance has an inconsequential relationship to motor vehicle safety. Petitioner also cites SAE Recommended Practice J252b, *Service Performance Requirements for Motor Vehicle Lighting Devices and Components*, March 1978, which is not incorporated in Standard No. 108, but which allows a maximum intensity of up to 120 percent of J585e, i.e., up to 24 candela for the lamps in question and up to 30 candela for three-compartment lamps. As the lamps otherwise meet Standard No. 108, petitioner believes that no safety hazard is created by the noncompliance.

Interested persons are invited to submit written data, views and arguments on the petition of Toyo Kogyo Co., Ltd. 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, 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 principally responsible for this notice are respectively Marx Elliott and Taylor Vinson.

Comment closing date: March 24, 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 February 16, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82–4766 Filed 2–19–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP81–14; Notice 2]

International Harvester Company; Grant of Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice grants the petition by International Harvester Company of Fort Wayne, Indiana, 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 a noncompliance with 49 CFR 571.101–80, Motor Vehicle Safety Standard No. 101–80, *Controls and Displays*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on June 8, 1981, and an opportunity afforded for comment (46 FR 30467).

Paragraph S5.2.3 and table 2 of Standard No. 101–80 require that certain internal displays on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate

International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Harvester estimated that it produced approximately 200 trucks since September 1, 1980, in which the headlamp switch was identified only by the word "LIGHTS", compliant with Standard No. 101, but noncompliant with Standard No. 101–80. Harvester argued that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public.

No comments were received on the petition.

The issue is not whether use of previously acceptable wording creates a hazard, but whether the failure to supply the symbol may be considered inconsequential. In the situation where the control is identified by use of acceptable wording, such a failure is inconsequential as it relates to safety. 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 hereby granted.

The engineer and attorney responsible for this notice are John Carson 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 February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82–4585 Filed 2–19–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP81–13; Notice 2]

Iveco Trucks of North America, Inc.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Iveco Trucks of North America, Inc., of Blue Bell, Pennsylvania 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 May 26, 1981 (46 FR 28272) and an opportunity afforded for comment.

Iveco imports the Z–100 truck (9,995 lbs. GVW) manufactured in Brescia, Italy. Due to mistranslation and interpretation the tenth character of the VIN was not changed at the proper time to signify Model Year 1981. The result is that over 1,700 trucks, manufactured between June and December 1980, came into the country with the VIN translated as Model Year 1980, when in reality they were 1981 models.

The company's inconsequentiality arguments were not based upon the effect of the noncompliance but effects that might result were an attempt made to correct it: "Great confusion and inaccuracies would result from attempts in the field to correct and re-register such vehicles; and it would be seriously detrimental to accurate and efficient documentation, which might be necessary in any recall campaign or potential future theft investigation." As for possible difficulties with State registration, Iveco proposed "identifying the vehicles and providing full explanations [and] will provide the National Auto Theft Bureau or proper involved agencies a listing of affected vehicle identification numbers, with proper model year designation."

No comments were received on the petition.

One purpose of the VIN is to reduce the incidence of accidents by increasing the accuracy and efficiency of vehicle defect recall campaigns. The incorrect year indicator will have no effect on the ability to conduct such campaigns as there is sufficient information to identify the vehicles concerned. Authorities on vehicle theft have advised against the physical correction of erroneous VINs and instead that organizations which use the number (e.g. police) be advised of the error. An altered number is one of the keys to determining if a vehicle is a stolen one. Should NHTSA require that an erroneous VIN be altered, the key clue to determining if a vehicle is stolen might be lost. 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, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82–4584 Filed 2–19–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP81–12; Notice 2]

Mohawk Rubber Co.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Mohawk Rubber Co. of Roanoke, Virginia, 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 a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on May 14, 1981, and an opportunity afforded for comment (46 FR 76736).

Paragraphs S4.3 (b) and (c) of Standard No. 109 require that the sidewalls of each passenger car tire be labeled with the maximum permissible inflation pressure and maximum load rating. Mohawk has manufactured over 2,600 P 205/70R14 Avanti Steel Belted Radial tires incorrectly marked on both sidewalls as "MAX. LOAD 615 kg (1356 lbs.) AT MAX. INFLATION 240 kPa (35 P.S.I.)". The correct marking should read "MAX. LOAD 650 Kg (1433 lbs.) AT MAX. INFLATION 250 kPa (35 P.S.I.)". Mohawk argues that the noncompliance is inconsequential because the incorrect maximum load figure is less than the maximum load specification of the tire.

No comments were received on the petition.

The maximum load capacity of the tires involved is 68 pounds greater than the maximum load stamped on the sidewall. There can be no hazard created by this noncompliance. Accordingly, petitioner has met its burden of pursuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

The engineer and attorney primarily responsible for the notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82-4586 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP77-1; Notice 2]

PPG Industries, Inc.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by PPG Industries Inc. of Detroit, Michigan 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 571.205, Motor Vehicle Safety Standard No. 205, *Glazing Materials.* 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 February 10, 1977, and an opportunity afforded for comment (42 FR 8448).

Standard No. 205 incorporates by reference the American National Standards "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways" Z26.1–1966 ("ANS Z26"). Test No. 18 of ANS Z26, Abrasion Resistance, has been interpreted by the National Highway Traffic Safety Administration to require that abrasion tests be conducted on both sides of glazing materials, the duration dependent upon types of material used. A test of 1,000 cycles is prescribed by Test No. 18 for AS3 glass, for instance, while one of only 100 cycles is prescribed by Test No. 17 for rigid plastics (AS5). Further, glass is required to develop no more than 2 percent haze while plastic materials are limited to no more than 15 percent haze. It appears the PPG's test laboratories performed the abrasion test on only one side of samples of material identified as "Safety Solarcool Solid Tempered, Coated, AS3". Petitioner believes that "the inside coated surface of this glass" (i.e., the side not tested) "does not meet a maximum 2 percent haze requirement after Test No. 18." The glazing's principal use is in the rear windows of trucks. PPG argued that the apparent nonconformance is inconsequential since the materials are "much better for abrasion resistance than is required for dark colored rigid plastics (AS5)." The relevance of this remark is that ANS Z26 permits either AS3 or AS5 to be used in truck rear windows as long as other means (i.e., mirrors) of affording visibility to the side and rear of the vehicle are provided. The apparent failure also was said to have minimal effect since Standard No. 205 prescribes no minimum light transmittal for such. Petitioner did not state how much glazing is affected.

Three comments were received on the petition, all of which supported it and recommended that rulemaking be initiated to delete Test No. 18 for glazing materials not used in areas requisite for driver visibility. Rulemaking was commenced and a decision on PPG's petition deferred until the outcome of the rulemaking process. On August 31, 1981, Standard No. 205 was amended to add paragraph S5.1.1.7 deleting Test No. 18 from the lists of tests specified in ANS Z26 for the glazing materials covered by PPG's petition (46 FR 43687). Although the glazing was noncompliant at the time of its manufacture, it would not be so today. Accordingly, petitioner had met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

(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 February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82-4587 Filed 2-19-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP80-14; Notice 2]

Uniform Tire Quality Grading; Petitions for Determination of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Response to petitions for determination of inconsequential noncompliance.

SUMMARY: This notice responds to petitions for determination of inconsequential noncompliance with the Uniform Tire Quality Grading (UTQG) Standards, submitted by Dunlop Tire and Rubber Corporation and the Kelly-Springfield Tire Company. The notice announces the National Highway Traffic Safety Administration's determination that inconsequential noncompliance petitions for violations of the UTQG Standards are inappropriate and unnecessary.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Hipolit, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1834.

SUPPLEMENTARY INFORMATION: Section 157 of National Traffic and Motor Vehicle Safety Act (Safety Act) (15 U.S.C. 1417) authorizes the National Highway Traffic Safety Administration (NHTSA) to exempt manufacturers from the notice and remedy requirements of Title I, Part B, of the Safety Act in cases where defects or failures to comply with Federal motor vehicle safety standards (FMVSS) are inconsequential as they relate to motor vehicle safety. Pursuant to this section and implementing NHTSA regulations (49 CFR Part 556) Dunlop Tire and Rubber Corporation and the Kelly-Springfield Tire Company petitioned NHTSA to exempt them from the notice and remedy requirements as they apply to particular failures to comply with the UTQG Standards (49 CFR 575.104).

Dunlop's petition involves approximately 41,210 tires of the Dunlop Gold Seal Radial, Remington Cushion-Aire Radial, and Centennial Radial 78 lines which were inadvertantly affixed with tread labels bearing a Temperature Resistance grade of "B", when the correct grade for the tires, as molded on the tire sidewall, is "C". Notice of receipt of this petition was published in the **Federal Register** (46 FR 2765; January 12, 1981) and no comments were received on the petition. The Kelly-Springfield petition pertains to 482 BR78-13 All American Steel Belted Radial passenger car tires on which the temperature resistance grade of "C" was inadvertantly left off the tire sidewall.

Upon examination of the enforcement authority available to NHTSA with regard to the UTQG regulation, the agency has concluded that the notice and remedy provisions of Title I, Part B, of the Safety Act are not applicable to failures to comply with the UTQG Standards. Therefore, the agency has determined that the subject petitions for determination of inconsequential noncompliance are neither necessary nor appropriate.

Sections 151(2) and 152(a)(1) of the Safety Act require notification and remedy by the manufacturer when a vehicle or item of replacement equipment does not comply with an applicable FMVSS prescribed pursuant to sections 103 of that statute. Although the UTQG regulation was issued under the concurrent authority of section 103, the agency has concluded that the UTQG regulation cannot properly be considered an FMVSS.

NHTSA has, since the establishment of the regulation, considered the UTQG Standard to be related to safety, as evidenced by the agency's use of section 103 (safety standards), 112 (performance

and safety information) and 201 (tire safety labeling) authority in issuance of the rule. The legislative history of NHTSA's UTQG authority suggests that Congress was concerned with both consumer protection and safety issues with respect to the grading system. The U.S. Court of Appeals for the Sixth Circuit, considering the regulation in the case *B.F. Goodrich v. Department of Transportation*, 541 F. 2d 1178 (6th Cir. 1976), recognized that while it is primarily as information regulation, UTQG is related to safety in that it improves consumer knowledge on three safety-related tire characteristics. The Court declined to decide the issue of whether the UTQG regulation is an FMVSS.

While NHTSA believes that UTQG is clearly safety related, the agency does not consider the regulation to hold the status of an FMVSS. Motor vehicle safety standards are defined in section 102(2) of the Safety Act as minimum standards for motor vehicle or equipment performance, a concept inconsistent with a rating scheme providing a spectrum of outstanding as well as minimal grades. In recognition of this limitation, the UTQG Standards were codified in Part 575 of Code of Federal Regulations Title 49, Consumer Information Regulations, rather than Part 571, Federal Motor Vehicle Safety Standards.

Neither would inclusion of the UTQG regulation as an FMVSS be desirable from the perspective of efficient use of agency resources. UTQG noncompliance recalls for tires already in the hands of consumers would be largely futile, since the primary purpose of UTQG information is to aid consumers in their purchasing decisions. While UTQG information is safety related, it would generally be unreasonable to suggest that a tire poses a danger to the puiblic because it has been improperly labeled. Assertion by NHTSA of UTQG recall authority would serve to burden industry and the agency with regular recourse to Part 556 inconsequentiality procedures for labeling irregularities which, while of possible concern to the agency, could not provide suitable cause for recall campaigns.

NHTSA believes that adequate authority exists elsewhere in the Safety Act to enforce compliance with the UTQG Standards. Issuance of the regulation under the concurrent authority of section 112 of the Safety Act provides access to the civil penalty provisions of Title I of that statute. Section 108(a)(1)(E) prohibits failure to comply with any rule, regulation, or order issued under section 112. Section 108(a)(1)(B) proscribes failure to provide information required under section 112. Violation of section 108 subjects the violator to civil penalties of up to $1,000 for each violation and $800,000 for a related series of violations. Moreover, should major violations occur which cannot be deterred by civil penalties, an injunction can be sought under section 110 to restrain violators of rules or regulations issued under Title I of the Safety Act. Further, where a consumer may have been misled into purchasing tires on the basis of an erroneous UTQG label, the purchaser would retain his or her individual right of action against the seller.

For these reasons, NHTSA does not consider the assertion of notification and recall power under Title I, Part B, of the Safety Act to be authorized or in the public interest. Consequently, the agency will not entertain petitions, such as those submitted by Dunlop and Kelly-Springfield, for determination of inconsequential noncompliance with the UTQG Standards. The agency reserves the right to seek such remedies other than notification and recall, which may be appropriate with respect to the situations reported by Dunlop and Kelly-Springfield.

(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 February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82–4582 Filed 2–19–82; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Senior Executive Service (SES) Bonuses

ACTION: Notice of Schedule for Awarding SES Bonuses.

SUMMARY: This notice announces the schedule for awarding SES bonuses (performance awards) in the Department of the Treasury.

FOR FURTHER INFORMATION CONTACT: D. S. Burckman, Director of Personnel, Room 2426, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220; Telephone 566–2701.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to guidance from the Director of the Office of Personnel Management, dated July 21, 1980. The Department of the Treasury is scheduled to award bonuses to eligible career senior executives for the performance appraisal period ending December 31, 1981, with payouts by March 31, 1982. Such bonuses are authorized by section 407(a) of the Civil Service Reform Act of 1978 (Pub. L. 95–454), codified in 5 U.S.C. 5384, and by section 303 of the Supplemental Appropriations and Rescission Act, 1980 (Pub. L. 96–304).

This notice does not meet the Department's criteria for significant regulations.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 82–4610 Filed 2–19–82; 8:45 am]

BILLING CODE 4810–25–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 Education Allowances that March 15, 1982 at 8:30 a.m. PST the Seattle Veterans Administration Regional Office Station Committee on Educational Allowances shall, at Hearing Room 1186, Federal Building, 915 Second Avenue, Seattle, Washington 98174, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Everett Business College, 1705½ Hewitt Ave., Everett, Washington 98201 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: February 10, 1982.

Richard F. Murphy,

Director, VA Regional Office.

[FR Doc. 82–4611 Filed 2–19–82; 8:45 am]

BILLING CODE 8320–01–M

Replacement Boiler Plant and Building Relocation

Veterans Administration Medical Center, Portland, Oregon; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a Replacement Boiler Plant and the relocation of several existing buildings at the Vancouver Division of the Portland VA Medical Center.

Alternatives that were evaluated for this project included the following: (a) A build alternative which includes a new boiler plant and the relocation of several existing buildings, and (b) a No Action or status quo situation. The No Action alternative would result in a failure to achieve the desired master plan implementation for the Vancouver facility and fall short of supplying necessary facilities for the operation of the health care center. Other elements of this master plan were assessed in an environmental impact statement dated August, 1979.

The build and relocate alternative (a) is composed of two separate projects. The first is the construction of a new boiler plant to replace the existing plant. The second project is the relocation of 21 woodframe cantonment type buildings into a configuration which will consolidate the health care delivery system into a more efficient facility. Nineteen similar structures will be demolished.

The development of the alternative (a) scope of work will have impacts on the human and natural environments affecting open space, air quality, noise levels, solid waste, traffic, soil erosion, and utilities. These potential impacts are associated with the construction phase of the project and are temporary in nature. During the construction and operation, the VA will adhere to all applicable Federal, State and local environmental regulations. All environmental factors analyzed would not be affected to any extent if the No Action alternative were selected.

Findings conclude the proposed action will not cause a significant effect on the physical and human environment and, therefore, does not require preparation of an Environmental Impact Statement.

Mitigation of the temporary impacts associated with the project will include erosion control, noise controls, air quality controls, solid waste disposal measures and traffic controls. The controls will be included within the VA construction documents Environmental Protection Specifications, Section EP. The project will comply with all Federal, State, and local codes.

Existing and future parking needs will be assessed and mitigated through implementation of parking analysis criteria combined with requirements of OMB Circular A–118.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Environmental Affairs Staff, Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C. (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Staff, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: February 12, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82–4645 Filed 2–19–82; 8:45 am]

BILLING CODE 8320–01–M

Schedule for Awarding Senior Executive Service Bonuses

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid. The Veterans Administration intends to award Senior Executive Service bonuses for the performance rating period which ended September 30, 1981, with payouts scheduled by March 31, 1982.

FOR FURTHER INFORMATION CONTACT:

K. Joyce Edwards, Office of Personnel (05A3), Veterans Administration, 810 Vermont Ave., N.W., Washington, D.C. 20420 (202–389–3423).

Dated: February 12, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82–4644 Filed 2–19–82; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 35
Monday, February 22, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, February 26, 1982.

PLACE: 2033 K Street, NW, Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S 268–82 Filed 2–18–82; 3:27 pm]

BILLING CODE 6351–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Tuesday, February 23, 1982.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, DC.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

CPSC Docket No. 80–2

Upon consideration of the request by respondents Imperial Carpet Mills, Inc., and Murray Sobel for oral argument in this case, of the briefs filed in this proceeding, and of the issues presented in this proceeding, it is this 22nd day of January, 1982.

1. Ordered that the request for oral argument is granted; and it is

2. Further ordered that the oral argument shall be held on Tuesday, Feb. 23, 1982, at 10:00 a.m., in the Third Floor Hearing Room of the Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C.; and it is

3. Further ordered that complaint counsel and respondents' counsel shall each have one-half (½) hour for oral argument and that counsel for the *amicus curiae* National Retail Merchant Association shall have one-quarter (¼) hour for oral argument.

CONTACT PERSONS FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, Washington, D.C. 20207; Telephone (301) 492–6800.

[S–252–82 Filed 2–17–82; 4:05 pm]

BILLING CODE 6355–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Friday, February 12, 1982.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Commission met with representatives of the formaldehyde industry to discuss the feasibility of a standard for urea-formaldehyde foam insulation. This meeting was originally scheduled as a meeting between Chairman Nancy Harvey Steorts and industry representatives. When the other Commissioners decided to participate in the meeting, a formal vote was taken and the Commission decided Agency business required calling a meeting without seven days advance public notice.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, Room 342, Westwood Tower, Bethesda, Maryland; Telephone: 301 492–6800.

[S–263–82 Filed 2–18–82; 1:33 pm]

BILLING CODE 6355–01–M

4

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, February 24, 1982.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Prednisone: Exemption Petition PP 81–1*
   The Commission will consider petition PP 81–1 requesting to exempt Prednisone from the child resistant packaging requirements of the Poison Prevention Packaging Act.
2. *Section 6(b) CPSA—Proposed Rule*
   The Commission will consider a proposed rule which would establish the Commission policy and procedure for the public disclosure of information under Section 6(b) of the Consumer Product Safety Act.
3. *Outreach Program*
   The staff will brief the Commission on plans for the Outreach Program for the remainder of fiscal year 1982.

Closed to the public:

4. *Section 15 Matters: Status*
   The staff will brief the Commission on recent activities under Section 15 of the Consumer Product Safety Act.
5. *Enforcement Matter (OS #1099)*
   The Commission will consider matters related to enforcement matter OS #1099.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, Room 342, Westwood Towers, Bethesda, Maryland; Telephone: 301 492–6800.

[S 264–82 filed 2–18–82; 1:33 pm]

BILLING CODE 6355–01–M

5

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday, February 25, 1982.

LOCATION: Room 456 Westwood Tower, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Mid-Year Review, FY–82
   The Commission will conduct a Mid-Year Review of its Operating Plan for fiscal year 1982.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon Butts, Office of the Secretary, Room 342, Westwood Tower, Bethesda, Maryland; Telephone: 301 492–6800.

[S–265–82 Filed 2–18–82; 1:33 pm]

BILLING CODE 6355–01–M

6

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From February 18th Special Open Meeting

The following item has been deleted at the request of the Common Carrier Bureau from the list of agenda items scheduled for consideration at the February 18, 1982 Special Meeting and

previously listed in the Commission's Notice of February 11, 1982.

Agenda, Item No., and Subject

Common Carrier—1—*Title:* Interconnection Arrangements Between and Among the Domestic and International Record Carriers. *Summary:* The Commission will consider whether or not to adopt a Notice of proposed Rulemaking soliciting comments on the manner of record carrier interconnection mandated by the Record Carrier Competition Act of 1981.

Issued: February 12, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S 266-82 Filed 2-18-82; 1:38 pm]

BILLING CODE 6712-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., February 19, 1982.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) *American Electric Power Co.* v. *FERC,* D.C. Cir. No. 80-1789.

(2) *The Atlantic Refining Co., et al.,* D.C. Civil Action No. 14060.

(3) Docket No. IN80-1, Ship Shoal Pipeline System, Docket No. IS81-165-000, *et al.,* Tipco Crude Oil Company.

(4) Commission deliberations concerning the institution of a private investigation.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

Kenneth F. Plumb,

Secretary.

Federal Energy Regulatory Commission

Certification No. 1

I hereby certify that, in my opinion, Commission deliberations concerning *American Electric Power Co.* v. *FERC,* D.C. Cir. No. 80-1789, scheduled for February 4, 1982, (and any subsequent meetings on the same matter that qualify under 18 CFR 375.206(a)) may properly be closed to public observation.

Discussions are likely to involve the agency's participation in a civil action.

The relevant exemptions on which this certification is based are set forth in the following provisions of law:

Section 552b(c) of Title 5 of the United States Code, (10).

Section 375.205(a) of Title 18 of the Code of Federal Regulations, (10).

Dated: February 2, 1982.

Charles A. Moore,

General Counsel.

Federal Energy Regulatory Commission

Certification No. 2

I hereby certify that, in my opinion, Commission deliberations concerning *U.S.* v. *The Atlantic Refining Co., et al.,* D.C. Civil Action No. 14060, scheduled on February 19, 1982, (and any subsequent meetings on the same matter that qualify under 18 CFR 375.206(a)) may properly be closed to public observation.

Discussions are likely to involve the agency's participation in a civil action.

The relevant exemptions on which this certification is based are set forth in the following provisions of law:

Section 552b(c) of Title 5 of the United States Code, (10).

Section 375.205(a) of Title 18 of the Code of Federal Regulations, (10).

Dated: February 12, 1982.

Charles A. Moore,

General Counsel.

Federal Energy Regulatory Commission

Certification No. 3

I hereby certify that, in my opinion, Commission deliberations concerning *Ship Shoal Pipeline System,* Docket No. IN80-1 and *Tipco Crude Oil Company,* Docket No. IS81-165-000, *et al.,* scheduled on February 19, 1982, (and any subsequent meetings on the same matter that qualify under 18 CFR 375.206(a)) may properly be closed to public observation.

Discussions are likely to involve accusing persons of a crime. Discussions may also disclose investigatory records compiled for law enforcement purposes or information which if written would be contained in such records, the release of which would interfere with enforcement proceedings.

The relevant exemptions on which this certification is based are set forth in the following provisions of law:

Section 552b(c) of Title 5 of the United States Code, (5), (7)(A).

Section 375.205(a) of Title 18 of the Code of Federal Regulations, (5), (7)(i).

Dated: February 12, 1982.

Charles A. Moore,

General Counsel.

Federal Energy Regulatory Commission

Certification No. 4

I hereby certify that, in my opinion, Commission deliberations concerning the institution of a private investigation, scheduled on February 19, 1982, (and any subsequent meetings on the same matter that qualify under 18 CFR 375.206(a)) may properly be closed to public observation.

Discussions are likely to involve accusing persons of a crime. Discussions may also disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, the release of which would interfere with enforcement proceedings.

The relevant exemptions on which this certification is based are set forth in the following provisions of law:

Section 552b(c) of Title 5 of the United States Code, (5), (7)(A).

Section 375.205(a) of Title 18 of the Code of Federal Regulations, (5), (7)(i).

Dated: February 12, 1982.

Charles A. Moore,

General Counsel.

[S-255-82 Filed 2-18-82; 12:18 pm]

BILLING CODE 6717-01-M

8

FEDERAL ENERGY REGULATORY COMMISSION

February 17, 1982.

TIME AND DATE: 10 a.m., February 25, 1982.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—744th Meeting, February 25, 1982, Regular Meeting (10 a.m.)

CAP-1. Project No. 3639-001, Gregory Wilcox; Project No. 3748-000, Mitchell Energy Co., Inc.; Project No. 3168-001, Plains Electric Generation & Transmission Cooperative, Inc.; Project No. 3945-000, Energenics Systems, Inc.; Project No. 5266-000, The County of Los Alamos, New Mexico; Project No. 5233-000, The City of Albuquerque, New Mexico

CAP-2. Project No. 5090-000, City of Idaho Falls, Idaho

CAP-3. Project No. 4515, Eric R. Jacobson; Project No. 5413, Palisade Irrigation District

CAP-4. Project No. 3824-000, Continental Hydro Corp.; Project No. 3967-000, Energenics Systems, Inc.; Project No. 4512-000, City of Bountiful, Utah; Project No. 4596-000, Utah Municipal Power Co.; Project No. 4867-000, Utah Power & Light Co. and Orangeville, Utah

CAP-5. Project No. 289, Louisville Gas & Electric Co.

CAP-6. Project No. 2893-001, BSR Co., Inc.

CAP-7. Project No. 2573, Arizona Power Authority

CAP-8. Project No. 3231, North American Hydro, Inc.; Project No. 3897, Wisconsin Public Power Inc. System

CAP-9. Docket No. ER82-79-000, Ohio Edison Company

CAP–10. Dockets Nos. ER81–448–000, ER81–474–000, ER81–382–000, ER81–386–000 and EL82–1–000, APS–PJM Interconnection Agreement, et al.
CAP–11. Docket No. ER81–653–000, Northern States Power Co.
CAP–12. Docket No. ER82–188–000, Wisconsin Power & Light Co.
CAP–13. Docket No. ER82–193–000, Northern States Power (Wisconsin)
CAP–14. Docket No. ER82–200–000, Maine Public Service Co.
CAP–15. Docket No. ER82–208–000, Consumers Power Co.

Consent Miscellaneous Agenda

CAM–1. Docket No. RM80–55, revision of FERC Form No. 1, annual report for electric utilities, licensees and others (class A and class B)
CAM–2. Docket No. RM79–76 (Nebraska—1), high-cost gas produced from tight formations
CAM–3. Docket No. GP82– , State of New York, Section 103 NGPA determination, K & C Gas Corp., Margaret Moore #201 Well, FERC No. JD82–06453
CAM–4. Docket No. GP82– , Railroad Commission of Texas, Section 102 NGPA Well category determinations, Petroleum Management, Inc., Yturria Cattle Co. Nos. B–1 and B–3 Wells, RRC Docket Nos. F–04–13668 and F–04–13669, FERC Nos. JD80–58697 and JD80–58698
CAM–5. (a) Docket No. GP81–39–000, Belco Petroleum Corp. (b) Docket No. G–19589–004, Belco Petroleum Corp.
CAM–6. Docket No. GP81–41–000, Trio Petroleum Corp. and Waco Oil & Gas Co., Inc.
CAM–7. Docket No. RA78–4, Bayou State Oil Corp.
CAM–8. Docket Nos. RA81–47–000 and RA82–1–000, Plateau, Inc.
CAM–9. Docket No. RA81–74–000, Marlex Oil & Refining, Inc.

Consent Gas Agenda

CAG–1. Docket No. RP82–12, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–2. Docket No. RP82–13–000, National Fuel Gas Supply Corp.
CAG–3. Docket No. TA82–1–28 (PGA82–1), Panhandle Eastern Pipe Line Co.
CAG–4. Docket No. TA82–1–30 (PGA82–1), Trunkline Gas Co.
CAG–5. Docket No. TA82–1–20 (PGA82–1), Algonquin Gas Transmission Co.
CAG–6. Docket No. TA82–1–29 (PGA82–1), Transcontinental Gas Pipe Line Corp.
CAG–7. Docket No. TA82–1–21 (PGA82–1), Columbia Gas Transmission Corp.
CAG–8. Docket No. TA82–1–22 (PGA82–1), Consolidated Gas Supply Corp.
CAG–9. Docket No. TA82–1–24 (PGA82–1), Equitable Gas Co.
CAG–10. Docket No. TA82–1–27 (PGA82–1), North Penn Gas Co.
CAG–11. Docket No. TA82–1–25 (PGA82–1), Mississippi River Transmission Corp.
CAG–12. Docket No. TA82–1–60 (PGA82–1), Locust Ridge Gas Co.
CAG–13. Docket No. TA82–1–23 (PGA82–1), Eastern Shore Natural Gas Co.
CAG–14. Docket No. TA82–1–26 (PGA82–1), Natural Gas Pipeline Co. of America
CAG–15. Docket No. RP81–96, Tennessee Natural Gas Lines Inc.
CAG–16. Docket No. RP82–41, El Paso Natural Gas Co.
CAG–17. Docket No. RP82–37, Texas Eastern Transmission Corp.
CAG–18. Docket No. RP82–38, National Fuel Gas Supply Corp.
CAG–19. Docket Nos. RP81–95–001 and RP81–95–002, Pacific Interstate Transmission Co.
CAG–20. Docket No. RP81–32–000, Pacific Gas Transmission Co.
CAG–21. Docket No. RP81–142–000, El Paso Natural Gas Co.
CAG–22. Docket No. RP82–17–000, Panhandle Eastern Pipe Line Co.
CAG–23. Docket No. ST80–113–001, Valero Transmission Co.; Docket Nos. ST80–140–001 and ST80–175–001, United Gas Pipe Line Co.; Docket No. ST80–138–001, El Paso Natural Gas Co.; Docket No. ST80–108–001, United Texas Transmission Co.
CAG–24. Docket Nos. ST80–260–001, ST81–181–000 and ST81–201–000, Transok Pipe Line Co.
CAG–25. Docket No. CI81–14–000, Inexco Oil Co.
CAG–26. Docket No. CI82–44–000, Pogo Producing Co.; Docket No. CI77–400–001, Odeco Oil & Gas Co.; Docket No. CI82–39–000, Odeco Oil & Gas Co.; Docket No. CI82–43–000, Pogo Producing Co.
CAG–27. Docket No. G–6086–000, Mapco Production Co.
CAG–28. Docket Nos. RP72–99 and TC79–6 (compensation), Transcontinental Gas Pipe Line Corp.
CAG–29. Docket No. CP82–12–000, New England States Pipeline Co.
CAG–30. Docket No. CP81–236–001, Northern Natural Gas Co., Division of Internorth, Inc.
CAG–31. Docket No. CP81–267–000, Transwestern Pipeline Co.
CAG–32. Docket Nos. CP79–277–000 and CP79–277–006, Northwest Pipe Line Corp.; Docket No. CP79–404, Washington Natural Gas Co.
CAG–33. Docket No. CP81–435–000, Lone Star Gas Co., a Division of Enserch Corp.
CAG–34. Docket No. CP81–519–000, Consolidated Gas Supply Corp.
CAG–35. Docket No. CP81–204–000, Mid Louisiana Gas Co.
CAG–36. Docket No. CP82–15–000, El Paso Natural Gas Co.
CAG–37. Docket No. CP81–461–000, Cities Service Gas Co.
CAG–38. Docket No. CP80–68, Columbia LNG Corp.; Docket No. CP80–69, Southern Natural Gas Co., Columbia Gas Transmission Corp, Columbia, Gulf Transmission Corp. and Sea Robin Pipeline Co.; Docket No. CP80–70, Southern Energy Co.
CAG–39. Docket No. CP79–195, Distrigas Corp. and Distrigas of Massachusetts Corp.
CAG–40. Omitted

Power Agenda

I. Licensed Project Matters

P–1. Project Nos. 67 and 2868, Southern California Edison Co.; Project No. 2904, Cities of Anaheim and Riverside, California
P–2. Project No. 2890, Kings River Conservation District
P–3. Docket No. EL80–19, Massachusetts Municipal Wholesale Electric Co. v. Power Authority of the State of New York; Docket No. EL80–24, Connecticut Municipal Electric Energy Cooperative v. Power Authority of the State of New York

II. Electric Rate Matters

ER–1. Docket No. ER82–152–000, El Paso Electric Co.
ER–2. Docket No. ER81–577–000, Arkansas Power & Light Co.
ER–3. Docket No. ER80–573–000, Southwestern Public Service Co.
ER–4. Docket No. ER80–313–001, Public Service Co. of New Mexico
ER–5. Docket Nos. ER77–175 and ER78–19, et al., Florida Power & Light Co.
ER–6. Docket No. ER81–179–004, Arizona Public Service Co., Town of Wickenburg, Arizona
ER–7. Docket No. ER81–179–005, Arizona Public Service Co. (Washington Water Power Co.)
ER–8. Docket No. ER81–180–000, Montaup Electric Co.
ER–9. Docket No. ER81–708–000, Public Service Co. of Indiana, Inc.
ER–10. Docket No. ER79–126, Arizona Public Service Co.
ER–11. Docket No. ER82–23–000, West Texas Utilities Co.
ER–12. Docket Nos. ER81–457–000 and EL81–13–000, Louisiana Power & Light Co.

Miscellaneous Agenda

M–1. Omitted
M–2. Reserved
M–3. Reserved
M–4. Docket No. RM81–40, fees relating to Freedom of Information Act requests
M–5. Docket No. RM82– , revision of report on service interruptions on pipe line systems: Form No. FPC R0016
M–6. Docket No. RM82– , discontinuance of "Quarterly Report of Pipeline Companies" Form ICC–QPS
M–7. Docket No. GP80–11, Columbia Gas Transmissions Corp.; Docket No. GP80–15, Michigan Wisconsin Pipe Line Co.; Docket Nos. GP80–37 and GP80–83, Oklahoma Natural Gas Gathering Co.; Docket No. GP80–23, Texas Gas Transmission Corp.; Docket No. GP80–16, Mid-Louisiana Gas Co.; Docket No. GP80–17, Mississippi River Transmission Corp.; Docket No. GP80–5, Natural Gas Pipeline Co. of America; Docket No. GP80–19, Panhandle Eastern Pipe Line Co.; Docket No. GP80–33, South Texas Natural Gas Co.; Docket No. GP80–20, Tennessee Gas Pipeline Co.; Docket No. GP80–22, Texas Gas Pipeline Corp.; Docket No. GP80–25, Transwestern Pipeline Co.; Docket No. GP80–26, Trunkline Gas Co.; Docket No. GP80–41, United Gas Pipe Line Co.; Docket No. GP80–42, Sea Robin Pipeline Co.; Docket No. GP80–36, Northwest Pipeline Co.; Docket No. GP80–32, Montana-Dakota Utilities Co.; Docket No. GP80–21, Texas Eastern Transmission Corp.; Docket No. GP80–6, Arkansas Louisiana Gas Co.; Docket No. GP80–28, Cimarron Transmission Co.; Docket No. GP80–31, Cities Service Gas Co.; Docket No. GP80–8, Colorado Interstate Gas Co.; Docket No. GP80–45, Eastern Shore Natural

Gas Co.; Docket No. GP80–40, El Paso Natural Gas Co.; Docket No. GP80–29, Florida Gas Transmission Co.; Docket No. GP80–13, Kansas-Nebraska Natural Gas Co.

Regular Gas Agenda

I. Pipeline Rate Matters

RP–1. Reserved

II. Producer Matters

CI–1. Reserved

III. Pipeline Certificate Matters

CP–1. Docket No. CP81–505–000, Pacific Gas Transmission Co.; Docket No. CP82–22–000, Pacific Interstate transmission Co.
CP–2. Docket No. CP81–301–001, American Natural Rocky Mountain Co.; Docket No. CP81–328–000, Colorado Interstate Gas Co.
CP–3. Docket No. CP81–398–000, Northern Natural Gas Co.; a Division of Internorth, Inc.
CP–4. Docket Nos. CP81–365–000 and CP81–365–001, Natural Gas Pipeline Co. of America; Docket No. CP81–371–000, Northern Natural Gas Co.
CP–5. Docket No. CP82–150–000, Tennessee Gas Pipe Line Co.; Docket No. CP82–163–000, Texas Eastern Transmission Corp.; Docket No. CP82–171–000, Transcontinental Gas Pipe Line Corp.
CP–6. Docket No. CP81–205–001, Delhi Gas Pipeline Corp.
CP–7. Docket No. CP80–520, Natural Gas Pipeline Co. of America; Docket No. CP81–43–000, Energy Gathering, Inc.
CP–8. (a) Docket Nos. TC81–21–000 and TC81–21–004, Arkansas Louisiana Gas Co. (b) Docket No. CP81–400–000, Arkansas Louisiana Gas Co.; Docket No. CP81–409–000, Louisiana Intrastate Gas Co.; Docket Nos. CP78–294–004 and CP79–446–003, United Gas Pipeline Co.
CP–9. Docket No. CP81–274–000, Transcontinental Gas Pipe Line Corp.

Kenneth F. Plumb,

Secretary.

[S–253–82 Filed 2–18–82; 10:43 am]

BILLING CODE 6712–01–M

9

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, February 25, 1982.

PLACE: NW, board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Merger: Increase in Accounts of an Insurable Type; Cancellation of Membership and Transfer of Stock—First Security Savings Association, Carthage, Missour *into* Home Savings Association of Kansas City, Kansas City, Missouri
Proposed Merger—First Federal Savings and Loan Association of Dawson County, Cozad, Nebraska *into* Commerical Federal Savings and Loan Assocation, Omaha, Nebraska
Bank Membership and Insurance of Accounts—Bel-Air Savings and Loan Association, Los Angeles, California
Service Corporation Activities
Amendment on Forward Commitments, Financial options Trading, and Financial Futures Trading

No. 9, February 18, 1982.

[S–254–82 Filed 2–18–82; 11:42 am]

BILLING CODE 6720–01–M

10

METRIC BOARD

Bimonthly Board Meeting

TIME AND DATE: 9 a.m. to 5:30 p.m., Thursday, March 4, 1982.

PLACE: United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: 9:00 a.m. to 4:30 p.m. Open to the public; 4:30–5:30 p.m. Closed to the public (under exemptions 5 U.S.C. 552b(c)(2) and 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED:

Approval of Agenda—Approval of agenda for this meeting.
Review/Approval of Minutes of the Board Meeting held on January 7–8, 1982 in San Diego, California (open session).
Committee Reports—Committee Chairmen who wish to report to the Board will be recognized.
Briefing on Factors of Concern to Small Businesses focus of this study is on a compilation of the factors to be considered by Considering Conversion—The entrepreneurs when conversion is being examined. The results of the study will be construction of a set of decision guides, each representing a different class of small business (for example, manufacturing and retail trade).
Recommendations for Small Business Studies—Second in a series of studies on the impact of metrication on small business focused on the costs and benefits of conversion. Research Committee recommendations stemming from the findings of this study emphasize dissemination efforts and an effort to call the work to the attention of private and public sector decisionsmakers.
Legal Impediments Study—This is the third Board study touching on legal impediments to metrication and was developed from the *Fortune* survey. The final report from the contractor was provided to the Board prior to this meeting. The contractor will present a briefing on the findings and implications of the study. The Research Committee recommendations emphasize dissemination of the findings of the study and will be presented to the Board.
Briefing on Effects of Metrication on Safety in the Workplace—The study is a third of the series on the impact of metrication on workers. The focus of this study is on potential and actual hazards in the workplace that are connected with conversion. The contractor will present an information briefing on the findings of the study.
USMB Standards Report Update—Progress report to the Board on development of Final USMB Report and Recommendations on Standards as required by Section 6(4), 6(5), and 6(6) of the Act.
Status on Summary Report—Report on current status of the preparation of the USMB Summary Report to Congress and the President, including material received and delinquencies against schedule.
Federal Plan Update—The Board will be briefed on a course of action to achieve the Board's objectives as set out in the Federal Plan Phase II recommendations approved by the Board at the November 6, 1981 Meeting in Denver, Colorado.
Post-Endorsement Activities on Instruments Plan.
Post-Endorsement Activities on Chemicals and Allied Products Plan.
Agenda Items for May Board Meeting—Discussion of agenda items for the bimonthly meeting of the Board to be held in Arlington, Virginia on May 6–7, 1982.
Review/Approval of Minutes of Board Meeting on January 8, 1982 in San Diego, California (closed session).
Status of Personnel Reduction.

CONTACT PERSON FOR FURTHER INFORMATION: Lu Verne V. Hall; 703/235–1738.

Louis F. Polk,

Chairman, United States Metric Board.

[S–257–82 Filed 2–18–82; 1:11 pm]

BILLING CODE 8260–01–M

11

METRIC BOARD

Planning and Coordination Committee Meeting

TIME AND DATE: 8:00 a.m. to 3:00 p.m., Wednesday, March 3, 1982.

PLACE: United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Minutes
Briefing on Medical and Health Industry Panel Presentation
Review of Staff Recommendations for Post-Endorsement Activity for the Chemicals and Allied Products Sector Conversion Plan

Review of Staff Recommendations for Post-Endorsement Activity for the Instrument Plan
New Business

CONTACT PERSON FOR FURTHER INFORMATION: Alan Whelihan; 703/235–2919.

Louis F. Polk,

Chairman, United States Metric Board.

[S–258–82 Filed 2–18–82; 1:11 pm]

BILLING CODE 8260–01–M

12

METRIC BOARD

Administrative and Budget Committee Meeting

TIME AND DATE: 11 a.m. to 1 p.m., Wednesday, March 3, 1982.

PLACE: United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Two Briefings on Administrative and Budget Matters: (1) Briefing on appropriation matters, and (2) briefing on internal personnel policies and ongoing personnel actions. This meeting will be closed under exemptions 5 U.S.C. 552b(c)(2) and 5 U.S.C. 552b(c)(9)(B) because they pertain to internal personnel policies and ongoing personnel actions, and because premature release of the information would have significant adverse impact on policy formulation discussions.

CONTACT PERSON FOR FURTHER INFORMATION: G. Edward McEvoy; 703/235–1696.

Louis F. Polk,

Chairman, United States Metric Board.

[S–259–82 2–18–82; 1:12 pm]

BILLING CODE 8260–01–M

13

METRIC BOARD

Research Committee Meeting

TIME AND DATE: 11 a.m. to 3 p.m., Wednesday, March 3, 1982.

PLACE: United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: 11–11:30 a.m. Open to the public; 11:30–3 p.m. Closed to the public (under exemption 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED:

State of Research Program
Legal Impediments
Small Business Factors
Workers Safety

CONTACT PERSON FOR FURTHER INFORMATION: David Freund; 703/235–2936.

Louis F. Polk,

Chairman, United States Metric Board.

[S–260–82 Filed 2–18–82; 1:12 pm]

BILLING CODE 8260–01–M

14

METRIC BOARD

Executive Committee Meeting

TIME AND DATE: 4 p.m., Wednesday, March 3, 1982.

PLACE: United States Metric Board, 1600 Wilson Blvd., Suite 400 Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Progress on Summary Report.

CONTACT PERSON FOR FURTHER INFORMATION: Theodore S. Farfaglia; 703/235–1738.

Louis E. Polk,

Chairman, United States Metric Board.

[S–261–82 Filed 2–18–82; 1:12 pm]

BILLING CODE 8260–01–M

15

METRIC BOARD

Public Awareness and Education Committee Meeting

TIME AND DATE: 1 p.m., Wednesday, March 3, 1982.

PLACE: United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Minutes
Approval of Agenda
Report on Personnel
Review of Previous Month's Activities
Report on PSA's
Report on Projects
Report on Annual (Summary) Report
Report on USMB Modified Operating Plan

CONTACT PERSON FOR FURTHER INFORMATION: Dan Butler; 703/235–2824.

Louis F. Polk,

Chairman, United States Metric Board.

[S–262–82 Filed 2–18–82; 1:12 pm]

BILLING CODE 8260–01–M

16

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Wednesday, March 3, 1982.

PLACE: Board Hearing Room, 8th floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by notation voting during the month of February, 1982.
2. Other priority matters which may come before the Board for which notice will be given at earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523–5920.

Dated: February 17, 1982.

[S267–82 Filed 2–18–82; 2:47 pm]

BILLING CODE 7550–01–M

17

UNITED STATES RAILWAY ASSOCIATION

DATE AND TIME: February 25, 1982; 10 a.m.

PLACE: Board Room, Room 2–500, fifth floor, 955 L'Enfant Plaza North, SW., Washington, D.C.

STATUS: The first portions of the meetings will be closed to the public; the second portions will be open to the public.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS: Portions closed to the public (10 a.m.):

1. Internal Personnel Matters.
2. Litigation Report.

Portions open to the public:

3. Approval of Minutes of January 7 Meeting.
4. Contract Actions.

MATTERS TO BE CONSIDERED BY THE ADVISORY BOARD AND THE BOARD OF DIRECTORS: Portion closed to the public (11 a.m.):

1. Review of Conrail Proprietary and Confidential Financial information.

Portion open to the public:

2. Conrail Monitoring.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 488–8777 ext. 504.

[S–256–82– Filed 2–18–82; 12:19 pm]

BILLING CODE 8240–01–M

federal register

Monday
February 22, 1982

Part II

Environmental Protection Agency

Regulation of Fuel and Fuel Additives; Proposed Suspension of Compliance

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[AH-FRL 1993-6a]

Regulation of Fuel and Fuel Additives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA regulations currently require all refineries except small refineries to meet a 0.5 gram per gallon (gpg) standard for average lead content in gasoline. Small refineries are currently required to meet less stringent standards; on October 1, 1982, they were to become subject to the 0.5 gpg standard. In this rulemaking, EPA will consider whether general relaxation or rescission of the 0.5 gpg standard is warranted. EPA will also consider whether small refineries should be subject to different standards than other refineries because of different economic impact. In the interim, EPA has proposed suspending the October 1, 1982, effective date for small refinery compliance with the 0.5 gpg standard.

DATES: Comments should be submitted by May 3, 1982. A public hearing will be held April 1–2, 1982. Requests to testify should be submitted by March 10, 1982.

ADDRESS: Comments should be sent to Docket No. A–81–36, Central Docket Section (A–130), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The docket is located in the West Tower Lobby of EPA, 401 M Street SW., Washington, D.C., and may be inspected between 8:00 a.m. and 4:00 p.m. weekdays.

A public hearing will be held at Room 2409, EPA, 401 M Street SW., Washington, D.C. Requests to testify should be sent to the Director, Field Operations and Support Division (EN–397), EPA, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard G. Kozlowski, Director, Field Operations and Support Division (EN–397), EPA, 401 M Street SW., Washington, D.C. 20460. Telephone (202) 382–2633.

SUPPLEMENTARY INFORMATION: Pursuant to 40 CFR 80.20, refineries are subject to a standard of 0.5 gram per gallon (gpg) average lead content in gasoline, averaged over a three-month period. Small refineries, defined as those refineries with not greater than 50,000 barrels per day (bpd) crude oil or bona fide feedstock capacity, not owned or controlled by a refiner with greater than 137,500 bpd capacity, are currently exempt from the 0.5 gpg standard. These refineries are subject to standards ranging from 0.8 gpg to 2.65 gpg, depending upon the gasoline production of the small refinery. See 44 FR 46275 (August 7, 1979).

In this rulemaking EPA will consider whether new conditions would justify rescission or modification of the overall 0.5 gpg standard. Questions have arisen whether the proportion of the vehicle fleet requiring unleaded gasoline has reached a level such that the 0.5 gpg standard is no longer needed. Unleaded gasoline now accounts for approximately 52 percent of gasoline sales. Accordingly, EPA will consider relaxation or rescission of the lead phasedown standard, considering health effects, air quality impact, economic impact, and energy impact. As a sub-issue, assuming the continuation of some standard is still appropriate, EPA will look at different averaging schemes for compliance, which may enable refiners to have added flexibility and more efficiency in producing gasoline.

If it is decided that some lead phasedown standard continues to be appropriate, the Agency will also reconsider the treatment of small refineries. Given the relatively small fraction of total lead usage by small refineries, and the capital cost required for small refineries to install the necessary equipment to meet a 0.5 gpg standard, questions have arisen as to whether small refineries should be compelled to comply with such standard even if the agency does retain such a standard for other refineries. Pending the outcome of that reexamination, EPA is proposing to suspend the October 1, 1982 effective date for application of the 0.5 gpg standard to small refineries. Notice of that proposed suspension is published elsewhere in this issue of the **Federal Register.**

There are two principal issues EPA intends to analyze with regard to small refineries. Those are the level of the standard, if any, that is appropriate for small refineries, and the appropriate class of refineries that should be considered small refineries. Of course, these two issues are inextricably linked, since the rationale for providing relief may well define the proper recipient of that relief. Therefore, EPA expects that comments on one issue will also provide some direction on the other. As a sub-issue, it has been suggested that blending plants should no longer be treated as small refineries. It is alleged that certain blenders have come into operation merely to take advantage of less stringent lead standards from small refineries, and that this has caused inequities in the marketplace.

In particular, EPA requests that comments be submitted on the following questions:

(1) What, if any, would the adverse health effects of a less stringent standard (or no standard) be over the next few years? In particular, comments should address the degree, and duration, of increased lead emissions due to relaxation of rescission. The effect, if any, of these short-term increases on exposure of various populations to lead should be explored. That discussion should particularly focus on major urban areas, where vehicular traffic tends to be concentrated, and should include a discussion of the predicted effects on ambient air quality. Comments should also address the possiblity of maintaining standards for lead in gasoline only in areas with lead emission problems.

(2) What short-term economic cost savings would result from a less stringent standard (or no standard)? Comments should also specifically address the refinery energy usage in terms of (a) change in crude oil usage, (b) change in quantities of non-gasoline products, and (c) change in energy content of refined products, for different levels of lead usage in gasoline.

(3) What is the appropriate standard for small refineries and why? Specifically, comments should explore the rationale for differentiating small refineries from other refineries (e.g., differential economic impact, access to capital, refinery configuration) assuming the continuation of some overall standard. Based on the rationale, comments should address what standard, if other than 0.5 gpg, would be appropriate for small refineries, and the effect of that standard on air quality and health effects.

(4) Which plants should be considered small refineries? Based on the rationale for differential small refinery treatment, comments should address the appropriate criteria for inclusion in the class of small refineries, e.g., plant size, company size, plant configuration, access to crude oil supply. Comments should address the percentage gasoline production of the class of small refineries and the effect of relief for this class on air quality and health effects. In addition, since the Office of Refining Operations of the Department of Energy no longer certifies crude capacity, we request comments on how crude oil capacity should be determined, or alternatively, what factor could be used to determine size in lieu of capacity.

(5) Should blending plants be considered small refineries? Specifically, EPA requests comments on

whether plants which produce gasoline, but do not process crude oil, should be considered small refineries. Also desirable would be comments on whether there are distinctions among blenders which are important, such as how long they have been in business.

(6) Should intra-refiner or inter-refiner averaging be permitted? At present, the regulations provide for standards to be met at each refinery, averaged over a three-month period. EPA will consider other averaging proposals, such as averaging across a refiner's total production, or averaging over longer than a three-month period, if warranted. Comments should address whether averaging schemes are likely to create significant geographic or temporal disparities in lead emissions.

(7) Should standards apply to finished gasoline imported into the U.S.? Comments should address any competitive aspects of controlling the importation of gasoline.

Accordingly, EPA proposes a number of alternative regulatory measures. Comments should address any or all of the alternatives, and/or other suggested alternatives. EPA will consider all the comments received in developing a final rule, and the rule may involve possibilities other than the specific alternatives listed below, based on the record developed.

There are three main areas in which EPA will consider changes to the current lead phasedown program. Following are proposed alternative measures in each of these three subject areas:

(1) Overall lead phasedown standard:

(a) 0.5 gram per gallon (current standard);

(b) 0.65 gpg (representing approximately a 65 percent reduction in mobile source lead emissions, originally set as the goal for reduction in gasoline lead emissions, *see* 38 FR 33740 (December 6, 1973));

(c) 0.8 gpg (standard preceding 0.5 gpg standard);

(d) 1.0 gpg;

(e) Rescission;

(f) 0.5 gpg only in selected urban areas;

(g) Others.

(2) Small refineries (after October 1, 1982):

(a) Definition:

(i) Not greater than 50,000 barrels per day (bpd) crude capacity, not owned by a refiner with greater than 137,500 bpd crude capacity (current definition);

(ii) Not greater than 50,000 bpd crude capacity, owned by an independent refiner (an independent refiner being one which obtains more than 70 percent of its crude oil by producers not controlled by that refiner) with greater than 137,500 bpd crude capacity;

(iii) Not greater than 50,000 bpd crude capacity;

(iv) Not greater than 25,000 bpd gasoline production;

(v) Any of the alternatives (i)–(iv), if producing gasoline prior to October 1, 1981;

(vi) Any of the alternatives (i)–(iv), if refining crude oil and producing gasoline prior to October 1, 1981;

(vii) any of the alternatives (i)–(iv), if refining crude oil and producing gasoline prior to October 1, 1976;

(viii) Others;

(b) Standard (after October 1, 1982):

(i) Same standard as for other refineries;

(ii) 0.8 gpg–2.65 gpg (current standards);

(iii) 1.0 gpg, (as proposed by EPA January 17, 1977 (42 FR 3188) to equalize the economic impact of lead phasedown);

(iv) Differential standard only for volume of gasoline equal to 50 percent crude runs;

(v) Others.

(3) Averaging:

(a) Quarterly, by refinery (current program);

(b) Quarterly, by refiner (intra-refiner averaging);

(c) Quarterly, by refiner with trading (inter-refiner averaging);

(d) Semi-yearly or yearly;

(e) Semi-yearly or yearly with intra-refiner averaging;

(f) Semi-yearly or yearly with inter-refiner averaging;

(g) Others.

Comments should address whether imports of leaded gasoline are causing competitive problems sufficient to justify imposition of a regulatory control on the lead content of imported gasoline, and if so, how such a program could be structured.

Comments should address as many of the alternatives as possible. These alternatives are not intended to be exclusive. Commenters should not only address their preferred option, but should also address the relative costs and benefits of less-favored alternatives.

Section 307(d)(3) of the Clean Air Act, 42 U.S.C. 7607(d)(3), requires that rulemaking proceedings under section 211 of the Act, 42 U.S.C. 7545, take into account any pertinent findings of the National Academy of Sciences. Therefore, any comments urging a change in the current rule should address relevant findings in the 1980 report, Lead in the Human Environment, prepared by the Committee on Lead in the Human Environment of the National Academy of Sciences, and should explain any differences, if any, between the comments and the pertinent findings of the report. EPA does not disagree with the recommendation of that report that lead should be addressed in an integrated, inter-agency approach; nevertheless, we believe that expeditious consideration of the discrete issue of lead in gasoline is appropriate now because of its short-term nature. Within four to six years, even if there were no standard for lead in gasoline, the growth in unleaded gasoline usage would result in total usage of lead antiknock additives equal to the level of usage under current regulatory controls. Therefore, unlike other issues surrounding lead in the environment, this issue is strictly one of short duration. The questions here are not of the nature to be addressed by middle to long-term research and changing institutional mechanism as discussed in the NAS report, but of what makes the most sense for the next four to six years for this single program.

This proposal has been sent to the Office of Management and Budget (OMB) for review pursuant to Executive Order 12291. Any comments by OMB and any EPA response can be found in Docket No. A–81–36.

This proposed action is not "major" under Executive Order 12291 in that it is not likely to have significant adverse economic impact and, therefore, is not subject to the requirement of a Regulatory Impact Analysis. This action is not major because none of the proposed amendments to the current regulation are likely to result in:

(1) An annual adverse effect on the economy of $100 million or more:

(2) A major increase in costs or prices for consumers, individual industries; Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because the alternatives under consideration do not impose more stringent requirements on small entities, preliminary analysis pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), leads me to believe that the proposed amendments are not likely to have a significant impact on a substantial number of small entities. However, I specifically invite comments on the possible competitive impacts of the proposed alternatives on small gasoline producers.

Comments should be sent to Docket No. A–81–36, Central Docket Section (A–130), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. The docket is locate in the West Tower Lobby of EPA, 401 M Street, SW, Washington, D.C. and may be inspected between 8:00 a.m. and 4:00 p.m. weekdays. A reasonable fee may be charged for copying. Docket No. A–81–36 incorporates by reference Docket No. EN–79–14 and Docket No. OAQPS 78–3.

Dated: February 16, 1982

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–4785 Filed 2–19–82; 8:45 am]

BILLING CODE 6560–26–M

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40 CFR Part 80

[AH–FRL 1993–6b]

Fuel and Fuel Additives; Proposed Suspension of Compliance Date for Small Refineries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed suspension of effective date.

SUMMARY: Current regulations establish the maximum average lead content in gasoline that may be used by small refineries. These regulations are scheduled to terminate on October 1, 1982, at which time small refineries are required to meet the 0.5 gram per gallon standard applicable to all other refineries. EPA is proposing to suspend indefinitely that October 1, 1982 effective date pending an examination of the appropriate treatment of small refineries.

DATE: Comments should be submitted by March 24, 1982.

ADDRESS: Comments should be sent to Docket No. A–81–36, Central Docket Section (A–130), Environmental Protection Agency, 401 M Streets, SW., Washington, D.C. 20460. The docket is located in the West Tower Lobby of EPA, 401 M Streets, SW., Washington, D.C., and may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Richard G. Kozlowski, Director, Field Operations and Support Division (EN–397), EPA, 401 M Streets, SW., Washington, D.C. 20460. Telephone (202) 382–2633.

SUPPLEMENTARY INFORMATION: On August 7, 1979, (44 FR 46275) EPA published regulations applicable to small refineries. These regulations exempted, until October 1, 1982, small refineries from the 0.5 gram per gallon (gpg) lead in gasoline standard applicable to all other refineries. Instead, these rules established a range of standards for small refineries, defined as those refineries with a crude oil capacity of 50,000 barrels per day or less, not owned or controlled by any refiner with a total crude oil capacity greater than 137,500 barrels per day. The range of standards is 0.80 gpg to 2.65 gpg, depending on gasoline production. Separate standards for small refineries until October 1, 1982, are mandated by section 211(g) of the Clean Air Act, 42 U.S.C. 7545(g).

EPA has decided to consider whether some alternative to the current lead phasedown program is appropriate, and in particular whether under current conditions it is appropriate to require small refineries to meet the 0.5 gpg standard on October 1, 1982, or whether some alternative would be reasonable. Small refineries comprise a small share (5–7 percent) of the gasoline market, and given their relative contribution to overall lead emissions it may be appropriate to consider alternative regulatory approaches. These issues will be explored in a notice of proposed rulemaking published elsewhere in this issue of the **Federal Register.**

Because attainment of the 0.5 gpg standard will likely require substantial capital investment on the part of small refineries in the near future, EPA has concluded that the effective date of that standard for small refineries should be postponed pending the outcome of the analysis on the entire lead phasedown issue. Therefore, I am proposing an indefinite suspension of the date by which small refineries must comply with the 0.5 gpg standard. Any final decision regarding standards for small refineries will take into account the lead time required for construction of any processing equipment needed for compliance. Under this proposal, the current range of standards for small refineries would remain in effect pending a decision on any new standards for small refineries.

In order to avoid undue delay, I am providing a 30-day comment period on this proposed suspension. Comments should address the need for a suspension of the October 1, 1982 effective date for small refineries, and whether such a suspension involves any adverse impacts.

This proposed action is not "major" under Executive Order 12291 and, therefore, is not subject to the requirement of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

(1) An annual adverse effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action has been submitted to the Office of Management and Budget (OMB) under Executive Order 12291. Any comments by OMB are in Docket No. A–81–36.

Comments should be sent to Docket No. A–81–36, Central Docket section (A–130), Environmental Protection Agency, 401 M Streets, SW., Washington, D.C. 20460. The docket is located in the West Tower Lobby of EPA, 401 M Streets, SW., Washington, D.C., and may be inspected between 8:00 a.m. and 4:00 p.m. weekdays. A reasonable fee may be charged for copying. Docket No. A–81–36 incorporates by reference Docket No. EN–79–14 and Docket No. OAQPS 78–3.

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), I hereby certify that this action will not have a significant impact on a substantial number of small entities.

Dated: February 16, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–4786 Filed 2–19–82; 8:45 am]

BILLING CODE 6560–26–M

federal register

Monday
February 22, 1982

Part III

Department of Transportation

Federal Aviation Administration

Air Traffic Control System; Interim Operations Plan

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 22050; SFAR No. 44-3]

Air Traffic Control System Interim Operations Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment to Special Federal Aviation Regulation (SFAR) No. 44-2 establishes certain procedures for the operation of the National Air Traffic Control System, including procedures to be utilized in expanding from a reduced base of carrier operations, as necessary, to provide for the safe and efficient operation of the air traffic control system in a situation of reduced air traffic control capacity. The Administrator has determined that a situation still exists which requires reduced air traffic control capacity and that the continuation of the special air traffic provisions established under SFAR 44-2, as modified by this amendment, 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 44-2 to provide for a random drawing to determine priority order for consideration for allocation of arrival capacity at all airports within the contiguous United States, provides for longer allocation periods, and defines new entrants.

EFFECTIVE DATE: February 18, 1982. Comments are invited on this Interim Operations Plan until October 30, 1982, unless it is withdrawn at an earlier date.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: 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.

FOR FURTHER INFORMATION CONTACT:

Harvey Safeer, Office of Aviation Policy and Plans, (Telephone (202) 426-3331); or

John R. Ryan, Operations Division, Air Traffic Service (Telephone (202) 426-8310), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this amendment is in the form of an emergency final rule which concerns immediate flight safety throughout the United States, and, thus, is not preceded by a notice of proposed rulemaking, comments are invited on this Special Federal Aviation Regulation which will remain in force until October 30, 1982.

On January 18, 1982 (47 FR 3057, 1/21/82), the FAA announced that a public meeting would be held to receive views and comments from interested persons with respect to the options for transitioning to spring airline schedules. In addition to publishing a notice of the meeting in the **Federal Register**, notices were sent to all air carriers. A series of questions was raised in the notice and all parties were asked to be prepared to discuss the questions listed or to submit written comments. A public meeting was held in the FAA Building, 800 Independence Avenue, SW, Washington, D.C., on February 1. Over 20 speakers representing trade organizations, air carriers and commuter air carriers presented views on the various scheduling options. Attendees were invited to submit additional comments to the docket.

Since the issuance of SFAR 44-2, agency officials have been reviewing the capacity of the air traffic control system. This included monitoring of: staffing levels of all air traffic control and center facilities; the controller training program; weather projections; airspace routes, national defense needs, and other related factors. After evaluation of these factors, it was determined that the air traffic capacity at a number of controlled airports and air traffic control centers could be increased. These numbers were not determined until immediately prior to the February 1 public meeting. As a result of this and the need to establish procedures in a time frame which would enable the development and publication of airline schedules for the spring and summer schedule periods, the use of normal comment procedures were precluded. The procedure utilized, however, ensured a wide distribution of notice and full discussion of the issues. The FAA invites additional comments on the procedures contained 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.

Air Traffic Control System Interim Operations

The actions of certain controllers reduced the number of air traffic controllers who are available to operate the Air Traffic Control (ATC) system. This has resulted in the reduction of the level of services that the FAA can provide at various ATC facilities. Although the level of operations at some of these facilities has increased during the past few months and will continue to increase, it is still necessary to maintain some limitations at many of these facilities.

This has been accomplished by the operation of the ATC system under normal air traffic control procedures with the aid of "flow control" measures that result in a reduction of user demands on the system (SFAR No. 44 (46 FR 39606, August 4, 1981); SFAR No. 44-1 (46 FR 44424; September 4, 1981); and SFAR 44-2 (46 FR 48906, October 5, 1981)).

This amendment outlines the schedule and approval cycle which the FAA plans to utilize for the Spring airline schedules and for subsequent schedule changes contained herein until October 30, 1982. These changes are being made as a result of a review of operations since August 2, 1981, comments made during the public hearing on February 1, 1982, and written comments filed in Docket 22050. The plan outlined is designed to benefit all concerned—passengers, air carriers, other system users and the FAA, and should result in a more equitable system of obtaining operational authority.

This procedure continues to utilize the air carriers' schedules submitted to the Official Airline Guide (OAG) as a basis for the allocation of operations at airports irrespective of IFR or VFR operations. Use of the OAG eliminates the need for duplicate information to be submitted to the FAA and provides the industry and the public with a usable schedule. Since use of OAG has worked well, it will continue to be used. Provision is also made for carriers not publishing in the OAG.

With cooperation of all classes of users and the procedures utilized over

the last few months 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. The reduction in user demand necessary because of the reduced work force has been accomplished while allowing the air carriers the maximum possible control over their operations. In addition, it permits adjustments to the system to provide for many of the intermittent changes in air carrier schedules that routinely occur. The procedures also permit normal flight planning and fuel conservation techniques by users. They further provide some flexibility to accommodate new or additional services that may occur at an airport as air carrier operations and the ATC work force at that airport change. In addition, the Plan provides ATC service to meet as many other aviation needs as can be accommodated with the available work force.

Accordingly, the Administrator has determined that the National Air Traffic Control system should continue to operate under the Interim Operations Plan, as modified by this amendment, until further notice. While the agency will closely monitor the operation of these procedures and will make changes if necessary, to provide for system stability, the procedures contained in this amendment will not be significantly modified until it is determined that these reduced levels are no longer necessary. The airports and air route traffic control centers at which some constraints are still necessary, are attached to this SFAR. This listing shows those airports in which limited additional capacity will be available through October 30, 1982. Air Route Traffic Control Center (ARTCC) capacity is also limited as shown in the attachment to this SFAR. The listing also shows additional ARTCC capacity which will be available through October 30. Schedule reductions may be imposed if the demand for allocations cannot be safely and efficiently handled by the controller work force at the ATC facilities involved. If conditions change substantially at any airport or air traffic control center, the FAA will attempt to make that information available as far in advance as is possible.

Strict adherence to operation limits contained in this amendment and related NOTAM's is essential to a continuation of a safe and efficient airspace. The Administrator will take whatever action is necessary to ensure adherence with the operations limits.

The March 1–April 24, 1982 schedule, as established under SFAR 44–2, will serve as the base for the scheduling period April 25–May 31, that level in turn will serve as the base for June 1–July 31, and August 1–October 30 period. Under this incremental approach, air carriers would provide only requested changes or additions to the March 1–April 24 FAA approved schedule for the period starting April 25 and thereafter.

The following is a brief discussion of the issues raised at the public hearing and comments submitted to the docket.

Historical Base for Schedule Submittal

Some commenters were against the use of an incremental method for allocating slots. They stated that incremental changes to prior schedules do not automatically provide for possible seasonal changes in airline activity. Some commenters suggested that it would violate the spirit of airline deregulation, was a barrier to competition, and was incompatible with the economic viability of new entrants. Many suggested that some form of guaranteed entry be accorded new entrants. Priority treatment for new entrants is addressed later in this document.

As an alternative to incremental allocation, the agency considered the utilization of a new historical period (zero based method) which would be selected as the basis for rationing airport operations. The new basis could reflect previous summer patterns, e.g., July 1, 1981. It must be noted that most commenters advocating the use of a zero based method suggested different base periods.

The "zero base" procedure could provide for seasonal adjustments of carrier activity at individual airports based on historic patterns. Several small carriers have indicated a strong desire to make seasonal adjustments to FAA-approved schedules.

Utilization of this procedure would cause a major disruption of the historical pattern of the present hourly schedules. It would create a substantial workload for the air carriers given the potential for a major change in individual airline allocations and would dramatically alter the markets which have been developed by the carriers over the seven months of the Interim Operations planning. Also, a "zero base" procedure which uses a prestrike period schedule would not include new entrants since September 1981. The procedure does not address the problems of market entry which are the concern of new entrants. Finally, such a procedure would require substantial FAA analysis of the new base period and new monthly requests to establish new approved schedules, causing a major delay in the production of the April 25 and subsequent schedules.

The majority of carriers attending the February meeting or submitting comments to the docket favored awarding slots by incremental changes to the existing approved schedules. The procedure was cited as least disruptive to current air carrier schedules and hence passengers. It is also administratively less burdensome to the FAA. The allocation base would be an already stabilized schedule of reduced capacity service and would only require minor adjustments to produce a modified capacity constrained schedule. This is the current FAA procedure, it works and carriers are familiar and reasonably comfortable with the process.

For these reasons, the agency will award slots by incremental changes to the existing approved schedules.

Periods of Allocation

In order to match FAA's proposed schedule of increases at capacity controlled airports, three separate scheduling periods are established between April 25 and October 30: April 25–May 31; June 1–July 31; and August 1–October 30.

By adopting these schedule periods, new ATC capacity will be allocated as it becomes available. Use of these periods will also retain some carrier flexibility for requesting desired schedule changes, while the use of the longer schedule periods should raise consumer confidence in air carrier schedules and should reduce FAA workload.

Alternative scheduling periods were considered. The present practice of monthly schedule approvals was considered. This would retain current flexibility for making changes while making capacity changes available as they occur. This method was not selected as a result of the substantial amount of resources which the carriers and the FAA must devote to the approval process. Also, continuation of present practice does not provide relief from present public uncertainty regarding schedules. The public needs some long term consistency.

Method of Allocation

Numerous comments were received on methods of allocation. This discussion focuses primarily on awards of either additional arrival slots anticipated during the spring-summer months or of slots given up by incumbent carriers.

Since the establishment of the Interim Operations Plan, the agency has utilized a first-come-first-served method to

allocate overall capacity. Requests have been recorded by date-time group and processed in the order received. Available slots have been allocated by the fixed sequence, one or more at a time, going down the list until all slots have been allocated. This could continue in the future with the number of slots either allocated with no limit on the total number of frequencies, limited to a set number, limited to levels that return all incumbent carriers to a prestrike level, or set so new entrants have at least some minimum daily number. If limits are to be used, slots that remain after all limits are met can be allocated based on the initial priority list established by date-time group.

Several commenters expressed concern that any procedure without limits might result in all new available capacity being awarded to a single carrier. Some carriers stated that they prefer having new capacity go unused for a brief period in order to conduct an allocation procedure which would give all carriers a share of or an equal chance of obtaining new capacity. Simultaneous receipt of two or more requests presents decision problems. Finally, individual carriers have access to different methods of transmitting requests with different transmission speeds and that may result in inequities. Smaller carriers located large distances from Washington could be at a distinct disadvantage under first-come-first-served.

An alternative to first-come-first-served is the use of a random draw. This procedure could be used to allocate overall capacity, or a fraction of total capacity reserved for any group given priority treatment. In this case requests may be given ordinal numbers according to date-time group but are not processed in the order received. Instead a number is randomly selected and the request corresponding to that number is matched.

With this procedure, time of transmission and means of transmission of request do not affect chances of approval. There is not even an appearance of preferential treatment, because the process is random and will be open for public view. An unweighted random draw gives all carriers equal opportunity.

As an alternative to distributing new capacity based on carrier requests (either first-come-first-served or random draw), new or additional capacity could be prorated to carriers based either on their present share of operations, or as suggested by one carrier, based on the number of operations which carriers had to eliminate under the Interim Operations Plan.

The principal advantages of a pro rata distribution are ease of administration and, in the case of proration based on reduced operations, restitution of previously provided service. The use of proration based on present or prior service limits new entrants to the potential detriment of competition. The use of proration based on prior service would be difficult to administer equitably since some small carriers did not have published (OAG) schedules prior to September 1981. In addition, some carriers have reduced their total number of slots or routes for other reasons. Restoration of slots for such carriers would create inequities. Further, such a proration methodology would make no accordation for shifts in market structure, delivery of new equipment or entry of new carriers.

A random draw will be utilized. It does not give any preference to carriers with more resources or in close proximity to Washington.

Definition of "New" Entrants

The strike and subsequent constraint of system capacity posed a particular problem to new carriers who had not yet established their schedules at the principal airports. Capacity constraints at major airports constitutes a barrier to entry, reducing competition in markets. New entrants may initially seek access to more than one constrained airport. A policy which would eliminate the only opportunity for new entrants would be inconsistent with public policy. Therefore, some priority consideration must be given to new entrants. The following describe some of the definitions considered.

Any Carrier in a Specific Market for First Time

This is a broad definition which encompasses both long established and newly organized carriers. It would accommodate carriers wishing to adjust service to changing economic/market conditions. Because the definition is not very restrictive, practically all carriers qualify somewhere. There is not enough capacity to immediately accommodate all who might wish to enter new markets based on this definition.

Any Carrier Commencing Service After October 1978

If this option were adopted, it would provide needed opportunities for growth to new carriers starting business in the deregulated system, but would exclude long-established airlines. Again, the definition is not very restrictive, and a large number of carriers would qualify at many of the 22 airports compared to the number of carriers which would meet this definition. There is insufficient capacity to accommodate all who might wish to enter new markets.

Carrier Which Had Filed for Certificate With CAB Prior to August 3, 1981 But Had Not Commenced Service on That Day

This option would be limited to carriers which had applied for route authority prior to. August 3, 1981 and were not operating on the date of issuance of this SFAR. It would provide initial access to those carriers which started prior to the strike. Such a limited definition recognizes the unique problems of a carrier in its early start-up period. It is a restrictive definition and as such recognizes the limited amount of new capacity which will become available during spring-summer, 1982.

Because there is only a limited amount of ATC capacity, it is not possible to accommodate all the operations which carriers want to fly. Carriers formed after August 3, 1981 (the first day of the air traffic controllers strike) or requesting route authority after that date were aware of the limited capacity of the system. They undertook their ventures with full knowledge of prevailing conditions. Conversely, carriers formed, requesting route authority, and making equipment commitments before the strike are now unwittingly confronted with a reduced ATC system capacity and associated adverse economic impacts. Carriers who requested route authority prior to August 3 and who sought slots since that time have been accommodated to some extent. As a result of the limited new or additional capacity which will become available during the next several months, it would be inequitable to continue to afford those carriers priority treatment. These circumstances are reflected in the definition of new entrants used by the FAA in establishing new capacity allocation priorities. A new entrant is thus defined as a carrier which had applied for route authority prior to August 3, 1981, and was not operating on February 17, 1982. All other carriers are considered to be incumbent carriers.

For the above reasons, and after consideration of numerous options, and public comments, the FAA will utilize the following schedule approval procedures for spring-summer 1982.

Allocation Procedures

The FAA must assure safe and efficient use of ATC capacity while minimizing disruption to air carriers and the travelling public. Authorization of future period schedules developed by

incremental changes to an existing schedule has been an effective way of assuring that ATC system use does not exceed capacity. Most carriers are satisfied with this basic procedure. Principal objections to continuation of the incremental procedure have been made by carriers that believe a first-come-first-served procedure for allocating additional capacity is inequitable and a number of new entrants who argue that an incremental basis for developing schedules favor incumbents to the detriment of competition.

Improvements are made upon the incremental procedure for developing schedules. First, a priority system will be initiated which accords new entrants the highest priority in awarding additional and/or new ATC capacity, without precluding incumbents from some expansion of service. Second, a random procedure is implemented for determining the order in which individual carriers' requests for additional operations are processed. Finally, limits are placed on the amounts of additional service authorized for any carrier so as to maximize each carrier's chance of receiving some increase in operations.

Schedules for April 25, 1982 and thereafter will continue to be developed using the incremental approach. Schedules will be based on the prior approved schedule as modified by FAA approved hourly schedule changes. The April 25 through May 31, 1982 schedule will be based on the existing FAA approved March 1 through April 24, 1982 schedule. There will be two other schedule periods during the spring-summer of 1982: June 1 through July 31, 1982 and August 1 through October 30, 1982. Each of these schedules will refer to the previous period as an allocation base.

Unless directed by CAB in cases of essential air service or for some other CAB requirement or if it is determined that the carrier is operating flights in violation of these regulations, incumbent carriers will not be required to involuntarily give up slot allocations for another carrier's use. Specific operation authorizations will be deemed revoked in situations in which carriers do not actually provide service within the scheduling period (except for a carrier failing to provide service due to an involuntary work stoppage). Level of use required is 70 percent of the schedule use allocated for any full schedule period. For example, if a slot is scheduled to be used 30 days out of a schedule period of 37 days, required level of use is 21 days; otherwise, use of the slot will be automatically revoked by FAA.

Special consideration will be given to new entrants. A new entrant is defined as a carrier who had an application for operating authority on file with the Civil Aeronautics Board (CAB) prior to August 3, 1981, *and* did not operate on February 17, 1982. Applicant carriers who are not new entrants as defined herein will be treated as incumbents for capacity allocation purposes.

The FAA recognizes that while there will be some room for incumbent carriers to expand, the scheduling flexibility available for these carriers during the next few months will be limited. Increased flexibility would enable carriers to make necessary adjustments to their route systems and would be in the public interest. For this reason, the DOT/FAA is withdrawing opposition to the proposal before the CAB (Docket No. 40176) to grant antitrust immunity to the carriers to allow them to hold discussions for the purpose of exchanging slots. The FAA has no objection to trading of slots at one airport or between airports if the resulting total number of hourly arrivals at any airport does not exceed the number allocated by the FAA for the previous schedule periods. It must be emphasized, however, that any exchange of slots will not in any way affect the base of additional slots that will become available during each scheduling period. The FAA has notified the CAB of this position.

At each airport, new entrants will be allocated arrivals based upon the new or increased additional capacity first. Where there is more than one new entrant, the order in which capacity will be allocated to each new entrant will be determined by random draw. Following the new entrants allocation, incumbents will then be allocated the remaining capacity. New entrants not obtaining slots during their draw will be included with the "incumbent" draw. If there is more than one incumbent applicant, the order in which capacity will be allocated to each incumbent will be determined by random draw. If additional capacity still remains after each new entrant and incumbent carrier has been allocated slots, the allocation sequence will be repeated based upon the order previously established by random draw. The allocating sequence will be repeated until all available or requested new/additional capacity is allocated at the airport.

Carriers submitting schedule requests shall rank their hourly requests in their order of preference for each airport. This preference list will be used in connection with random draws. The assignment of flights by the FAA under the random draw system will reflect the carrier's hourly preferences at each of the airports. First preference will be awarded where available. When not available, the next available hourly preference will be allocated. It must be emphasized that the complexity of the system does not allow submissions of market pairs, allocation is made only by arrivals at each airport.

The dates by which submittals must be made will be communicated to all parties by seperate notification.

The number of slots that will be allocated to carriers will be limited in each allocation sequence. A new entrant will not be allocated more than twenty percent of new/additional capacity available at a controlled airport each time it comes up in the allocation sequence; new entrants as a group will not be allocated more than forty percent of new/additional capacity available at a controlled airport each time they come up in the allocation sequence. If the percentage formula results in allocation of fewer than 2 slots, then the new entrant will be allocated 2 slots. Each new entrant will be allocated 2 slots so long as the 40% figure is not increased. If there are not sufficient slots to allow new entrants to each obtain slots at a particular airport, then the new entrants will be considered as an incumbent for that airport. New entrants will receive priority consideration at each airport for which they request capacity. Fractions of slots determined by the percentage rule will be rounded upward, e.g., 2.2 arrivals will equal 3 slots allocated. If a new entrant requests fewer slots than it can obtain under this percentage formula, it will be allocated only the number requested.

At an airport with ten or fewer slots available, no incumbent will receive more than two (2) slots each time it comes up in the allocation sequence if requested. If 11 to 30 slots are available at an airport, no incumbent will receive more than three (3) slots each time it comes up in the allocation sequence if requested. If 31 or more slots are available, no incumbent will receive more than four (4) slots each time it comes up in the allocation sequence if requested. If an incumbent requests fewer slots than the maximum it can receive in any allocation round, it will be allocated only the number requested.

Once all new/additional capacity requests have been processed at each airport, requests for one-time charter operations, hourly slides, origin changes and other changes will be processed.

Air Route Traffic Control Center (ARTCC) capacity is also limited. Capacity allocations will be made first for the 22 major airports. Then, remaining new/additional ARTCC capacity will be allocated at all other airports. Since certain centers have limited additional capacity, allocation at noncontrolled airports within those centers may be limited depending on the time of day which the flight will be flown. In order to allow for the maximum amount of operations within these centers, they will be considered individually after allocations are made at the 22 controlled airports. In the event that only one flight can be handled for a particular route at a given time, it will be allocated in accordance with the carrier priority determined during the one random draw for all noncontrolled airports. New entrant/incumbent provisions apply to this part of the allocation as well. Once all new/additional ARTCC capacity has been processed, requests for one-time charters, within ARTCC origin changes, hourly slides, and other changes will be processed.

FAA will process changes to flight schedules between schedule periods for—flight number changes, within-hour changes at the same constrained airport, and hourly changes within the allocated daily total at all other airports. No new/additional flight requests will be processed by the FAA between schedule periods.

The priority system of awarding additional capacity will provide new entrants with a substantial opportunity in a constrained system to institute some new service while permitting incumbents some opportunity to increase their operations. Allocation of capacity by random draw to specific carriers within priority groups maximizes the potential of each carrier for receiving additional operation authority. Carriers' summer seasonal demand was previously reflected in their September 1, 1981 base. Additional seasonal needs should be included within the carriers' requests for additional capacity.

Unscheduled flights by air carriers such as charters, training, etc. into a designated airport must, to the extent possible, be submitted to API as part of the schedule submission. Otherwise, such requests will continue to be handled no more than 15 days in advance by flow control. International flights will continue to be processed in accordance with the current procedures established for international flight.

This amendment does not change the present authority of the Director of Air Traffic Service to restrict, prohibit or permit VFR and/or IFR operations at any airport, TCA or other terminal and enroute airspace; to give priority at any airport to flights that are military necessities, medical emergency flights, Presidential flights, and flights transporting critical FAA employees; and to implement flow control management procedures, including reduction of flight operations, at any airport or within enroute airspace.

The basic rules and orders necessary for operation under the Interim Operations Plan will continue to be disseminated, in accordance with § 91.100 of the Federal Aviation Regulations, by Notices to Airmen (NOTAM).

The continued operation of the National Air Traffic Control System in a safe and efficient manner requires the immediate adoption of this regulation in the public interest. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest. I further find that good cause exists for making this regulation effective in less than 30 days after its publication in the **Federal Register.**

Adoption of the Rule

Accordingly, the Interim Operations Plan contained in Special Federal Aviation Regulation No. 44–2, effective on 10–5–81, 46 FR 48906, as part of 14 CFR Part 91 is withdrawn, and effective Feb. 18, 1982 SFAR–44–3 is issued and added to Part 91:

Special Federal Aviation Regulation No. 44–3

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 air space 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 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 Regulations, 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 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), the Associate Administrator for Policy and International Affairs 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 acccordance with paragraphs 3 and 4 of this regulation do not provide for the orderly movement of air traffic, the Director of 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 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 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 Air Traffic Service and the Associate Administrator for Policy and International Affairs 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 April 25, 1982—(a) Each air carrier shall submit a schedule (including nonscheduled flights such as charters and training and ferry operations to the extent they are known) for the period April 25, 1982 through May 31, 1982, to the Official Airline Guide (OAG) by February 19,

1982. The number of daily arrival operations an air carrier may submit to the OAG at a controlled airport (as identified in this appendix) shall not exceed its FAA approved daily and hourly allocation total at each controlled airport for the previous schedule period. The number of daily arrival operations an air carrier may submit to the OAG at all other airports shall not exceed its FAA approved daily allocation total for the previous schedule period.

(b) Each air carrier seeking authority for flights in excess of its current approved operational levels at an airport, new entrants, and requests by air carriers to initiate service must be separately identified and submitted in writing to the Associate Administrator for Policy and International Aviation, API–1, 800 Independence Avenue, S.W., Washington, D.C. 20591; Telephone No.: (202) 426–3030; Telex No.: 892562 FAA WSH (for API–1) and ARINC No.: DCAYAXD (for API–1) in accordance with time schedules established by API–1 for each schedule period. The flight requests should be listed in order of priority so that capacity authorization determined in accordance with paragraph 3 of this appendix will be based upon the individual carrier's needs. If additional capacity is available, then authority for these operations will be given. If capacity is not available for all such requests, then priority consideration will be given in accordance with paragraph 3 of this Appendix.

2. For operations for the periods June 1 through July 31, 1982 and August 1 through October 30, 1982—(a) Each air carrier shall submit a schedule (including nonscheduled flights such as charters and training and ferry operations to the extent they are known) to the OAG at least 70 days before the start of the schedule period. The number of daily arrival operations an air carrier may submit to the OAG at a controlled airport (as identified in this appendix) shall not exceed its FAA approved daily and hourly allocation total at each airport for the previous schedule period. The number of daily arrival operations an air carrier may submit to the OAG at all other airports shall not exceed its FAA approved daily allocation total for the previous schedule period.

(b) Each air carrier seeking authority for flights in excess of the number flown in the previous scheduling month, new entrants, and requests by an air carrier to initiate service must be separately identified and submitted in writing to API–1. If additional capacity is available, then authority for those operations will be given. If capacity is not available for all such requests, then priority consideration will be given in accordance with paragraph 3 of this Appendix.

3. Additional capacity allocation—(a) Unless directed by CAB in cases of essential air service or for some other CAB requirement or if it is determined that the carrier has exceeded the number of operations allowed by this regulation, an incumbent carrier will not be required to involuntarily give up slot allocations for another carrier's use. 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. For example, if a slot is scheduled to be used 30 days out of a schedule period of 37 days, the required level of use is 21 days; otherwise, use of the slot will be automatically revoked by FAA.

(b) A new entrant is defined as a carrier who had an application for operating authority on file with the Civil Aeronautics Board (CAB) prior to August 3, 1981, *and* who is not operating on Febrary 17, 1982. Carriers who are not new entrants as defined in this paragraph will be considered as incumbents for capacity allocation purposes.

(c) A random draw will be held for each of the controlled 22 airports (identified in this appendix) and one random draw for all other airports. At each airport, new entrants will be allocated new/additional capacity first. Where there is more than one new entrant, the order in which slots will be allocated to each new entrant will be determined by random draw. Following allocation to new entrants, incumbents will then be allocated capacity. If there is more than one incumbent, the order in which slots will be allocated to each incumbent will be determined by random draw. If capacity still remains after each new entrant and incumbent carrier has been allocated slots, the allocation sequence will be repeated based upon the order previously established by random draw. The allocating sequence will be repeated until all available new/additional capacity is allocated at the airport.

(d) The number of new/additional slots that will be allocated to carriers will be limited. A new entrant will not be allocated more than twenty percent of new/additional capacity available at an airport each time it comes up in the allocation sequence (if this results in an allocation of less than 2 slots, the new entrant will be given 2 slots unless only one is requested); new entrants as a group will not be allocated more than forty percent of new/additional capacity available at an airport each time they come up in the allocation sequence. In no event, will a new entrant receive more slots at any airport than requested. New entrants will receive priority consideration at each airport for which they request slots. A new entrant not obtaining slots at an airport in accordance with this priority at any airport, will be considered as an incumbent for the purpose of allocation of remaining slots at that airport.

(e) At an airport with ten or fewer new/additional slots available, no incumbent will receive more than two (2) slots each time it comes up in the allocation sequence. If 11 to 30 new/additional slots are available at an airport, no incumbent will receive more than three (3) slots each time it comes up in the allocation sequence. If 31 or more new/additional slots are available, no incumbent will receive more than four (4) slots each time it comes up in the allocation sequence. In no event will an incumbent receive more slots at any airport than it requested.

(f) After new/additional capacity has been allocated at each airport, requests for one-time charter operations, hourly slides, origin changes and other changes will be processed as capacity permits.

(g) Air Route Traffic Control Center (ARTCC) capacity allocations will be made first for each of the top 22 airports located within an ARTCC area. Remaining new/additional ARTCC capacity will be allocated to carriers who have requested slots at other airports within the ARTCC area to the extent that such capacity can be accommodated. If there is more demand for a particular flight segment than can be safely accommodated, the allocation will be made in accordance with priority determined by random draw for all noncontrolled airports. After the new/additional ARTCC capacity has been allocated, requests for one-time charters, within ARTCC origin changes, hourly slides, and other changes will be processed as capacity permits.

4. No new/additional flight requests for changes will be accepted by the FAA between schedule periods. FAA will process 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.

5. Charter, emergency, ferry, pilot training, and mechanical repair checkout flight requests may be made to the FAA Central Flow Control Facility.

6. 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 or 2 of this appendix, or in accordance with paragraph 5 of this appendix.

7. 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.

ARTCC INCREASES

[Anticipated operations increases at ARTCC's April through October 1982]

ARTCC	April/ May	June/ July	August/ October
Albuquerque	400	300	200
Atlanta	80	100	120
Boston	20	40	30
Cleveland	80	160	40
Denver	110	150	130
Ft. Worth	100	100	100
Kansas City	30	40	30
Los Angeles	80	60	50
Memphis	50	50	0
Miami	60	50	40
Jacksonville	60	50	40
Oakland	80	30	0
New York City	90	80	70
Salt Lake City	125	55	55
Seattle	50	50	50
Washington	350	150	150
ARTCC's with little anticipated increase: Chicago/Houston/Indianapolis/ Minneapolis.			

[Proposed increases at capacity controlled airports April through October 1982]

Airport	April/May	June/July	August/October	No increase hours
Atlanta	20-40	21-42	11-22	07-09, 10-11, 13-21, 23-01 LCL time.
Boston	7-14	5-10	6-12	None.
Cleveland	5-10	4-8	2-5	08-10/15-19/22-00 LCL time.
Denver	5-10	5-10	0	07-11, 15-19, 21-00 LCL time.
Detroit	0	16-32	0	None.
Ft. Lauderdale	7-15	7-15	3-9	07-09, 11-18, 20-00 LCL time.
Kansas City	7-15	10-20	7-15	None.
Kennedy	5-10	5-10	5-10	15-00 LCL time.
La Guardia	5-10	0	0	06-11, 1400 LCL time.
Las Vegas	4-8	7-14	5-10	None.
Los Angeles	7-15	7-15	7-15	None.
Miami	7-14	5-10	5-10	06-08, 11-20, 21-00 LCL time.
Newark	5-10	1-3	1-2	None.
Philadelphia	7-15	12-25	11-22	16-19 LCL time.
Pittsburgh	12-25	16-37	6-12	None.
San Francisco	4-8	4-8	0	None.
Airports with little anticipated increase: Chicago/Minneapolis/St. Louis/Dallas/Ft. Worth/Washington National/Houston.				

(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 rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291 and the Department's Regulatory Policies and Procedures (44 FR 11034; Feburary 26, 1979). It is impracticable for the FAA to follow the procedures of Executive Order 12291 applicable to regulations not issued in response to emergency situations because the safety and efficiency of the national air transportation system require immediate implementation of the rule. Voluntary compliance with this regulation is expected. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis 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 persons identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Washington, D.C., on February 18, 1982.

J. Lynn Helms,

Administrator.

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