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Thursday
September 9, 1982

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Internal Revenue Service

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Environmental Protection Agency

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Presidential Documents

Title 3—

The President

Presidential Determination No. 82-19 of August 30, 1982

Determination under Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended People's Republic of China

Memorandum for the Honorable George P. Shultz, The Secretary of State

Pursuant to Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended, I determine that it is in the national interest for the Export-Import Bank of the United States to extend a credit and guarantee in the aggregate amount of $68,425,000 to the People's Republic of China in connection with its purchase of steel making equipment and related services.

On my behalf, please transmit this determination to the Speaker of the House and the President of the Senate.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, August 30, 1982.

[FR Doc. 82-24901
Filed 9-7-82; 4:35 pm]
Billing code 3195-01-M

Rules and Regulations

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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.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Olive Reg. 1; Interim Amdt. 2]

Olives Grown in California; Amendment of Subpart—Rules and Regulations, and Fruits: Import Regulations; Imports of Ripe Olives

Correction

In FR Doc. 82-21373, appearing on page 34117 in the issue of Friday, August 6, 1982, make the following correction.

In § 932.149, on page 34118, in "Table 1—Limits for Defects" the heading "Halves per 100 olives" should read "Halves per 100 halves".

BILLING CODE 1505-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0421; Reg. Q]

Interest on Deposits; Definition of Time Deposit and Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors ("Board") has amended Regulation Q—Interest on Deposits (12 CFR Part 217) to permit member banks to issue all time deposits in book-entry form as an alternative to issuing certificates of deposit in definitive form. The Board also adopted technical amendments to conform Regulation Q to actions taken by the Depository Institutions Deregulation Committee ("DIDC").

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Robert G. Ballen, Attorney (202/452-3265), or Beverly A. Belcamino, Legal Assistant (202/452-3623), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Federal Reserve Act authorizes the Board to define the term "time deposits" (12 U.S.C. 461).[1] The Board's current Regulation Q defines "time deposit" to include "time certificates of deposit" and "time deposits, open account" (12 CFR 217.1(b)). "Time certificate of deposit" is further defined, in part, as a deposit "evidenced by a negotiable or nonnegotiable instrument" payable "in all cases only upon presentation and surrender of the instrument" (12 CFR 217.1(c)). Accordingly, member banks could issue time certificates of deposit only in definitive rather than book-entry form.[2] The Board has amended the definition of "time deposits" to allow member banks the option of issuing such time deposits in book-entry form. Authorization of the book-entry format for all time deposits likely will result in cost savings to depositors and institutions as well as facilitate the secondary market for time deposits that are negotiable.

The Board also has amended Regulation Q to bring it into conformity with actions taken by the DIDC. The following table presents the provisions of Regulation Q that have been amended by the DIDC's actions:

DIDC rule	Regulation Q provision amended
1204.104—26-Week Money Market Time Deposits of Less Than $100,000.	217.7(f).
1204.106—Time Deposits of Less Than $100,000 With Maturities of 2½ Years to 4 Years.	217.7(g).
1204.118—Individual Retirement Accounts and Keogh (H.R. 10) Plan Deposits of Less Than $100,000.	217.7(e), 217.7(g).
1204.119—Time Deposits of Less Than $100,000 with Original Maturities of 3½ Years or More.	217.1(h), 217.7(b), 217.7(d), 217.7(h), 217.7(k).
1204.120—91-Day Time Deposits of Less Than $100,000.	217.4(d)(1)(iii), 217.6(i), 217.7(b), 217.7(d), 217.7(h), 217.7(j).
1204.121—Seven-to-31-Day Time Deposits of $20,000 or More.	217.1(b), 217.3(f), 217.4(d)(1)(iii), 217.4(d)(6), 217.4(f), 217.7(a), 217.7(b), 217.7(d), 217.7(h), 217.7(i).
1204.201—Establishment of Interest Rates on Deposits Not Subject to Interest Rate Ceilings.	217.4(d)(5).

Since the Board believes that authorizing member banks to issue time deposits in book-entry form will result in substantial advantages for member banks and their customers, and because of the nonsubstantive nature of the amendment regarding the issuance of time deposits in book-entry form and the technical nature of the amendments conforming regulation Q to actions of the DIDC, the Board finds that application of the notice and public participation provisions of 5 U.S.C. 553 to these actions is unnecessary and contrary to the public interest, and that good cause exists for making these actions effective immediately.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

PART 217—INTEREST ON DEPOSITS

Pursuant to its authority under section 19 of the Federal Reserve Act (12 U.S.C. 461, 371a, and 371b), the Board amends Regulation Q (12 CFR Part 217), effective September 1, 1982, as follows:

1. Section 217.1 is amended by revising paragraph (b), by removing paragraphs (c) and (d) and reserving them, by removing footnotes 2 and 3 and renumbering the remaining footnotes accordingly, and by revising paragraph (h) to read as follows:

§ 217.1 Definitions.

* * * * *

(b)(1) *"Time deposit"* means (i) a deposit that the depositor does not have

[1] The authority of the Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to administer deposit interest rate ceilings was transferred to the DIDC by the Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221). However, the Board retains the authority, pursuant to section 19(a) of the Federal Reserve Act, to define certain terms, including "time deposits" of member banks. Thus, the Board is authorized to determine the form in which obligations of member banks need be issued to be considered "time deposits."

[2] Under current regulations, "time deposits, open account" are evidenced by "a written contract with the depositor" rather than a negotiable or nonnegotiable instrument. There is no requirement that such time deposits be payable only upon presentation and surrender of the instrument. Accordingly, member banks currently may issue "time deposits, open account" in book-entry form.

a right to withdraw for a period or 14 days or more after the date of deposit. "Time deposit" includes funds:

(A) Payable on a specified date not less than 14 days after the date of deposit;

(B) Payable at the expiration of a specified time not less than 14 days after the date of deposit;

(C) Payable upon written notice which actually is required to be given by the depositor not less than 14 days before the date of repayment;[1] or

(D) Such as "Christmas club" accounts and "vacation club" accounts, that are deposited under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months even though some of the deposits may be made within 14 days from the end of the period;

(ii) An "international banking facility time deposit;" and

(iii) A deposit or account issued pursuant to 12 CFR 217.7(l) or 1204.121, including those with an original maturity or notice period of seven to 13 days.

(2) A time deposit may be represented by a transferable or nontransferable, or a negotiable or nonnegotiable, certificate, instrument, passbook, statement or otherwise. A time deposit evidenced by a certificate or instrument is payable only upon presentation of the certificate or instrument. A time deposit established in statement, book-entry, or other form must be evidenced by a written agreement and deposits must be confirmed by issuance of a receipt or advice.

(c) [Reserved].

(d) [Reserved].

* * * * *

(h) *Obligations issued by the parent bank holding company of a member bank.* (1) For the purposes of this part, the "deposits" of a member bank also include an obligation that is (i) issued in a denomination of less than $100,000; (ii) required to be registered with the Securities and Exchange Commission under the Securities Act of 1933; (iii) issued or guaranteed in whole or in part as to principal or interest by the member bank's parent which is a bank holding company under the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841–1850), regardless of the use of the proceeds; and (iv) issued with a stated maturity, notice period or redemption period of less than 3½ years.

[1] A deposit with respect to which the bank merely reserves the right to require notice of not less than 14 days before any withdrawal is made is not a "time deposit" within the meaning of the above definition.

(2)(i) Effective April 1, 1983, this paragraph is amended by striking the term "3½ years" wherever it appears and inserting in its place the term "2½ years". (ii) Effective April 1, 1984, this paragraph is amended by striking the term "2½ years" wherever it appears and inserting in its place "1½ years". (iii) Effective April 1, 1985, this paragraph is amended by striking the term "1½ years" wherever it appears and inserting in its place "6 months". (iv) Effective March 31, 1986, this paragraph is amending by striking the term "6 months" wherever it appears and inserting in its place "14 days".

(3) The term "deposits" does not include those obligations of a bank holding company that are subject to interest rate limitations imposed pursuant to Pub. L. 89–597.

* * * * *

2. Section 217.3 is amended by revising paragraph (f) to read as follows:

§ 217.3 Interest on time and savings deposits.

* * * * *

(f) *No interest after maturity or expiration of notice.* After the date of maturity of any time deposit, such deposit is a demand deposit, and no interest may be paid on such deposit for any period subsequent to such date. After the expiration of the period of notice given with respect to the repayment of any time deposit or savings deposit, such deposit is a demand deposit and no interest may be paid on such deposit for any period subsequent to the expiration of such notice, except that, if the owner of such deposit advises the bank in writing that the deposit will not be withdrawn pursuant to such notice or that the deposit will thereafter again be subject to the contract or requirements applicable to such deposit, the deposit will again constitute a time deposit or savings deposit, as the case may be, after the date upon which such advice is received by the bank. On each certificate, passbook, or other document representing a time deposit, the bank shall have printed or stamped a conspicuous statement indicating that no interest will be paid on the deposit after the maturity date or, in the case of a time deposit that is automatically renewable, a conspicuous statement indicating that the contract will be renewed automatically upon maturity, and indicating the terms of such renewal, *Provided,* however, That a member bank may provide in any time deposit contract that if the deposit, or any portion thereof, is withdrawn not more than seven calendar days after a maturity date (one business day for deposits authorized by section 217.7(l)), interest will be paid thereon at the originally specified contract rate. A member bank may specify in the time deposit contract that interest will be paid at any other lower rate. However, in no event may the rate specified be less than the current rate paid on savings deposits by the member bank.

* * * * *

3. Section 217.4 is amended by revising the first sentence in subparagraph (1)(iii) of paragraph (d), by revising subparagraphs (5) and (6) of paragraph (d), and by revising paragraph (f) to read as follows:

§ 217.4 Payment of time deposits before maturity.

* * * * *

(d) * * *

(1) * * *

(iii) Except as provided in § 217.7 (j) and (l), the following minimum early withdrawal penalty shall apply to time deposit contracts entered into, renewed, or extended on or after June 2, 1980:

* * *

* * * * *

(5) Except for time deposits on which no maximum interest rate limitation is prescribed, any amendment of a time deposit contract that results in an increase in the rate of interest paid or in a reduction in the maturity of the deposit constitutes a payment of the time deposit before maturity.

(6) For purposes of computing the penalty required to be imposed under this paragraph, under a time deposit agreement that provides that subsequent deposits reset the maturity of the entire account, each deposit maintained in the account for at least a period equal to the original maturity of the deposit may be regarded as having matured individually and been redeposited at intervals equal to such period. Except as provided in § 217.7(l)(4), when a time deposit is payable only after notice, for funds on deposit for at least the notice period, the penalty for early withdrawal shall be imposed for at least the notice period.

* * * * *

(f) *Loans upons security of time deposits.* Except as provided in § 217.7(l)(3), a member bank may make a loan to the depositor upon the security of his time deposit provided that the rate of interest on such loan shall be not less than 1 per cent per annum in excess of the rate of interest on the time deposit.

4. Section 217.6 is amended by revising paragraph (i) to read as follows:

§ 217.6 Advertising of interest on deposits.

* * * * *

(i) Any advertisement, announcement, or solicitation relating to interest paid by a member bank on a time deposit issued pursuant to § 217.7(f) or 217.7(j) shall include a clear and conspicuous notice that federal regulations prohibit the compounding of interest during the term of the deposit.

5. Section 217.7 is amended by revising paragraphs (a), (b), (d), (e), (f), (g), and (h), and by adding new paragraphs (j), (k), and (l).

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

Pursuant to the provisions of section 19 of the Federal Reserve Act and §217.3 of this part, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates[1] of interest per annum payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Time deposits of $100,000 or more and IBF time deposits.* Except for a time deposit issued subject to all the conditions of paragraph (l) or 12 CFR 1204.121, there is no maximum rate of interest presently prescribed on any time deposit of $100,000 or more with a maturity of 14 days or more or on IBF time deposits issued under § 217.1(l).

(b) *Fixed-ceiling time deposits.* Except as provided in paragraphs (a), (d), (e), (f), (g), (i), (j), (k), and (l), of this section, no member bank shall pay interest on any time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent
14 days or more but less than 90 days	5¼
90 days or more but less than 1 year	5¾
1 year or more but less than 2½ years	6
2½ years or more but less than 4 years	6½
4 years or more but less than 6 years	7¼
6 years or more but less than 8 years	7½
8 years or more	7¾

* * * * *

(d) *Governmental unit time deposits.* Except as provided in paragraphs (a), (f), (g), (j), (k), and (l) of this section, and notwithstanding paragraph (b), no member bank shall pay interest on any time deposit which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, the United States, any State of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof, at a rate in excess of 8 percent.[2]

(e) *Individual retirement account and Keogh (H.R. 10) plan deposits.* Notwithstanding paragraphs (b) and (g) of this section, a member bank may pay interest at any rate as agreed to by the depositor on any time deposit with a maturity of one and one-half years or more, that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 404, 408 and related provisions. A member bank may permit additional deposits to be made to such a time deposit at any time prior to its maturity without extending the maturity of all or a portion of the entire balance in the account.

(f) *26-week money market time deposits.* Except as provided in paragraph (a) of this section and notwithstanding paragraphs (b) and (d) of this section, a member bank may pay interest on any nonnegotiable time deposit of $10,000 or more, with a maturity of 26 weeks, at a rate not to exceed the ceiling rate set forth below. The ceiling rate shall be based on the higher of either (1) The rate established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 26 weeks at the auction held immediately prior to the date of deposit ("bill rate"), or (2) the average of the four rates established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 26 weeks at the four auctions held immediately prior to the date of deposit ("four-week average bill rate"). Rounding any rate to the next higher rate is not permitted and interest may not be compounded during the term of this deposit.

Bill rate or 4-week average bill rate	Interest rate ceiling
7.50 pct or below	7.75 percent.
Above 7.50 pct	One-quarter of 1 percentage point plus the higher of the bill rate or 4-week average bill rate.

A member bank may offer this category of time deposit to all depositors. However, a member bank may pay interest on any nonnegotiable time deposit of $10,000 or more with a maturity of 26 weeks which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by:

(3) The United States, any state of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth or Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or

(4) An individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 404, 408 and related provisions at a rate not to exceed the ceiling rate payable on the same category of deposit by any federally insured savings and loan association or mutual savings bank.[3]

(g) *Time deposits with maturities of 2½ years to less than 3½ years.* (1) Except as provided in paragraphs (a) and (e) of this section and notwithstanding paragraphs (b) and (d) of this section, a member bank may pay interest on any nonnegotiable time deposit with an original maturity of 2½ years to less then 3½ years at a rate not to exceed the higher of one-quarter of 1 per cent below the average 2½-year yield for U.S. Treasury securities as determined and announced by the U.S. Department of the Treasury immediately prior to the date of deposit, or 9.25 per cent. Such announcement is made by the U.S. Department of the Treasury every two weeks. The average 2½-year yield will be rounded by the U.S. Department of the Treasury to the nearest 5 basis points. The rate paid on any such deposit cannot exceed the ceiling rate in effect on the date of deposit. A member bank may offer this category of time deposit to all depositors. However, a member bank may pay interest on any nonnegotiable time deposit with a maturity of 2½ years to less then 3½ years which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by the United States, any state of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof at a rate not exceed the ceiling

[1] * * *

[2] * * *

[3] The ceiling rate of interest payable for this category of deposit by federally insured savings and loan associations and mutual savings banks is 7.75 per cent when the bill rate or four-week average bill rate is 7.25 per cent or lower, one-half of one per cent above the bill rate or four-week average bill rate when the bill rate or four-week average bill rate is above 7.25 per cent but below 8.50 per cent, 9.00 per cent when the bill rate is above 7.25 per cent but below 8.50 per cent or above but below 8.75 per cent, and one-quarter of one per cent above the bill rate or four-week average bill rate when the bill rate or four-week average bill rate is 8.75 per cent or above.

rate payable on the same category of deposit by any federally insured savings and loan association or mutual savings bank.[4]

(2) Effective April 1, 1983, this paragraph is amended by striking the term "2½ years to less than 3½ years" wherever it appears and inserting in its place "1½ years to less than 2½ years", and by striking the term "average 2½-year yield" wherever it appears and inserting in its place "average 1½-year yield".

(h) *Obligations of the parent bank holding company of a member bank.* Interest may be paid on a deposit as defined in section 217.1(h) at a rate not to exceed the maximum rate payable by a member bank on a deposit of equal maturity and denomination. For purposes of this paragraph, the maturity of an obligation of a parent bank holding company is the lesser of the stated maturity period, notice period, or redemption period.

* * * * *

(j) *91-day time deposits.* (1) Except as provided in paragraph (a) of this section and notwithstanding paragraphs (b) and (d) of this section, a member bank may pay interest on any negotiable or nonegotiable time deposit of $7,500 or more, with a maturity of 91 days, at a rate not to exceed the ceiling rates set forth below. Rounding any rate upward is not permitted, and interest may not be compounded during the term of this deposit.

(2) (i) Except as provided in paragraphs (j)(2) (ii) and (iii) of this section the ceiling rate of interest payable by a member bank shall be the rate established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 91 days at the auction held immediately prior to the date of deposit ("bill rate") minus one-quarter of one percentage point (25 basis points).

(ii) If the bill rate is 9 per cent or below at the four most recent auctions of U.S. Treasury bills with maturities of 91 days held immediately prior to the date of deposit, the ceiling rate of interest payable by a member bank shall be the bill rate.

(iii) Effective May 1, 1983, the ceiling rate of interest payable by a member bank on this category of deposit for deposits issued or renewed on or after that date shall be the bill rate.

(3) Where all or any part of a time deposit issued under this paragraph is paid before maturity, a depositor shall forfeit an amount equal to at least all interest earned on the amount withdrawn.

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[4] * * *

(k) *Time deposits with original maturities of 3½ years or more.* (1) Notwithstanding paragraphs (b) and (d) of this section, a member bank may pay interest at any rate as agreed to by the depositor on any time deposit with an original maturity of 3½ years or more that has no minimum denomination but is made available in a denomination of $500.

(2) Any time deposit with an original maturity of 1½ years or more issued pursuant to this paragraph may provide by contract that additional deposits may be made to the account for a period of one year from the date that it is established without extending the original maturity date of the account. Deposits made to the account more than one year after the date that it is established shall extend the maturity of the entire account for a period of time at least equal to the original term of the account.

(3) Any time deposit offered pursuant to this paragraph may be issued in a negotiable or nonnegotiable form.

(4) (i) Effective April 1, 1983, this paragraph is amended by striking the term "3½ years" wherever it appears and inserting in its place the term "2½ years".

(ii) Effective April 1, 1984, this paragraph is amended by striking the term "2½ years" wherever it appears and inserting in its place "1½ years".

(iii) Effective April 1, 1985, this paragraph is amended by striking the term "1½ years" wherever it appears in subparagraph (1) and inserting in its place "6 months".

(l) *Seven-to-31 day time deposits of $20,000 or more.* (1) Notwithstanding paragraphs (b) and (d) of this section, a member bank may pay interest on any nonnegotiable time deposit of $20,000 or more, with a maturity or required notice period of not less than seven days nor more than 31 days, at a rate not to exceed the ceiling rates set forth below. However, a member bank shall not pay interest in excess of the ceiling rate for regular savings deposits or accounts on any day the balance in a time deposit issued under this paragraph is less than $20,000. Rounding any rate upward is not permitted.

(2) (i) For fixed interest rate, fixed maturity time deposits issued under this paragraph, the ceiling rate of interest payable by a member bank shall be the rate established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 91 days at the auction held immediately prior to the date of deposit or renewal ("bill rate") minus one-quarter of one percentage point (25 basis points).

(ii) For variable interest rate, fixed maturity time deposits and for all notice accounts issued under this paragraph, the ceiling rate of interest payable by a member bank shall be the bill rate in effect on the date of opening or renewal of the account minus one-quarter of one percentage point (25 basis points). The interest rate on the account then may be adjusted to be not in excess of the bill rate, minus 25 basis points, established and announced at the most recent subsequent auction during the life of the deposit but not less often than every 31 days.

(iii) Notwithstanding subparagraphs (2)(i) and 2(ii) of this paragraph, a member bank may pay interest at a rate not to exceed the bill rate on any time deposit issued under this paragraph which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by:

(A) The United States, any state of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or

(B) An individual pursuant to an individual retirement account agreement or Keogh (H.R. 10) plan established pursuant to 26 U.S.C. (IRC 1954) 219, 401, 404, 408 and related provisions.

(iv) The ceiling rates in paragraphs (l)(2)(i), (2)(ii) and (2)(iii) of this section shall not apply.

(A) If the bill rate is 9 percent or below at the four most recent auctions of U.S. Treasury bills with maturities of 91 days held prior to the date of deposit or renewal. A member bank may pay interest at any rate as agreed to by the depositor on this category of deposit for deposits issued or renewed during such period; or

(B) Effective May 1, 1983. A member bank may pay interest at any rate as agreed to by the depositor on this category of deposit for deposits issued or renewed on or after May 1, 1983.

(3)(i) A member bank is not permitted

(A) To lend funds to a depositor upon the security of a time deposit that it has issued under this paragraph, or

(B) To lend funds to a depositor to meet or maintain the minimum denomination requirement of a time deposit issued under this paragraph.

(ii) The rate of interest and any other charges imposed on an overdraft credit arrangement to which withdraws are paid or to which payments upon maturity or expiration of a required notice period are made from an account issued under this paragraph must be not less than those imposed on such

overdrafts for customers that do not possess an account issued under this paragraph at the same institution.

(4)(i) Where all or any part of a time deposit issued under this paragraph is paid before maturity or expiration of the required notice period, a depositor shall forfeit an amount at least equal to the greater of

(A) All interest earned on the amount withdrawn from the most recent of the date of deposit, date of maturity, or date on which notice was given, or

(B) All interest that could have been earned on the amount withdrawn during a period equal to one-half the maturity period or required notice period.

(ii) Where all or any part of a time deposit issued under this paragraph is withdrawn within one business day after the maturity date of the deposit or the date of expiration of notice of withdrawal, no early withdrawal penalty is required to be applied on the amount withdrawn.

(5) Additional deposits to an account issued under this paragraph with a fixed maturity must be maintained in the account for a period at least equal to the original term of the account and may be regarded as having matured individually and having been redeposited at intervals equal to such period. For accounts issued under this paragraph that are subject to a notice period, additional deposits must remain in the account for a period equal to at least the notice period before such funds may be withdrawn without the imposition of an early withdrawal penalty.

(6) Deposits to any account issued under this paragraph may not be made by automatically transferring funds from another account of the depositor at the same institution where the transfer is initiated by the level of the balance in any account.

(7)(i) Withdrawals from any account issued under this paragraph may not be made (A) by check, draft, or other third party payment instrument or instruction drawn or issued by the depositor, or (B) by automatically transferring funds to another account of the depositor where the transfer is initiated by the level of balance in any account held by the depositor.

(ii) Payments at maturity or withdrawals may be paid by (A) check or cash to the depositor, (B) cash, draft, or electronic transfer issued by the institution to a third party, or (C) transfer to any other account held by the depositor.

(iii) Notice of withdrawal of an account issued under this paragraph may be delivered by the depositor to the institution by telephone or other telecommunication, mail, messenger, standing order, or by appearance in person at the offices or premises of the institution.

By order of the Board of Governors, September 2, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-24693 Filed 9-8-82; 8:45 am]

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FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 561 and 563

[No. 82-581]

Issuance and Use of Subordinated Debt Securities, Mutual Capital Certificates, and Preferred Stock

Dated: August 26, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending its regulations governing the issuance and use of subordinated debt securities, mutual capital certificates, and preferred stock by savings and loan institutions ("insured institutions") the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC" or the "Corporation"). Amendments include: (1) Allowing all subordinated debt securities, mutual capital certificates, and nonpermanent preferred stock having a remaining term to maturity or redemption exceeding one year to be used in fulfilling an insured institution's net-worth and statutory-reserve requirements; (2) revising the current eligibility requirements for the issuance of subordinated debt securities; and (3) expanding the authority of the Board to waive the form, term, and offering requirements for subordinated debt securities. These amendments provide added flexibility for insured institutions to issue subordinated debt securities, mutual capital certificates, and preferred stock by increasing such securities' utility. Today's action also increases the ability of insured institutions to issue subordinated debt securities by revising eligibility and structural requirements.

EFFECTIVE DATE: September 7, 1982.

FOR FURTHER INFORMATION CONTACT: John P. Soukenik, Deputy Director, Division of Corporate and Regulatory Structure, Office of General Counsel (202-377-6411), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Background

In the past two years, the Board, as operating head of the FSLIC, has substantially amended its borrowing regulations in an effort to provide greater authority for borrowing outside the Federal Home Loan Bank System and state-chartered central reserve institutions ("outside borrowings") and to increase insured institutions' flexibility to manage liabilities while continuing to ensure that outside borrowings do not adversely affect the safety and soundness of insured institutions. In an effort to continue this regulatory policy, the Board, by Resolution No. 82-104, dated February 18, 1982 (47 FR 8026 (1982)), proposed amendments to its regulations concerning the issuance of subordinated debt securities and the use of subordinated debt securities in the net-worth and statutory-reserve requirements. After a review of the public comments submitted in response to the February 18 proposal and after further staff consideration and analysis, the Board, by Resolution No. 82-434, dated June 24, 1982 (47 FR 29558 (1982)), proposed additional amendments to the Board's regulations concerning the inclusion of the entire amount of subordinated debt securities, mutual capital certificates and nonpermanent perferred stock in satisfying the net-worth and statutory-reserve requirements.

Summary of Comments

The Board received 17 comment letters concerning the proposed amendments from federally chartered associations, FSLIC-insured institutions, trade organizations, and law firms. In general, the comments supported the proposals; however, a few noted certain areas which should either be further liberalized or modified to clarify various aspects of the amendments. Therefore, with the exception of the minor modifications noted below, the Board has determined to adopt the amendments to its regulations substantially as proposed on June 24, 1982. The comments and the Board's final regulations are discussed below.

Increase in Amount of Subordinated Debt and Other Securities Permitted to be Included for the Net-Worth Requirement

Section 561.13 of the Insurance Regulations (12 CFR 561.13) presently allows an insured institution to satisfy up to 20 percent of its total net-worth requirement with subordinated debt

securities upon written approval by the Corporation of an application submitted pursuant to § 563.8–1 (12 CFR 563.8–1). Subordinated debt securities qualifying under this standard may be used to satisfy the issuing institution's net-worth requirement until the securities' remaining period to maturity is less than one year.

This net-worth requirement is not specifically mandated by statute but rather is a regulatory provision designed to provide the Board with a gauge by which to judge the financial condition of insured institutions. Since it is a creation of the Board and is primarily for the Board's use, it is within the Board's discretion to dictate the components of the net-worth account. Pursuant to its statutory authority and the underlying Congressional intent that reserves should reflect current economic and industry conditions, the Board has altered from time to time the actual percentage of net worth required to be maintained by insured institutions and the amount upon which the percentage is based, as well as the various components eligible for inclusion in the net-worth account.

The Board, by this action, further defines various aspects of net worth. Today's action permits an insured institution to include as part of net worth the full amount of any subordinated debt securities and redeemable mutual capital certificates, so long as the remaining period to maturity or required redemption is not less than one year. The same treatment is accorded nonpermanent preferred stock meeting this term limitation. In addition, today's amendments allow redemptions or prepayments of nonpermanent components (*i.e.*, nonpermanent preferred stock and redeemable mutual capital certificates) of the net-worth requirement if the issuing institution alone has the option to redeem or prepay them and the exercise of such right would not result in the failure of the issuing institution to meet its net-worth requirement.

Inclusion of Subordinated Debt Securities for Statutory-Reserve Requirements

Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)) ("NHA") requires an insured institution to provide adequate reserves satisfactory to the Corporation. Section 403(b) authorizes the Board to implement the statutory-reserve requirement by regulations within certain limitations set forth in the statute. Pursuant to the statute, the Board must establish a specific reserve requirement to be met by insured institutions and to be composed of an amount no greater than 6 percent nor less than 3 percent of each institution's insured accounts. Currently, the reserve requirement established by the Board is 3 percent of insured account balances, as calculated through application of the formula set forth in § 563.13(a)(2) (12 CFR 563.13(a)(2)). At present, the reserve may consist of any item eligible for inclusion in the institution's net worth except for those items specifically excluded in paragraphs (a)(3)(i) through (iii) of § 563.13. Subordinated debt securities and redeemable mutual capital certificates currently are among the exclusions.

As a condition for approval of any application for insurance of accounts, section 403(b) of the NHA requires the applicant to agree to build up reserves gradually to an amount satisfactory to the Corporation. The actual percentage of reserves and the amount upon which that percentage is based have been altered from time to time by various amendments to the NHA. Moreover, as the capital structure of insured institutions has changed from relatively simple to rather complex, the Board has permitted a variety of newly authorized capital instruments to be included in the required reserve. Congress provided this broad discretion to the Board, as operating head of the Corporation, to define the components of the reserve requirement when, in 1974, it added to section 403(b) of the NHA a definition which states that "the term 'reserves' shall, to such extent as the Corporation may provide, include capital stock and other items, as defined by the Corporation." Prior to this action, the Board had chosen to authorize only the limited use of nonpermanent instruments for reserve purposes, even though authorization of a broader usage of such instruments was fully within its discretion.

The Board now believes that subordinated debt securities, redeemable mutual capital certificates, and nonpermanent preferred stock share structural characteristics of instruments which traditionally have been eligible for inclusion as part of the statutory reserve; they are subordinate to other obligations of the insured institution and are of a medium- to long-term duration. Moreover, the change creates little additional risk for the well-managed institution because such institution could structure the nonpermanent portion of its statutory reserve to ensure that other sources of eligible reserve capital would be available as current nonpermanent components approach maturity. Furthermore, the Board believes that this amendment, which for the first time permits the total inclusion of certain debt and equity securities in the statutory reserve, will have a beneficial effect on insured institutions and the Corporation by making it easier and more economically efficient to attract new capital into the industry at a time when the net worth of insured institutions is declining.

State-Chartered Insured Institutions' Utilization of New Authority

The Board noted in its proposal that inclusion of subordinated debt securities, redeemable mutual capital certificates, and nonpermanent preferred stock for federal net-worth and statutory-reserve requirement purposes would apply to state-chartered, FSLIC-insured institutions, as well as to federally-chartered institutions. However, the Board recognized that state-chartered institutions may not be permitted under applicable state law to issue some, or all, of these types of instruments and that the net-worth regulations in some jurisdictions may vary from the Board's definition of net worth. Because this difference could cause an institution to meet one standard, but at the same time fail to satisfy the other, the Board specifically requested comment from state-chartered institutions and other interested parties as to the types of instruments authorized by law or regulation in their particular jurisdictions and the eligibility of such instruments for inclusion as part of any applicable net-worth requirement.

The number of responses to this request for information concerning state law was not substantial. Nevertheless, it appears that institutions chartered in jurisdictions represented in the comments would not be adversely affected by the expanded use of these securities for reserve purposes. The Board does not authorize the types of instruments permitted to be issued by state-chartered institutions. However, where such institutions are permitted by state law to issue the instruments included in these amendments, the amendments authorize the inclusion of the instruments in *federal* net worth and statutory reserve requirements even if the instruments are not eligible to be used to meet *state* net worth and reserve requirements.

Eligibility Requirements for Subordinated Debt

In order for the subordinated debt securities of an insured institution to be included as part of its net worth, the issuing institution must comply with the requirements of § 563.8–1 regarding the

issuance of subordinated debt. Paragraph (b) of that section lists six specific eligibility requirements an institution must meet at the time its application is approved by the Board. These amendments replace the specific financial qualifications with a supervisory standard which allows the Corporation to judge applications on a case-by-case basis. Applications authorized by applicable law will be approved if, in the opinion of the Corporation, the overall policies, condition, and operation of the applicant do not afford a basis for supervisory objection to the application. In considering the issuing institution's overall condition and operation (*e.g.*, net worth, scheduled items, appraised losses, income, and cash flow), the inability of an applicant to meet a particular standard, as set forth in the regulation, will not necessarily cause the application to be denied.

Waiver of Form, Term, and Offering Requirements

The introductory language of paragraph (d) of § 563.8–1 currently provides for the waiver of any of the requirements as to form, term, and offering of subordinated debt securities, but only in connection with a sale of such securities to the Corporation. In order to provide the Board with greater flexibility in considering applications which do not comply with all of the requirements of paragraph (d), the amendment removes the restriction on granting waivers of the requirements of paragraph (d), thereby permitting the Board upon request to waive any of the designated requirements of paragraph (d) which it deems appropriate. Excepted from waiver eligibility are the provisions which require the disclosure that the security is not a deposit or account insured by the FSLIC and the requirements that the security be subordinated, unsecured, and not eligible for use as collateral.

One insured institution and one state trade association requested in their comments that this amendment be expanded to include additional types of capital instruments, not necessarily in the form of subordinated debt securities, which may be authorized by state law or the state regulatory authority. The Board has determined that such expansion is not feasible or desirable because it could allow various types of instruments to qualify as net worth that clearly do not meet the minimum requirements set out in this amendment.

Term of Mutual Capital Certificates

Two of the commenters recommended that amendments also should be made at this time to the provision concerning term and redemption in the mutual capital certificate regulation (12 CFR 563.7–4) in order to bring that provision into conformance with similar provisions in the subordinated debt and net-worth regulations. Section 563.7–4(l)(2)(v) currently permits redemption of mutual capital certificates only where the "dollar weighted average term" of each issue of mutual capital certificates to be redeemed is 10 years or more and the redemption is to be made pursuant to a redemption schedule. Section 563.8–1, however, provides that subordinated debt securities issued under that section need have an original period to maturity of only 7 years. Moreover, today's amendments to § 561.13 place certain conditions on redemption features of nonpermanent capital items eligible for inclusion as net worth.

Since mutual capital certificates and subordinated debt securities share the structural characteristics relevant to consideration for inclusion in net-worth and statutory-reserve accounts, the Board believes there is no basis for distinction as to required terms for the two items. Moreover, the additional conditions in § 561.13 combined with a minimum 7-year term serve as adequate safeguards in ensuring that these items are medium- to long-term components of the net-worth and statutory-reserve accounts. Therefore, by today's action, the Board also amends § 563.7–4(l)(2)(v) (12 CFR 653.7–4(l)(2)(v)) to permit a "dollar weighted average term" of 7 years.

Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the amendments will not have a significant economic impact on a substantial number of small entities. The regulations reduce a number of existing restrictions on the issuance and utility of subordinated debt securities and also expand uses of mutual capital certificates and preferred stock. The Board believes that the amendments will benefit institutions but does not believe the amendments will have a significant economic impact on institutions.

List of Subjects in 12 CFR Parts 561 and 563

Savings and loan associations.

The Board finds that delay of the effective date of the amendments for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because (1) they relieve restriction and (2) there is a present need to allow institutions greater flexibility in the composition of their net worths and statutory reserves.

Accordingly, the Federal Home Loan Bank Board hereby amends Parts 561 and 563 of Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

1. Revise § 561.13 to read as follows:

§ 561.13 Net worth.

The term "net worth" means the sum of all reserve accounts (except specific or valuation reserves), retained earnings, common stock, preferred stock, mutual capital certificates (issued pursuant to § 563.7–4 of this Subchapter), subordinated debt securities (issued pursuant to § 563.8–1 of this Subchapter), securities which constitute permanent equity capital in accordance with generally accepted accounting principles (if approved by the Corporation), and any nonwithdrawable accounts of an insured institution: *provided*, that, for any nonpermanent instrument qualifying as net worth under this definition, either (1) the remaining period to maturity or to required redemption (or to the time of any required sinking fund or other prepayment or reserve allocations, with respect to the amount of such prepayment or reserve) is not less than one year, or (2) the redemption or prepayment is only at the option of the issuer and such payments would not cause the institution to fail to meet its statutory-reserve or net-worth requirements under § 563.13 of this Subchapter; and *provided further*, that capital stock may be included as net worth without limitation if it would otherwise qualify but for either (1) a provision permitting redemption in the event of a merger, consolidation, or reorganization approved by the Corporation where the issuing institution is not the survivor, or (2) a provision permitting a redemption where the funds for redemption are raised by the issuance of permanent stock.

PART 563—OPERATIONS

§ 563.7–4 [Amended]

2. Amend paragraph (l)(2)(v) of § 563.7–4 by removing the word "ten" and replacing it with the word "seven."

3. Amend § 563.8–1 by revising paragraph (b), the introductory text to paragraph (d), and paragraph (d)(1)(ii)(*b*), removing paragraph (f), and redesignating paragraphs (g), (h), and (i)

as (f), (g), and (h), respectively, to read as follows:

§ 563.8-1 Issuance of subordinated debt securities.

* * * * *

(b) *Eligibility requirements.* In determining whether the Corporation will process an application by an insured institution for approval of the issuance of subordinated debt securities pursuant to this section, the Corporation will consider the following factors:

(1) Whether the issuance of such securities by the applicant is authorized by applicable law and regulation and is not inconsistent with any provision of the applicant's charter, constitution, or bylaws; and

(2) Whether in the opinion of the Corporation, the overall policies, condition, and operation of the applicant do not afford a basis for supervisory objection to the application. Bases for supervisory objection may include the following:

(i) Net worth, without regard to the amount of any subordinated debt securities to be included in net worth, does not meet the requirements of § 563.13;

(ii) Scheduled items exceed 2.5 percent of specified assets;

(iii) Appraised losses have not been offset by specific reserves to the extent required pursuant to § 563.17-2 of this Part;

(iv) Actual and anticipated income from operations, after distribution of earnings to the holders of savings accounts, payment of dividends on equity securities and payment of interest on borrowings but before income taxes, is not demonstrably sufficient for payment of interest and amortization of debt, discount, and related expenses of the proposed issue.

* * * * *

(d) *Requirements as to securities.* Subordinated debt securities issued pursuant to this section shall meet all of the following requirements unless one or more of such requirements, not including paragraphs (d)(1)(i) and (1)(ii) of this section, which are not eligible for waiver, are waived by the Corporation:

(1) *Form of certificate.* * * *

* * * * *

(ii) Clearly state that the security * * * (*b*) is unsecured by the assets of the issuing institution, or any of its affiliates; and * * *

* * * * *

(f) *Additional requirements.* * * *

(g) *Limitation as to offering period.* * * *

(h) *Reports.* * * *

4. Amend § 563.13 by revising paragraph (a)(3), to read as follows:

§ 563.13 Reserve accounts.

(a) *Statutory reserve requirement.*

* * * * *

(3) Institutions may count as reserves meeting the reserve requirement those items eligible to be included in the definition of net worth set forth in § 561.13 of this Subchapter.

* * * * *

(Sec. 409, 94 Stat. 160; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-24806 Filed 9-8-82; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-CE-24-AD; Amdt. 39-4459]

Airworthiness Directives; Piper Models PA-31, PA-31-325, and PA-31-350 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 82-16-05, applicable to Piper Models PA-31, PA-31-325 and PA-31-350 airplanes and codifies the corresponding emergency AD letter dated July 21, 1982, into the **Federal Register.** This AD supersedes existing AD 79-12-03R2 and continues in effect inspections required by that AD, imposes initial and repetitive inspections on "one-piece" turbocharger exhaust couplings and requires removal of these couplings from service on or before December 31, 1982. Service reports indicate that the "one-piece" couplings are experiencing premature failures which result in powerplant fires and heat damage to the powerplant installation. The inspections imposed will detect incipient failures and preclude the unairworthy incidents cited above until replacement of these parts at the designated time.

EFFECTIVE DATE: September 15, 1982, to all persons except those to whom it has already been made effective by priority letter from the FAA dated July 21, 1982.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Piper Service Bulletin No. 644B dated July 21, 1982, applicable to this AD may be obtained from Piper Aircraft Corporation, 620 East Bald Eagle Street, Lock Haven, Pennsylvania 17745. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Gil Carter, ACE-140A, Federal Aviation Administration, Atlanta Aircraft Certification Field Office, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: As a result of service failure of Piper P/N 455-301, 555 376, 555 511 and 555 366 multi-segment turbocharger exhaust couplings, the FAA issued AD 79-12-03, Amendment 39-3483 (44 FR 3194); AD 79-12-03R1, Amendment 39-3895 (45 FR 56334); and AD 79-12-03R2, Amendment 39-4359 (45 FR 15572), which required initial and repetitive inspections of these couplings, their securing bolts and the turbocharger exhaust flanges for cracks, damage and distortion. This AD and revisions also allowed installation of improved single-piece exhaust couplings, Piper P/N 556 962 and 556 053 on the affected airplanes and permitted discontinuance of the required inspections when these couplings were installed.

After issuing AD 79-12-03R2, service reports received by the FAA and manufacturer indicated a very high rate of premature failure of the improved single-piece couplings. Also, powerplant fires and heat damage resulting from these failures were reported. Investigations by the airplane manufacturer revealed that the original installation tightening torque of 40 inch-pounds specified for installation of these couplings may have contributed to the reported failures.

The airplane manufacturer conducted tests which established that an installation torque of 10 inch-pounds net was adequate and would not damage the clamps. The manufacturer also issued Service Bulletin 82-16-05, Turbocharger Exhaust Coupling Inspection/Replacement, dated July 21, 1982, which contained inspection instructions and replacement recommendations for the one-piece coupling.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby necessitating the AD. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was

impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected this AD by priority mail letter dated July 21, 1982. The AD became effective immediately as to these individuals upon receipt of that letter and is identified as 82-16-05. Since the unsafe condition described herein may still exist on other Piper Model PA-31, PA-31-325 and PA-31-350 airplanes, the AD, revised to incorporate reference to Piper Aircraft Corporation Service Bulletin No. 644B dated July 21, 1982, is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification. Because a situation still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aircraft, Aviation safety.

Adoption of the Amendment

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

Piper: Applies to Model PA-31, PA-31-325 and PA-31-350 airplanes certificated in all catgories.

Compliance: Required as indicated unless already accomplished.

To prevent the possibility of an inflight powerplant fire due to a turbocharger exhaust pipe coupling failure, accomplish the following:

(a) Within the next 10 hours time-in-service after the effective date of this AD, check the turbocharger tailpipe installation, using Figures 1 and 2 as a reference, to determine whether single-piece couplings (Piper P/N 556 962 or 556 053) or multi-segment couplings (Piper P/N 455 301, 555 376, 555 511 or 555 366) are installed. If the single-piece couplings are installed, comply with paragraphs (b) and (e), and, if applicable, paragraph (d). If the multi-segment couplings are installed, comply with paragraph (c) and, if applicable, paragraph (d). The check required herein may be accomplished by the owner/operator. This person must make the prescribed entry in the aircraft maintenance records, indicating compliance with paragraph (a) of this AD.

(b) Inspect the single-piece turbocharger tailpipe exhaust couplings, Piper P/N 556 962 or 556 053 (reference Figure 1 for configuration), as follows:

(1) Within the next 10 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours time-in-service from the last inspection requred by this paragraph:

(i) Gain access to the turbocharger exhaust system.

(ii) Remove the turbocharger exhaust couplings.

(iii) Using either a dye penetrant inspection method or a light and a 10-power magnifying glass, inspect each coupling for cracks with special emphasis in the area of the couplings opposite the coupling bolt.

(iv) Using appropriate tools, obliterate number "40" and scribe or stamp the number "10" on the torque tag.

(v) Reinstall serviceable single-piece couplings by tightening nut to 10 in.-lbs. net torque. Do *not* tap the couplings during tightening. Ensure the wrench socket is properly aligned to prevent bolt sideload.

Note.—Advisory Circular 43.13-1A, paragraph 227e, contains information on establishing net torque.

(2) Within the next 25 hours time-in-service from the inspections required by (b)(1), and thereafter at intervals not to exceed 25 hours time-in-service, conduct the following interim inspections:

(i) Gain access to the turbocharger exhaust system.

(ii) Using a light and an inspection mirror, visually inspect coupling for cracks and indications of exhaust leaks with special emphasis on the area of the coupling opposite the coupling bolt.

(c) Within the next 50 hours time-in-service after the effective date of this AD or 100 hours time-in-service since the last inspection per AD 79-12-03 or its revisions or installation of a new multi-segment clamp and thereafter at intervals not exceeding 100 hours time-in-service, inspect the multi-segment P/N 455 301, 555 376, 555 511 or 555 366 (reference Figure 2) turbocharger exhaust pipe couplings in accordance with the following:

(1) Gain access to the turbocharger exhaust systems.

(2) Remove the turbocharger exhaust couplings and tailpipe.

Note.—Exercise caution to prevent spreading or forcing the coupling beyond its normal open position when removing or installing the coupling.

(3) Using either a dye penetrant inspection method or a light and a 10-power magnifying glass, accomplish the following:

(i) Inspect coupling for cracks, spreading of "V" band segments, failed spot welds, and indication of exhaust flanges bottoming in couplings.

(ii) Inspect the condition of the coupling clamp for bending, overstress, thread damage, cracks or other obvious damage.

(iii) Inspect turbocharger to turbocharger exhaust tailpipe connection area for proper mating of surfaces.

(iv) Inspect tailpipe and turbocharger flanges for cracks and distortion. Remove carbon deposits from mating flanges before reassembly.

(v) Reinstall serviceable couplings using the applicable torque and procedures described in paragraph (e).

(d) Prior to further flight, replace any cracked or otherwise damaged couplings found during any inspection required by paragraphs (b) and (c) using the applicable coupling and procedures specified in paragraph (e).

(e) On or before December 31, 1982, replace each turbocharger exhaust coupling Piper P/N 556 962 or 556 053 with applicable couplings specified below:

Model	Piper Coupling P/N (Aeroquip P/N)	Torque (in.-lbs.)
PA-31	455 301 (4404-376M)	40-50
	555 376 (MVT68049-375H), (MVT68049-375D).	40-50
	555 511 (MVT69861-377M)	
PA-31-325	555 511 (MVT69861-377M)	40-50
PA-31-350	555 366 (MVT68049-450M)	45-55

Install couplings assuring that the tailpipe and turbocharger flanges are properly aligned. Ensure wrench socket is properly aligned to prevent bolt sideload. Tap the coupling gently to distribute band tension while tightening.

(f) Piper Aircraft Corporation Service Bulletin No. 644B dated July 21, 1982, pertains to the subject matter of this AD.

(g) The time-in-service between the repetitive inspections required herein may be adjusted up to plus 10 percent of any specified inspection interval required by this AD to facilitate accomplishing these inspections concurrent with other scheduled maintenance on the airplane.

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

(i) An equivalent method of compliance with this AD may be used if approved by the Chief, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320.

This amendment becomes effective on September 15, 1982, to all persons except those to whom it has already been made effective by priority letter from the FAA dated July 21, 1982, and is identified as AD 82-16-05.

(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(a)); § 11.89, Federal Aviation Regulations (14 CFR 11.89))

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

contacting the Rules Docket at the location identified under the caption "ADDRESSES."

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

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

John E. Shaw,

Acting Director, Central Region.

BILLING CODE 4910-13-M

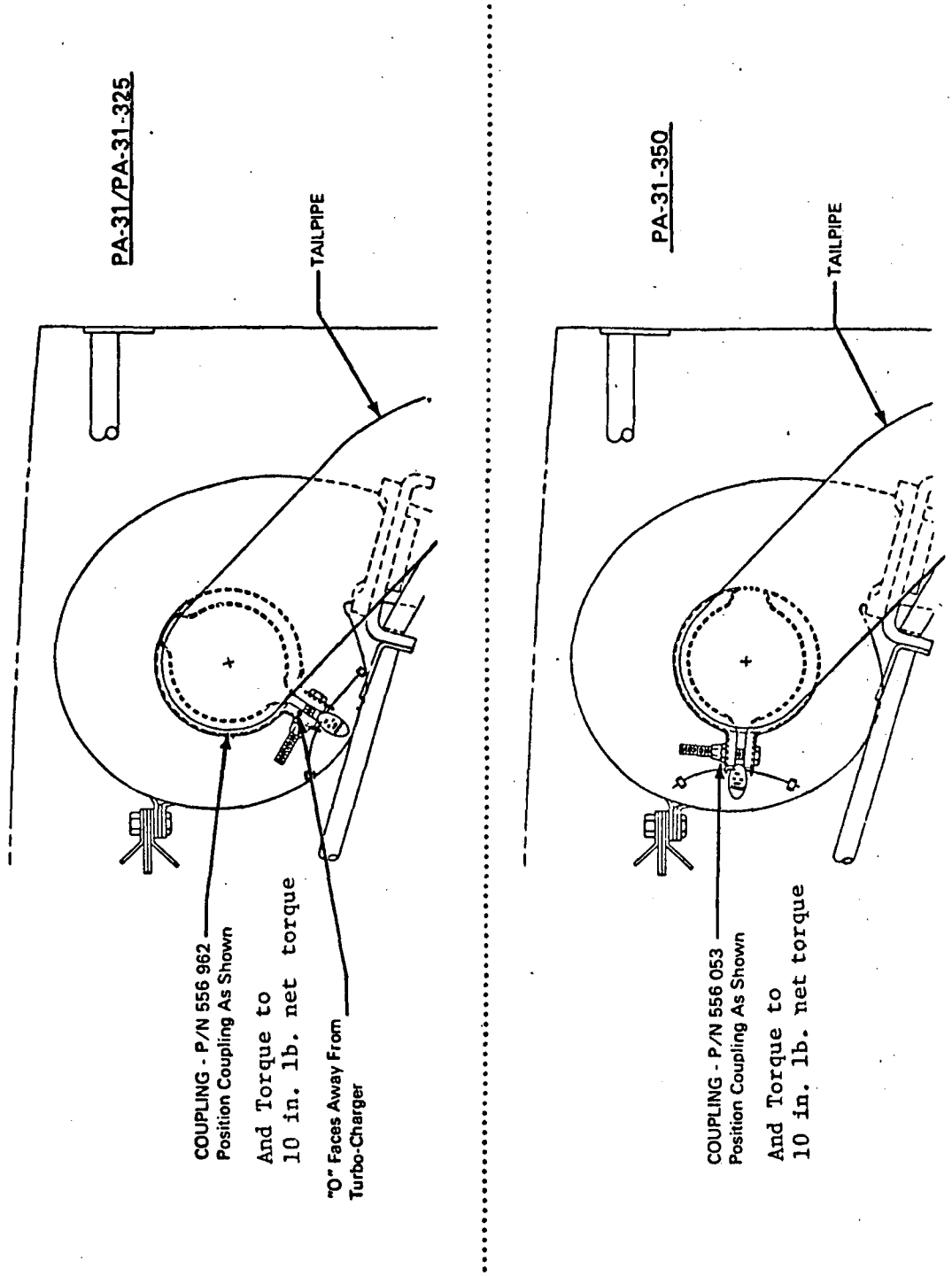
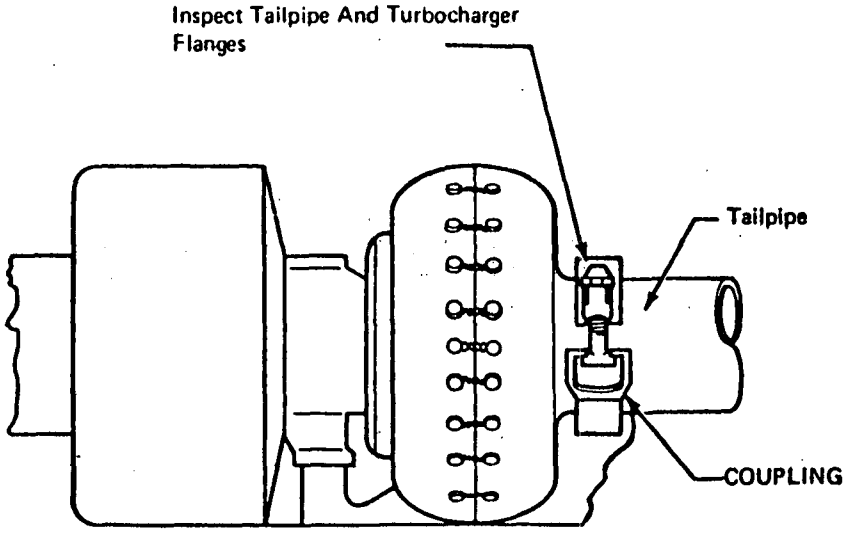

PA-31/PA-31-325
TAILPIPE
COUPLING - P/N 556 962
Position Coupling As Shown
And Torque to
10 in. lb. net torque
"O" Faces Away From
Turbo-Charger
PA-31-350
TAILPIPE
COUPLING - P/N 556 053
Position Coupling As Shown
And Torque to
10 in. lb. net torque

FIGURE 1



VIEW LOOKING AFT AT TURBOCHARGER

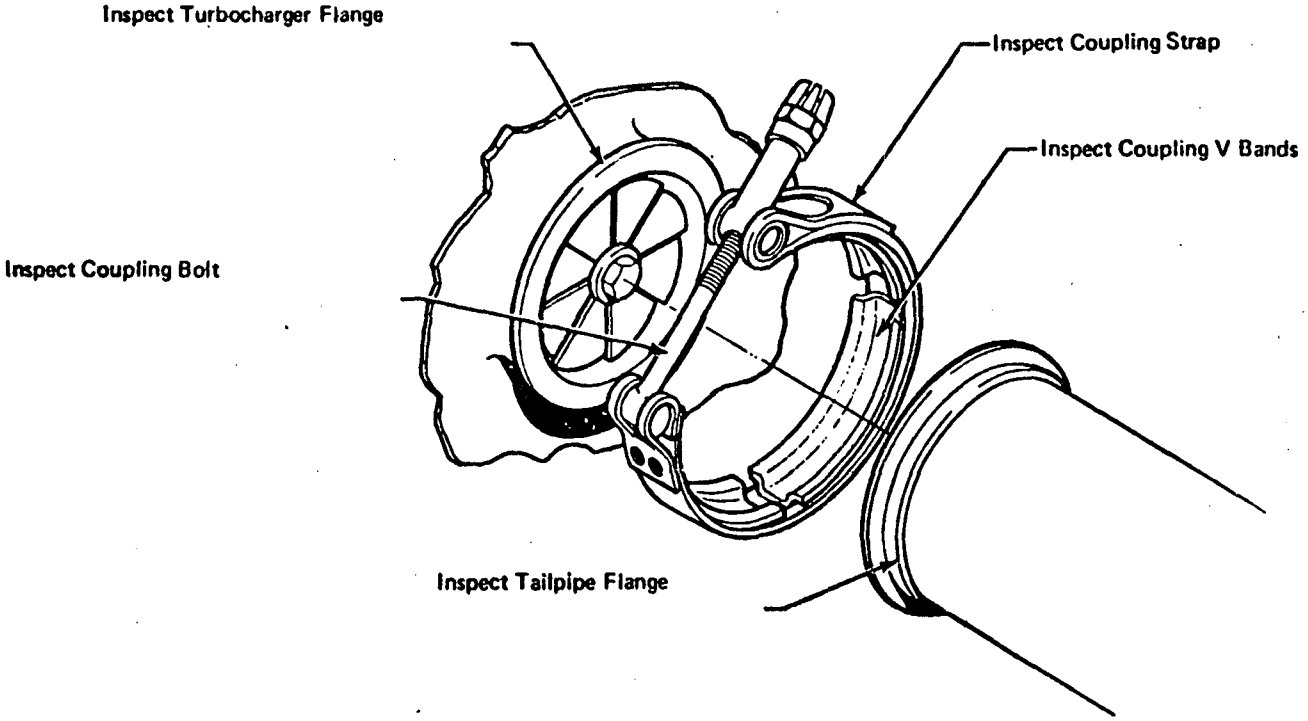


FIGURE 2

[FR Doc. 82-24533 Filed 9-8-82; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 71

[Airspace Docket No. 82-AWA-16]

Alteration of VOR Federal Airways V-45 and V-78

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action amends the descriptions of VOR Federal Airways V-45 and V-78 by deleting the exclusions to these airways in the vicinity of the Alpena, MI, VORTAC during the time that the Collins Military Operations Area (MOA) is in use. This action decreases the burden of the public by making these airways available for full time civil aviation use.

DATES: Effective date October 28, 1982. Comments must be received on or before October 11, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 82-AWA-16, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

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

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

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which deletes the exclusion to V-35 and V-78 in the vicinity of the Alpena, MI, Vortac during the time the Collins MOA is in use 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, aernoautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to delete the exclusions contained in the airway descriptions for V-45 and V-78 when the Collins MOA is in use. Since this action relieves the burden on the public by making these airways available for full time civil aviation use, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects of 14 CFR Part 71

Federal airways, Aviation safety.

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) is amended, effective 0901 Gmt, October 28, 1982, as follows:

V-45 [Amended]

By deleting the words "The airspace from Alpena to 30 miles north of Alpena at and above 10,000 feet MSL is excluded during the time that the Collins Military Operations Area is activated by NOTAM."

V-78 [Amended]

By deleting the words "The airspace northeast of the Alpena 316° radial from Alpena to 25 miles north of Alpena at and above 10,000 feet MSL is excluded during the, time that the Collins Military Operations Area is activated by NOTAM."

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

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 August 31, 1982.

John W. Baier,

Acting Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82-24532 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-9]

Alteration of Transition Area and Control Zone; Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the K. I. Sawyer, Michigan, control zone and transition area. The intended effect is to redescribe the control zone by making reference to the geographical center of the airport in lieu of extended runway centerlines and to redescribe the K. I. Sawyer transition area by including designation of airspace extending upward from 1200 feet above the surface that was previously designated in the Marquette, Michigan, transition area description.

EFFECTIVE DATE: October 28, 1982.

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

SUPPLEMENTARY INFORMATION: The circumstance which initiated this action resulted from an omission of information from the **Federal Register.** The Marquette, Michigan, transition area description was inadvertently omitted. In reviewing that description prior to resubmission, it was concluded that both the Marquette, Michigan, and K. I. Sawyer, Michigan, airspace designations could be redefined to better relate the necessary airspace to the individual airports. This action will make minor alterations to the K. I. Sawyer control zone designation and will include airspace extending upward from 1200 feet above the surface that was previously designated under Marquette, Michigan. Separate simultaneous docket action (Docket 82-AGL-8) has been initiated to redefine and simplify the Marquette, Michigan, airspace designations.

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

History

On page 17303 of the **Federal Register** dated April 22, 1982, the FAA proposed to amend §§ 71.171 and 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone near K. I. Sawyer, Michigan, and to alter the transition area airspace near K. I. Sawyer, Michigan. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of Proposed Rulemaking.

Except for editorial changes, these amendments are the same as those proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 GMT, October 28, 1982, as follows:

Section 71.171

K. I. Sawyer, Michigan

Within a 5-mile radius of the K. I. Sawyer AFB (Latitude 46°21'13" N., Longitude 87°23'40" W.); and within 1.5 miles each side of the 008° true bearing from the geographical center of the airport extending from the 5-mile radius zone to 6.5 miles north of the airport; and within 1.5 miles each side of the 188° true bearing from the geographical center of the airport extending from the 5-mile radius zone to 6 miles south of the airport.

Section 71.181

K. I. Sawyer, Michigan

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the K. I. Sawyer AFB (Latitude 46°21'13" N., Longitude 87°23'40" W.), excluding the portion overlying the Marquette transition area; and that airspace extending upward from 1200 feet above the surface within a 40-mile radius of the K. I. Sawyer AFB, excluding the portions overlying the Escanaba, Michigan, and Iron Mountain, Michigan, transition areas.

(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 is certified that this—(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 Des Plaines, Illinois, on August 26, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-24670 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-8]

Alteration of Transition Area and Control Zone; Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to redescribe both the Marquette, Michigan, control zone and the Marquette, Michigan, transition area. The intended effect of this action is to redefine the geographical center of the Marquette County Airport at a point approximately 700 feet north of the current center; to make reference to true, rather than magnetic bearings; and to eliminate all reference to the K.I. Sawyer, Michigan, Air Force Base from the Marquette transition area description.

EFFECTIVE DATE: October 28, 1982.

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

SUPPLEMENTARY INFORMATION: The circumstance which initiated this action was the inadvertent omission from the **Federal Register** of the designated Marquette, Michigan, transition area as identified in Docket 72-GL-62. Prior to resubmitting the Marquette transition area for inclusion in the **Federal Register**, a review for currency suggested that both the Marquette, Michigan, control zone (Docket 79-GL-14) and transition area (Docket 72-GL-62) and the nearby K.I. Sawyer, Michigan, control zone (Docket 77-GL-20) and transition area (Docket 77-GL-20) could be rewritten to better define and match airspace requirements with the appropriate airport. This action will make minor alterations to the Marquette control zone alignment; will return small portions of airspace adjacent to the east and west arrival extensions to a non-controlled status; will eliminate portions of the designated 700-foot transition area west and southwest of Marquette County Airport; and will eliminate reference to K.I. Sawyer in the Marquette, Michigan, transition area description. Separate simultaneous docket action (Docket 82-AGL-9) is being taken to alter designations and descriptions involving the K.I. Sawyer, Michigan, control zone. Aeronautical maps and charts will reflect the defined areas, which will enable aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 29689 of the **Federal Register** dated July 8, 1982, the FAA proposed to amend §§ 71.171 and 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone near Marquette, Michigan, and to alter the transition area airspace near Marquette, Michigan. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, these amendments are the same as those proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 GMT, October 28, 1982, as follows:

Section 71.171

Marquette, Michigan

Within a 5-mile radius of the Marquette County Airport (Latitude 46°32'02.7" N.,

Longitude 87°33'41.6" W.); and within 3.5 miles each side of the 077° true bearing from the geographical center of the airport extending from the 5-mile radius zone to 7 miles east of the airport; and within 3.5 miles each side of the 257° true bearing from the geographic center of the airport extending from the 5-mile radius zone to 9.5 miles west of the airport.

Section 71.181

Marquette, Michigan

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Marquette County Airport (Latitude 46°32'02.7" N., Longitude 87°33'41.6" W.); and within 3.75 miles each side of the 077° true bearing from the geographical center of the airport extending from the 6.5-mile radius area to 15 miles east of the airport; and within 3.75 miles each side of the 257° true bearing from the geographic center of the airport extending from the 6.5-mile radius area to 10 miles west of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 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 is certified that this—(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 Des Plaines, Illinois, on August 26, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-24671 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-12]

Designation of Transition Area; Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a controlled airspace area near Frankfort, Michigan, to accommodate a new instrument approach into Frankfort City-County Airport, Frankfort, Michigan, which was established on the basis of a request from the Frankfort Airport officials to provide that facility with instrument approach capability.

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

EFFECTIVE DATE: October 28, 1982.

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

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

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

History

On page 29257 of the **Federal Register** dated July 6, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to establish a new 700-foot controlled airspace transition area near Frankfort, Michigan. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

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

Frankfort, Michigan

That airspace extending upward from 700 feet above the surface within 5 miles of the Frankfort City-County Airport (Latitude 44°37'30" N., Longitude 86°12'30" W.) and 3 miles each side of the 184° bearing from the Frankfort Airport extending from 5 miles to 7½ miles.

(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 is certified that this—(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 Des Plaines, Illinois, on August 26, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-24676 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-13]

Alteration of Transition Area; Minnesota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the Faribault, Minnesota, transition area by designating an additional amount of airspace necessary for the establishment of an RNAV Runway 12 instrument approach procedure to serve Faribault Municipal Airport.

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

EFFECTIVE DATE: October 28, 1982.

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

SUPPLEMENTARY INFORMATION: The airspace involved would be an area approximately 1 mile by 5 miles located

northwest of the airport and extending from the 5-mile radius to 6 miles.

The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

History

On page 29258 of the **Federal Register** dated July 6, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Faribault, Minnesota. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

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

Faribault, Minnesota

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'30" N., longitude 93°18'30" W.), within 2½ miles each side of the 302° bearing from the Faribault Municipal Airport extending from the 5-mile radius to 6 miles, and within 1.25 miles each side of the 199° bearing from the Faribault Municipal Airport extending from the Faribault 5-mile radius to 9 miles southwest of the airport excluding the portion within the Owatonna, Minnesota, transition area.

(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 is certified that this—(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 Des Plaines, Illinois, on August 26, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-24672 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-2]

Designation of Transition Area; Wisconsin

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Amery, Wisconsin, to accommodate a new NDB Runway 18 instrument approach into Amery Municipal Airport, which was established on the basis of a request from the Amery Municipal Airport officials to provide that facility with instrument approach capability.

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

EFFECTIVE DATE: October 28, 1982.

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

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

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

History

On page 29691 of the **Federal Register** dated July 8, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Amery, Wisconsin. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

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

Amery, Wisconsin

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Amery Municipal Airport (Latitude 45°16'45" N., Longitude 92°22'20" W.) and extending 3 miles either side of the 352° bearing from the Amery, Wisconsin, NDB extending from 6½ to 8½ miles.

(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 is certified that this—(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 Des Plaines, Illinois, on August 23, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-24674 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-14]

Alteration of Transition Area; Illinois

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate an additional amount of airspace northeast of the Salem-Leckrone airport determined to be necessary to contain the existing Salem-Leckrone NDB Runway 18, Amendment 7, Standard Instrument Approach Procedure (SIAP).

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

EFFECTIVE DATE: October 28, 1982.

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

SUPPLEMENTARY INFORMATION: The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

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

History

On page 29255 of the **Federal Register** dated July 6, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Salem, Illinois. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

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

Salem, Illinois

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Salem-Leckrone Airport (latitude 38°38'45" N., longitude 88°57'45" W.); and within 4.2 miles each side of the 007° T bearing from Salem-Leckrone Airport, extending from the 5-mile radius area to 8.5 miles north of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 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 is certified that this—(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 Des Plaines, Illinois, on August 26, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-24675 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-15]

Revocation of Control Zone; Minnesota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the existing designated control zone serving Winona Muni-Max Conrad Field Airport, Winona, Minnesota, due to non-availability of required weather observations. The intended effect of this action is to return designated airspace to a non-controlled status.

The most recent action involving this control zone, excluding Notices to Airmen, was accomplished in Airspace Docket No. 80-GL-18, issued July 21, 1980.

EFFECTIVE DATE: October 28, 1982.

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

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace within the perimeter of the area currently described as the Winona control zone will be raised from the surface to 700 feet above the surface. No changes will be required to any existing instrument approach procedures, but the minimum descent altitudes associated with those procedures may no longer be contained within controlled airspace. The control zone information will be removed from aeronautical charts and maps.

History

On page 29690 of the **Federal Register** dated July 8, 1982, the FAA proposed to amend § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone near Winona, Minnesota. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, October 28, 1982, as follows:

Winona, Minnesota [Revoked]

(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 is certified that this—(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 Des Plaines, Illinois, on August 26, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-24673 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act

Correction

In FR Doc. 82-23872 appearing on page 38272 in the issue of Tuesday, August 31, 1982, make the following corrections:

1. In the second column, the date under "EFFECTIVE DATE" now reading "November 9, 1981" should have read "November 29, 1982".

2. In the third column, in footnote number 3, "(March 25, 1981)" should have read "(March 25, 1980)".

BILLING CODE: 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 3

[T.D. 7831]

CLADR Conventions and Holding Period of the Merchant Marine Act of 1970

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the averaging conventions under the Class Life Asset Depreciation Range system (CLADR system) and to the holding period in the Merchant Marine Act of 1970. The regulations affect certain persons who use the CLADR system and certain persons who have capital construction funds under the Merchant Marine Act of 1970.

DATE: In general, the amendments to the regulations under the CLADR system are effective for property placed in service after February 21, 1981. The amendments to the Capital Construction Fund regulations are effective for taxable years beginning after 1976.

FOR FURTHER INFORMATION CONTACT: Marcus B. Blumkin of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (202-566-3463, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background—CLADR Conventions

On November 15, 1979, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 167(m) of the Internal Revenue Code of 1954 (44 FR 65777). A public hearing was held on March 27, 1980. After consideration of all the comments the amendments were adopted by Treasury decision 7763, published in the **Federal Register** on January 22, 1981 (46 FR 6909).

Both the proposed regulations and T.D. 7763 used the phrases "engaging in a trade or business" and "holding depreciable property for the production of income" in § 1.167 (a)-11(c)(2)(iv). A new subdivision (*d*) was added by T.D. 7763 to clarify the use of those phrases with respect to the CLADR conventions. In particular, that regulation provided that, for purposes of applying the CLADR conventions, employees are not considered engaged in a trade or business by virtue of employment. In addition, the Treasury decision provided that persons engaging in *de minimis* amounts of business are not treated as engaging in a trade or business for purposes of applying the conventions with respect to certain assets. A similar rule was provided with respect to the holding of depreciable property for the production of income.

Subdivision (*d*), as well as the remainder of T.D. 7763, was made effective for certain property placed in service on or after November 15, 1979, the date the proposed regulations were published. After publication of that Treasury decision, several taxpayers complained that the clarifying provision was unexpected and that its effective date caused substantial hardship. To alleviate any hardship that may be caused by establishing the rule for property placed in service prior to February 22, 1981 (one month after the date T.D. 7763 was published), the amendments made by this document generally changed the effective date of subdivision (*d*), while also providing taxpayers an election to use the earlier effective date. In addition, these amendments permit certain taxpayers to change the averaging convention adopted for certain taxable years.

Although subdivision (*d*), as amended by this document, generally does not apply for property placed in service prior to February 22, 1981, the general principles of law that determine when a person comes into existence, begins engaging in a trade or business, or holds depreciable property for the production of income may affect application of the CLADR conventions with respect to that property.

Relationship of This Document to ACRS

T.D. 7763 and this document amend § 1.167(a)-11(c)(2)(iv), which pertains to averaging conventions applicable under the CLADR system. Under section 203(b) of the Economic Recovery Tax Act of 1981 (95 Stat. 221), the CLADR system will no longer apply with respect to recovery property (*i.e.*, property covered by the accelerated cost recovery system (ACRS)) placed in service after December 31, 1980. However, under section 168(f)(5) of the Internal Revenue Code (added by section 201(a) of the Act (95 Stat. 214)), for purposes of determining the cost recovery deductions with respect to recovery property, the determination of when a taxable year begins shall be made in accordance with regulations to be prescribed by the Secretary. No inference is to be drawn as to whether the regulations to be issued under section 168(f)(5) will or will not include, in whole or part, the principles set forth in § 1.167(a)-11 (c)(2)(iv), as amended.

Merchant Marine Act

This Treasury decision also amends § 3.4 (c) and (d) (2) to correct the regulations under the Merchant Marine Act of 1970 (84 Stat. 1026). Paragraphs (c) and (d) (2) of § 3.4 were inadvertently amended by T.D. 7728, which was published in the **Federal Register** for November 3, 1980 (45 FR 72649). T. D. 7728 conforms the regulations to the Tax Reform Act of 1976 by changing the holding period in the regulations for purposes of many Code sections. Even though the Tax Reform Act of 1976 did not amend the holding period of the Merchant Marine Act of 1970, T. D. 7728 changed the holding period in the regulations under the 1970 Act. Thus, the amendments to § 3.4 (c) and (d) (2) made by T.D. 7728 have no legal effect. The regulations are corrected by this document.

Since these amendments are interpretative and will not operate to the detriment of any taxpayer, they need not be published with notice of proposed rulemaking.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. For the reasons set forth below no general notice of proposed rulemaking is required by 5 U.S.C. 553(b). Accordingly, no Regulatory Flexibility Analysis is required by 5 U.S.C. chapter 6.

Drafting Information

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

List of Subjects

26 CFR 1.61-1—1.281-4

Income taxes, Taxable income, Deductions, Exemptions.

26 CFR Part 3

Income taxes, Maritime carriers.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1 and 3 are amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. In 26 CFR Part 1, § 1.167(a)-11 (c)(2) (iv) is amended by revising subdivision (*d*) and the first sentence of subdivision (*e*). These revised provisions read as follows:

§ 1.167 (a)-11 Depreciation based on class lives and asset depreciation ranges for property placed in service after December 31, 1970.

* * * * *

(c) *Manner of determining allowance.* * * *

(2) *Conventions applied to additions and retirements.* * * *

(iv) *Rules of application.* * * *

(*d*) For purposes of paragraph (c) (2) (iv) (*c*) of this section—

(*1*) For property placed in service after February 21, 1981, an employee is not considered engaged in a trade or business by virtue of employment.

(*2*) If a person engages in a small amount of trade or business activity after February 21, 1981, for the purpose of obtaining a disproportionately large depreciation deduction for assets for the taxable year in which they are placed in service, and placing those assets in service represents a substantial increase in the person's level of business activity, then for purposes of depreciating those assets the person will not be treated as beginning a trade or business until the increased amount of business activity begins. For property held for the production of income, the principle of the preceding sentence applies.

(*3*) A person may elect to apply the rules of § 1.167 (a)-11(c)(2)(iv)(*d*) as set forth in T.D. 7763 ("(*d*) rules T.D. 7763"). This election shall be made by reflecting it under paragraph (f)(4) of this section in the books and records. If necessary, amended returns shall be filed.

(*4*) If an averaging convention was adopted in reliance on or in anticipation of the (*d*) rules in T.D. 7763, that convention may be changed without regard to paragraph (f)(3) of this section. Similary, if an election is made under paragraph (c)(2)(iv)(*d*)(*3*) of this section to apply to the (*d*) rules in T.D. 7763, the averaging convention adopted for the taxable years for which the election is made may be changed. The change shall be made by filing a timely amended return for the taxable year for which the convention was adopted. Notwithstanding the three preceding sentences, if an averaging convention was adopted in reliance on or in anticipation of the (*d*) rules in T.D. 7763, and if an election is made to apply those rules, the averaging convention adopted cannot be changed except as provided in paragraph (f) of this section.

(*e*) The rules in paragraph (c)(2)(iv)(*c*) of this section do not apply to depreciable property placed in service after November 14, 1979, and the rules in paragraph (c)(2)(iv)(*d*) of this section do not apply to depreciable property placed in service after February 21, 1981, with respect to which substantial expenditures were paid or incurred prior to November 15, 1979. * * *

* * * * *

PART 3—CAPITAL CONSTRUCTION FUND

§ 3.4 [Amended]

Par. 2. In 26 CFR Part 3, paragraphs (c) and (d)(2) of § 3.4 amended by substituting "6 months" for "1 year (6 months for taxable years beginning before 1977, 9 months for taxable years beginning in 1977)" each place it appears in such paragraphs.

The provisions of this Treasury decision are interpretative and will not operate to the detriment of any taxpayer. For this reason, the Treasury decision need not be issed with notice and public procedures under subsection (b) of section 553, Title 5 of the United States Code, or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 167(m) (85 Stat. 508, 26 U.S.C. 167(m)) and 7805 (68A Stat. 917, 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: August 23, 1982.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82-24765 Filed 9-3-82; 4:32 pm]

BILLING CODE 4830-01-M

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26 CFR Part 601

Amendments to the Statement of Procedural Rules To Provide for the Centralized Authorization File

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of the statement of procedural rules.

SUMMARY: This document contains final amendments to the Statement of Procedural Rules. The Statement of Procedual Rules sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service as well as certain rules that apply to the Bureau of Alcohol, tobacco, & Firearms. These amendments will allow the Internal Revenue Service to implement a plan to automate its system of maintaining current information concerning authorized representatives of taxpayers. The automated system, called the Centralized Authorization File (CAF), will allow Service personnel, for example, to identify quickly representatives and the extent of the authorization, and to send automatically refunds, copies of taxpayer notices, and other communications to authorized representatives.

DATES: The amendments are effective on September 9, 1982.

FOR FURTHER INFORMATION CONTACT: Carolyn Swift of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 Attention CC:LR:T (202-566-3458, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final

rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Because this rule is a general statement of rules of Internal Revenue procedure and practice no regulatory analysis is required.

On March 31, 1982, the **Federal Register** published proposed amendments to the Statement of Procedural Rules (26 CFR Part 601) to provide for the implementation of the Centralized Authorization File (CAF) (47 FR 13533). The CAF is an automated system of maintaining taxpayer representative information. A few comments from the public were received. These comments expressed approval of the plan to automate the records and made suggestions concerning the forms used by taxpayer representatives. No hearing was requested. Accordingly, the proposed amendments are adopted without change.

Drafting Information

The principal author of these amendments is Carolyn Swift of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other Offices of the Internal Revenue Service participated in developing the amendments both on matters of substance and style.

List of Subjects in 26 CFR Part 601

Administrative practice and procedure, Aged, Alcohol and alcoholic beverages, Arms and munitions, Cigars and cigarettes, Claims, Freedom of information, Taxes.

Adoption of Amendments to the Statement of Procedural Rules

Accordingly the proposed amendments to the Statement of Procedural Rules (26 CFR Part 601) as published in the **Federal Register** on March 31, 1982 (47 FR 13533), are adopted without change. The regulations are adopted under the authority contained in 5 U.S.C. 301 and 552.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

PART 601—STATEMENT OF PROCEDURAL RULES

Paragraph (b) of § 601.502 is amended by redesignating paragraphs (b) (2), (3), and (4) as (b) (3), (4), and (5), respectively, and by adding a new paragraph (b) (2) to read as follows:

§ 601.502 Requirements for conference recognition to practice and, in certain cases, power of attorney or tax information authorization.

* * * * *

(b) *Requirements to be met by taxpayer's representative in order to be recognized.* * * *

(2) *Centralized Authorization File.* If a representative files with the Service the written declaration required under paragraph (b)(1) of this section and either a power of attorney or a tax information authorization (see paragraph (c) of this section), the representative will be assigned a unique individual number so that information regarding the authorization to represent a taxpayer can be reflected on the Service's Centralized Authorization File (CAF). In the case of an employee plan administrator who is required to obtain an employer identification number to be recognized as a plan administrator, the number used for the CAF will be the employer identification number assigned to the administrator. The CAF is an automated file, containing information regarding the authority of taxpayer representatives, that will allow the Service to handle matters regarding authorizations and representatives quickly and efficiently. Thus, for example, the CAF will allow Service personnel to identify representatives and the scope of their authority and will automatically direct copies of notices and correspondence to person authorized by the taxpayer. After a representative has first been assigned a unique, individual number (or, in the case of an employee plan administrator, the employer identification number), he or she will be requested, but not required, to use that number on all correspondence with the Internal Revenue Service concerning any taxpayer he or she represents.

* * * * *

[FR Doc. 82-24764 Filed 9-8-82; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 541

Control, Custody, Care, Treatment and Instruction of Inmates

Correction

In FR Doc. 82-22351 beginning on page 35920 in the issue of Tuesday, August 17, 1982, make the following corrections;

1. On page 35922, column two, in the line that is 16th from the bottom of the page, "Interim § 542.12" should have read "Interim § 541.12".

2. On page 35926, column two, in the Authority cite, "28 CFR 0.99" should have read "28 CFR 0.95-0.99".

3. In the same column, in the second line of § 541.10(a), "if it necessary" should have read "it is necessary".

4. Table 3, beginning on page 35928 and ending on page 35930, contained errors and omissions and is republished correctly as follows:

TABLE 3—PROHIBITED ACTS AND DISCIPLINARY SEVERITY SCALE

GREATEST CATEGORY

The UDC shall refer all Greatest Severity Prohibited Acts to the IDC with recommendations as to an appropriate disposition.

Code	Prohibited acts	Sanctions
100	Killing	A. Recommend parole date rescission or retardation
101	Assaulting any person (includes sexual assault)	B. Forfeit earned statutory good time (up to 100%) and/or terminate or disallow extra good time (an extra good time sanction may not be suspended)
102	Escape from escort; escape from a secure institution (Security Level 2 through 6); or escape from a Security Level 1 institution *with* violence	C. Disciplinary transfer (recommend)
103	Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of Greatest Severity, e.g., in furtherance of a riot or escape; otherwise the charge is properly classified Code 218, or 329)	D. Disciplinary segregation (up to 60 days)
104	Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive or any ammunition	E. Make monetary restitution
105	Rioting	F. Withhold statutory good time (NOTE.—Can be in addition to A through E—cannot be the only sanction executed)
106	Encouraging others to riot	
107	Taking hostage(s)	
108	Possession or introduction of a hazardous tool (Tools most likely to be used in an escape or escape attempt or to manufacture or serve as weapons capable of doing serious bodily harm to others; or those hazardous to institutional security or personal safety; e.g., hack-saw blade)	
199	Conduct which disrupts or interferes with the security or orderly running of the institution (*Conduct must be of the Greatest Severity nature.* This charge is to be used only when another charge of greatest severity is not applicable)	

HIGH CATEGORY

Code	Prohibited acts	Sanctions
200	Escape from unescorted Community Programs and activities and Open Institutions (Security Level 1) and from outside secure institutions *without* violence	A. Recommend parole date rescission or retardation B. Forfeit earned statutory good time up to 50% or up to 60 days, whichever is less, and/or terminate or disallow extra good time (an extra good time sanction may not be suspended) C. Disciplinary transfer (recommend) D. Disciplinary segregation (up to 30 days) E. Make monetary restitution F. Withhold statutory good time G. Loss of privileges: commissary, movies, recreation, etc. H. Change housing (quarters) I. Remove from program and/or group activity J. Loss of job K. Impound inmate's personal property L. Confiscate contraband M. Restrict to quarters
201	Fighting with another person	
202	(Not to be used)	
203	Threatening another with bodily harm or any other offense	
204	Extortion, blackmail, protection: Demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing	
205	Engaging in sexual acts	
206	Making sexual proposals or threats to another	
207	Wearing a disguise or a mask	
208	Possession of any unauthorized locking device, or tampering with or blocking any lock device (includes keys)	
209	Adulteration of any food or drink	
210	Possession, introduction, or use of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff	
211	Possessing any officer's or staff clothing	
212	Engaging in, or encouraging a group demonstration	
213	Encouraging others to refuse to work, or to participate in a work stoppage	
214	Refusing to provide a urine sample or to take part in other drug-abuse testing	
215	Introduction of alcohol into BOP facility	
216	Giving or offering an official or staff member a bribe, or anything of value	
217	Giving money to, or receiving money from, any person for purposes of introducing contraband or for any other illegal or prohibited purposes	
218	Destroying, altering, or damaging government property, or the property of another person, having a value in excess of $100.00	
219	Stealing (theft)	
220	Demonstrating, practicing, or using martial arts, boxing (except for use of a punching bag), wrestling, or other forms of physical encounter, or military exercises or drill	
299	Conduct which disrupts or interferes with the security or orderly running of the institution (*Conduct must be of the High Severity nature.* This charge is to be used only when another charge of high severity is not applicable)	

MODERATE CATEGORY

Code	Prohibited acts	Sanctions
300	Indecent exposure	A. Recommend parole date rescission or retardation B. Forfeit earned statutory good time up to 25% or up to 30 days, whichever is less, and/or terminate or disallow extra good time (an extra good time sanction may not be suspended) C. Disciplinary transfer (recommend) D. Disciplinary segregation (up to 15 days) E. Make monetary restitution F. Withhold statutory good time G. Loss of privileges: commissary, movies, recreation, etc. H. Change housing (quarters) I. Remove from program and/or group activity J. Loss of job K. Impound inmate's personal property L. Confiscate contraband M. Restrict to quarters N. Extra duty
301	(Not to be used)	
302	Misuse of authorized medication	
303	Possession of money or currency, unless specifically authorized	
304	Loaning of property or anything of value for profit or increased return	
305	Possession of anything not authorized for retention or receipt by the inmate, and not issued to him through regular channels	
306	Refusing to work, or to accept a program assignment	
307	Refusing to obey an order of any staff member (May be categorized and charged in terms of greater severity, according to the nature of the order being disobeyed; e.g., failure to obey an order which furthers a riot would be charged as 105, Rioting; refusing to obey an order which furthers a fight would be charged as 201, Fighting; refusing to provide a urine sample when ordered would be charged at Code 214)	
308	Violating a condition of a furlough	
309	Violating a condition of a community program	
310	Unexcused absence rom work or any assignment	
311	Failing to perform work as instructed by the supervisor	
312	Insolence towards a staff member	
313	Lying or providing false statement to a staff member	
314	Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper. (May be categorized in terms of greater severity according to the nature of the item being reproduced; e.g., counterfeiting release papers to effect escape, Code 102 or Code 200)	
315	Participating in an unauthorized meeting or gathering	
316	Being in an unauthorized area	
317	Failure to follow safety or sanitation regulations	
318	Using any equipment or machinery which is not specifically authorized	Sanctions A-N.
319	Using any equipment or machinery contrary to instructions or posted safety standards	
320	Failing to stand count	
321	Interfering with the taking of count	
322	Making, possessing, or using intoxicants	
323	Refusing to breathe into a breathalyzer or take part in other alcohol abuse testing	
324	Gambling	
325	Preparing or conducting a gambling pool	
326	Possession of gambling paraphernalia	
327	Unauthorized contacts with the public	
328	Giving money or anything of value to, or accepting money or anything of value from: another inmate, or any other person without staff authorization	
329	Destroying, altering, or damaging government property, or the property of another person, having a value of $100.00 or less	
330	Being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards	
331	Possession or introduction of a non-hazardous tool (Tool not likely to be used in an escape or escape attempt, or to be manufactured or to serve as a weapon capable of doing serious bodily harm to others, or not hazardous to institutional security or personal safety)	
399	Conduct which disrupts or interferes with the security or orderly running of the institution (*Conduct must be of the Moderate Severity nature*). This charge is to be used only when another charge of moderate severity is not applicable	

LOW MODERATE CATEGORY

Code	Prohibited acts	Sanctions
400	Possession of property belonging to another person	E. Make monetary restitution
401	Possessing unauthorized clothing	F. Withhold statutory good time
402	Malingering, feigning illness	G. Loss of privileges: commissary, movies, recreation, etc.
403	Smoking where prohibited	H. Change housing (quarters)
404	Using abusive or obscene language	I. Remove from program and/or group activity
405	Tattooing or self-mutilation	J. Loss of job
406	Unauthorized use of mail or telephone (Restriction, or loss for a specific period of time, of these privileges may often be an appropriate sanction G)	K. Impound inmate's personal property L. Confiscate contraband
407	Conduct with a visitor in violation of Bureau regulations (Restriction, or loss for a specific period of time, of these privileges may often be an appropriate sanction G)	M. Restrict to quarters N. Extra duty
408	Conducting a business	O. Reprimand P. Warning
499	Conduct which disrupts or interferes with the security or orderly running of the institution (*Conduct must be of the Low Moderate Severity nature.* This charge is to be used only when another charge of low moderate severity is not applicable)	

5. On page 35930, in the first column of Table 4, in the 20th line, "time delegated" should have read "time is delegated".

6. On page 35931, in § 541.14(a), the line that is 11th from the bottom of the second column of the page now reading ". . . to the Greatest Severity Category, the . . ." should have read ". . . to the appropriate correctional supervisor. Except for prohibited acts in the Greatest Severity Category, the . . .".

7. In the next column, in paragraph (b) of §541.14, in the fourth and fifth lines, "investigation officer" should have read "investigating officer".

8. On page 35932, in § 541.15, there is text duplicated in the introductory text to the section. Beginning with the second word in the 10th line of the second column and ending after the third word in the 14th line, remove the following words:

"When an alleged violation of Bureau rules is serious and warrants consideration for other than minor sanctions, the UDC may impose minor dispositions and sanctions."

9. On page 35933, in § 541.17, in the ninth line from the bottom of the second column, the last line of paragraph (b) should have ended with the word "Committee", and the sentence beginning "When it appears . . ." should have been on a new line.

10. On page 35935, in § 541.21(b), in the 12th line from the top of the second column, there should have been a period after the word "segregated".

11. On page 35936, in § 541.22(c)(1), in the 23rd line from the top of the third column, the sentence beginning with "Staff shall . . ." should have been on a new line.

12. On page 35937, in paragraph (d) of § 541.22, in the 21st line from the top of the first column, capitalize the U in "unless".

13. In the same column, in the last line, the sentence beginning "The Warden may . . ." should have been on a new line.

BILLING CODE: 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 840, 842, 843, and 845

Permanent Regulatory Program Modifications; Inspection and Enforcement; Civil Penalty Assessments

Correction

In FR Doc. 82-21917 beginning on page 35620 in the issue of Monday, August 16, 1982, make the following correction.

On page 35627, first column, the fifth line from the bottom of the page now reading "authority is necessary for effective" should have read "authority chooses not to participate, or where OSM determines that a Federal inspection without participation by the State regulatory authority is necessary for effective".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 147

[CCGD 11-79-02]

Establishment of Safety Zones Around Structures on the Outer Continental Shelf (OCS) and the Navigable Waters of the United States

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule adopts regulations which establish safety zones around fixed structures on the Outer Continental Shelf (OCS) and in the navigable waters off Southern California and establishes regulations for navigation within such safety zones. The need for these safety zones has been created by the presence of fixed structures in the vicinity of areas of vessel navigation and an increase in vessel traffic off of Southern California. While the direct effect of this action will be minimal, it will have a substantial indirect effect. The safety zones will be indicated on navigation charts which will make the fixed structures more readily apparent to the mariner. The safety zones will also give the Coast Guard a very effective enforcement tool in the event of a near miss between a vessel and a fixed structure. The establishment of safety zones around offshore structures is one method recommended by the Intergovernmental Maritime Organization (IMO) in its Resolution A.379(X) by which to resolve the conflict between oil and gas activities and vessel navigation. The overall impact of this action will be to promote the safety of life and property on the structures, their appurtenances and attending vessels and on the adjacent waters within the safety zones.

EFFECTIVE DATE: These safety zones and regulations become effective October 12, 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Jan E. Terveen, c/o Commander, Eleventh Coast Guard District (m), Room 917, 400 Oceangate, Long Beach, CA 90822, (213) 590-2301.

SUPPLEMENTARY INFORMATION: On March 18, 1982 the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (47 FR 11719). Interested parties were requested to submit comments and twelve were received.

Drafting Information

The principal persons involved in drafting these regulations are Lieutenant Commander Jan E. Terveen, U.S. Coast Guard, Project Officer, and Lieutenant

Commander William P. Athayde, U.S. Coast Guard, Project Attorney.

Discussion of Comments

All of the comments received in response to the notice of proposed rulemaking generally support the overall objective of these regulations, although many of the responses recommended minor modifications to the proposal. Most of these recommended changes have been accommodated.

In response to one commenter the name designations of two safety zones have been changed to reflect the proper names of the installations that they will encircle. The Platform Hondo Safety Zone has been changed to the Platform Hondo A Safety Zone and the Platform Hondo OS&T has been changed to the Exxon Santa Ynez OS&T. Also, the latitude coordinates of the OS&T have been corrected.

Two commenters requested that the definition of "Attending Vessel" in § 147.05–1101 be changed by adding the word "equipment" to the list of things carried to and from the facility and by adding the words "and drilling" after the word "facility" the last time it is used in the definition. The first recommendation has been adopted but the latter has not. It is felt that the second recommended change would do little to clarify the definition. The commenters are concerned that the existence of a safety zone around a permanent platform would preclude another oil company from conducting exploratory drilling operations from within the safety zone. This is not the case. The definition as proposed specifically allows for that type of activity.

Another commenter was also concerned that if a platform were sited near the boundary of a lease that its safety zone could extend into an adjacent lease and adversely affect that leaseholder's ability to fully explore his lease. Again, it is felt that the definition of "Attending Vessel" specifically allows for further exploratory drilling within the safety zone. This commenter was also concerned about the safety of allowing recreational vessels to operate in the vicinity of the offshore platforms and asked that this issue be considered prior to the issuance of the final rule. This situation was considered in each step of the rulemaking process and was not addressed in the regulations because it was beyond the scope of the need for the safety zone, which is to protect the structures themselves. It is felt that the problem of small recreational operation in an unsafe manner around offshore structures can be handled within the existing regulatory framework.

Three commenters were concerned over the size of the proposed safety zones. Two of those commenters felt that 500 meters should be a minimum and advocated larger safety zones. The third commenter felt that 500 meters was more than adequate to insure the safety of an offshore platform and that the requirement to site a structure more than 500 meters from the boundary of a traffic lane would unnecessarily increase the cost of producing from prospects located under the traffic lanes. The size of safety zones on the Outer Continental Shelf are limited to 500 meters. While smaller safety zones could be established, the 500 meter perimeter is internationally recognized and accepted and it is felt this maximum size is necessary to accomplish the stated prupose of the safety zones. The additional costs which may be incurred by having to site a structure at least 500 meters from a traffic lane are more than offset by the increased safety of the platform with respect to vessel navigation.

One commenter was concerned about the proposal to exclude all vessels from the safety zone around the Hondo (Exxon Santa Ynez) OS&T. This area has been identified by commercial fishing interests as an important fishing ground for several species. The proposed safety zone of 1108 meter radius would have prohibited fishing vessels from 1.506 square miles of surface area around the OS&T. Further consultation with the owners of the facility and representatives of various fishermen's organizations indicated that the dangers which the facility posed with respect to fishing vessels operating in the area could be satisfactorily mitigated without the need for a total exclusion of such vessels from the safety zone. Consequently the regulation for the Exxon Santa Ynez safety zone has been amended to allow vessels under 100 feet in length overall not engaged in towing to operate within the safety zone.

One commenter was concerned about the difficulty in displaying the safety zones on navigation charts as they are described in the regulations. While the actual safety zones are described as a line 500 meters from each point on the structures outer edge, for simplicity they will be displayed on charts as a circle 500 meters in radius from the center of the platform. This difference will not affect the effectiveness of these safety zones.

Discussion of Other Changes

Since the Notice of Proposed Rulemaking was published the need for safety zones around those platforms which are close to shore and away from areas with an appreciable level of marine traffic has been re-examined. It was determined that the type and level of vessel traffic near certain platforms which were being proposed for safety zones did not justify the need for those safety zones. Consequently the safety zones proposed for Platforms Herman, Holly, Eva, Emmy, and Belmont Island have been withdrawn.

The need to exclude fishing vessels from those safety zones around platforms which lie within internationally adopted traffic separation schemes was also re-examined. It was determined that the aspect of a fishing vessel operating within the safety zone did not differ appreciably to the passing mariner from that of an attending vessel. Hence, it was determined that this exclusion was not justified and the Platforms Edith and Ellen and Elly Safety zone rules were amended to so indicate.

List of Subjects in 33 CFR Part 147

Outer Continental Shelf safety zones.

Final Rule

In consideration of the foregoing, Part 147 of Title 33, Code of Federal Regulations is amended as follows:

PART 147—SAFETY ZONES

1. The authority citation for Part 147 is revised to read as follows:

Authority: Sec. 203, Pub. L. 95–372, 92 Stat. 636 (43 U.S.C. 1333(d)(1)); sec. 6(b)(1), 80 Stat. 938 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b), 33 CFR 147.01–3.

2. Section 147.05–11.01 and § 147.05–11.04 are removed.

3. The regulations on OCS Safety Zones, 33 CFR Subpart 147.05, are revised to read as follows:

Subpart 147.05—OCS Safety Zones

147.05–11.01 Definitions.
147.05–11.02 Platform Grace safety zone.
147.05–11.03 Platform Gina safety zone.
147.05–11.04 Platform Ellen and Elly safety zone.
147.05–11.05 Platform Hondo safety zone.
147.05–11.06 Exxon Santa Ynez offshore storage and treatment vessel mooring safety zone.
147.05–11.07 Platform Gilda safety zone.
147.05–11.08 Platform Edith safety zone.

Subpart 147.05—OCS Safety Zones

§ 147.05—11.01 Definitions.

Attending Vessel.—As used in safety zones established in the Eleventh Coast Guard District, unless otherwise stated, the term "attending vessel" refers to any vessel operated by the owner or operator of a facility located on the

Outer Continental Shelf, which is used for the purpose of carrying supplies, equipment or personnel to or from the facility, engaged in construction, maintenance, alteration or repair of the facility, or which is used for further exploration, production, transfer or storage of natural resources from the seabed beneath the safety zone.

§ 147.05-11.02 Platform GRACE safety zone

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-10'-47"N, 119°-28'-05"W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05-11.03 Platform GINA safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-07'-02"N, 119°-16'-35"W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05-11.04 Platform ELLEN & ELLY safety zone.

(a) *Description:* The areas within a line 500 meters from each point on the outer edge of each structure. The structures are approximately 120 meters apart. The position of the center of each structure is: Platform Ellen, 33°-34'-57"N, 118°-07'-42"W; and Platform Elly, 33°-35'-00"N, 118°-07'-40"W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel serving either structure, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05-11.05 Platform HONDO safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-23'-27"N, 120°-07'-14"W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05-11.06 Exxon Santa Ynez offshore storage and treatment vessel mooring safety zone.

(a) *Description:* The area within a line 1108 meters for the center of the mooring. The position of the center of the mooring is 34°-24'-19"N 120°-06'00"-W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05-11.07 Platform GILDA safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-10'-56"N. 119°-25'-07"W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05-11.08 Platform EDITH safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33°-35'-45"N. 118°-08'-27"W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 82-24701 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-5-FRL-21374]

Delayed Compliance Order for Columbus and Southern Ohio Electric Co.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to Columbus and Southern Ohio Electric Company (C&SOE). The Order requires C&SOE to bring air emissions from four coal-fired boilers at the Conesville Generating Station into compliance with 40 CFR 52.1881(b)(21), part of the federally promulgated state implementation plan (SIP) for Ohio. Compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered in the Order during the period the Order is in effect and the source is in compliance with its terms.

DATE: This rule takes effect September 9, 1982.

FOR FURTHER INFORMATION CONTACT: Catherine Fox, Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, telephone (312) 886-6849.

SUPPLEMENTARY INFORMATION: On January 29, 1982 (47 FR 4320), the Regional Administrator of U.S. EPA's Region V Office published in the **Federal Register** a notice setting out the provisions of a proposed Federal Delayed Compliance Order for C&SOE. The notice provided a 30-day period for public comments and offered the opportunity to request a public hearing on the proposed Order. In response to the Commonwealth of Pennsylvania, Department of Environmental Resource's request, the public comment period was extended 30 days to March 31, 1982. During the public comment period, two comments were received which addressed several issues. Each of these comments is discussed below.

Comment: One commentator expressed concern with the emission limit of 5.66 lbs. SO_2/MMBTU for stacks #1, #2, and #3 at the Conesville Generating Station.

Response: The emission limitation is not at issue with respect to this rulemaking. U.S. EPA is not acting on the numerical value of the emission limit, but only on the compliance schedule. U.S. EPA promulgated the emission limit on August 27, 1976 (41 FR 36324) and amended the emission limit on May 31, 1977 (42 FR 27588). Compliance with the emission limit was stayed pursuant to the U.S. Court of Appeals for the Sixth Circuit's remand to U.S. EPA for further consideration the Agency's use of the Pasquill-Gifford (P-G) Class A dispersion coefficients in setting emission limitations. On February 7, 1979, U.S EPA solicited

comments on its preliminary findings on the Class A issue (44 FR 7798). On June 19, 1980, the Agency published its reconsideration of the issue and affirmed its original use of the P-G Class A coefficients in setting emission limitations, thus reaffirming the emission limitations for C&SOE's Conesville Generating Station (45 FR 41501). The original compliance schedule was restarted as of that date and required achievement of final compliance by June 19, 1983 (45 FR 73927). On April 29, 1981, the Agency promulgated an alternative compliance schedule for C&SOE stacks #1, #2, and #3 based on their stated intention to install a coal washing facility to achieve compliance (46 FR 23926). This rulemaking only extends the period necessary to meet interim dates set forth in the alternative schedule and the final compliance date for stack #3.

Comment: Both commentators questioned whether the proposed Order prescribes interim emission reduction requirements for the period during which this Order is in effect.

Response: Pursuant to these comments, U.S. EPA reconsidered the interim emission reduction requirements. The proposed Order required that C&SOE achieve compliance for stacks #1 and #2 one year earlier than June 19, 1983, the date for final compliance in the original and alternative schedules. The final Order requires additional interim emission reductions. C&SOE must use the best practicable system(s) of emission reduction so as to minimize SO_2 emissions. Such system(s) includes achievement of early compliance by stacks #1 and #2, maintenance of the existing fuel supply contracts or equivalent and maintenance of the existing method of operation, avoidance of any imminent and substantial endangerment to health of persons, and compliance with the requirements of the applicable implementation plan to the extent C&SOE is able to do so.

Comment: A commentator asserted that U.S. EPA had not stated what effect the grant of this Order would have on the attainment and maintenance of national ambient air quality standards (NAAQS).

Response: Section 113(d) of the Act does not require the protection of ambient standards during the period of delayed compliance. Nevertheless, the Agency reviewed the previous SIP modeling to determine the effect of the Order on the NAAQS. The modeling predicted four 24-hour primary violations assuming status quo emissions. Considering the interim emission reductions for stacks #1 and #2, as required by the Order, the modeling indicates that there will be no primary violations. Thus, the order will result in attainment of the primary NAAQS one year earlier than the original and alternative compliance schedules.

Comment: A commentator expressed concern that U.S. EPA's proposed Order and Notice thereof did not state what consideration the Agency had given to C&SOE's past compliance efforts, including any egregious history of noncompliance, recalcitrance or environmental harm.

Response: The original and alternative compliance schedules require achievement of final compliance by June 19, 1983. Since C&SOE stated that it intended to install a coal washing facility to achieve compliance, the facility is required to meet interim dates set forth in the alternative schedule as well as the final compliance date. On September 9, 1981, U.S. EPA notified C&SOE that it had failed to meet four interim milestones on June 18, 1981 and June 24, 1981. U.S. EPA determined that C&SOE was unable to comply with interim requirements and proposed issuance of this Order to extend the compliance dates. C&SOE has complied with interim requirements of the Order. U.S. EPA believes that this compliance history does not constitute an egregious history of noncompliance or recalcitrance.

Comment: A commentator claimed that C&SOE has not alleged and has not demonstrated an inability to comply with the requirements of the alternative compliance schedule. The commentator stated that C&SOE's request for an additional year is purportedly based on a 72-day strike in 1981 by the United Mine Workers and C&SOE does not explain how such a strike would require a 12-month extension of the compliance schedule.

Response: In a letter dated May 28, 1981, from C&SOE to Ms. Anne Gorsuch, Administrator, U.S. EPA, C&SOE alleged that milestones (2) through (11) of paragraph (i), 40 CFR 52.1882, are unrealistic and not feasible. C&SOE claimed that a 12-month extension of the final compliance date was necessary. C&SOE submitted a document, dated October 30, 1981, in response to U.S. EPA's Notice of Violation, to support the requested extension for stack #3. This document is contained in Docket EPA-5-82-A(d)(1)-5 for the Conesville Generating Station in the Region V office. The document indicates that C&SOE needed to complete feasibility studies of the nature, location and amount of recoverable area coal reserves to ensure sufficient long term coal supplies in terms of production capabilities and to conduct additional coal washability studies to enable C&SOE to design an appropriate coal washing plant. A one-year extension of the compliance date for stack #3 is required to allow C&SOE sufficient time to complete the supply and washability studies and design and construct the coal washing plant. Based on these materials and U.S. EPA's own evaluation, C&SOE is unable to comply with requirements of the alternative compliance schedule at stack #3.

Therefore, a Delayed Compliance Order effective this date is issued to C&SOE by the Administrator of U.S. EPA pursuant to the authority of section 113(d) of the Act, 42 U.S.C. 7413(d). The Order places C&SOE on a schedule to bring four coalfired boilers at its Conesville Generating Station into compliance as expeditiously as practicable with 40 CFR 52.1881(b)(21). C&SOE is unable to immediately comply with this regulation. The order also imposes interim requirements which meets sections 113(d)(1)(c) and 113(d) (6) and (7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit C&SOE to delay compliance with the SIP regulations covered by the Order until June 19, 1984.

Compliance with the Order by C&SOE will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under section 113 of the Act for violations of the SIP regulations covered by the Order are similarly precluded. Enforcement may be inititated, however, for violations of the terms of the Order, and for violations of regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that C&SOE is in violation of a requirement contained in the Order, one or more of the actions required by section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice (September 9, 1982) because of the need to immediately place C&SOE on a schedule for compliance with the State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

List of Subjects in 40 CFR Part 65

Air pollution control.

Dated: August 31, 1982.

Anne M. Gorsuch,

Administrator.

PART 65—DELAYED COMPLIANCE ORDERS

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

Amend § 65.400 by adding an entry to the table to read as follows:

§ 65.400 Federal Delayed Compliance Orders issued under section 113(d) (1), (3), and (4) of the Act.

* * * * *

Source and location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Columbus & Southern Ohio Electric Co., Conesville, Ohio.	EPA-5-82-A(d)(1)-5.	Jan. 29, 1982	40 CFR 52.1881 et. seq.	June 19, 1984.

[FR Doc. 82-24702 Filed 9-8-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6330

[A-13380; A-13382; A-13436]

Arizona; Revocation of Stock Driveway Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a number of Departmental orders affecting 152,793.89 acres of public and non-public lands withdrawn for stock driveway purposes. The effects of this order will be as follows:

(1) 141,524.83 acres will be restored to operation of the public land laws. These lands have been and will remain open to mining and mineral leasing;

(2) 6,975.56 acres classified for State selection pursuant to application filed by the State of Arizona will remain closed from disposition under public land laws, including the mining laws, but not the mineral leasing laws;

(3) 4,293.50 acres are non-public lands and will not be subject to operation of the public land laws.

EFFECTIVE DATE: October 7, 1982.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Order of March 18, 1918, creating Stock Driveway No. 10; the Departmental Order of February 4, 1919, creating Stock Driveway No. 56 and enlarged by Departmental Orders of June 30, 1920, May 3, 1929, July 31, 1930, November 3, 1933, February 10, 1942, and August 19, 1941; and Departmental Order of June 6, 1923, creating Stock Driveway No. 164 and enlarged by Departmental Orders of July 29, 1924, May 19, 1938, and December 1, 1954, are hereby revoked in their entirety.

2. The following described lands have been classified for State Selection under the Act of June 20, 1910 (36 Stat. 557), pursuant to an application filed by the State of Arizona. These lands will remain segregated from disposition under other public land laws including the mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws:

Gila and Salt River Meridian, Arizona

T. 6 N., R. 2 E.,
- Sec. 4, lots 3, 4, S½NW¼, SW¼;
- Sec. 5, lots 1, 2, the East three-quarters (E¾) of Lot 3, Lot 4, S½NE¼, N½SW¼NW¼, SW¼SW¼NW¼, E½SE¼NW¼, E½NW¼SE¼NW¼, N½NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, NE¼SE¼NE¼SW¼, S½SE NE¼SW¼, W½NW¼SW¼, SE¼NW¼SW¼,SW¼SW¼, E½SE¼SW¼, W½SW¼SE¼SW¼, SE¼;
- Sec. 8, NE¼, NE¼NE¼NW¼, W½W½NE¼NW¼, E½SE¼NE¼NW¼, W½NW¼, E½NE¼SE¼NW¼,W½SE¼NW¼, W½E½SW¼, W½SW¼, SE¼;
- Sec. 9, W½;
- Sec. 16, W½;
- Sec. 17, NE¼, E½E½NE¼NW¼, W½NE¼NW¼, W½NW¼, W½SE¼NW¼, E½NE¼SE¼NW¼, NW¼NE¼SW¼, W½SW¼, W½SE¼SW¼, E½SE¼, E½NW¼SE¼, E½W½NW¼SE¼, NE¼SW¼SE¼, E½NW¼SW¼SE¼, S½SW¼SE¼;
- Sec. 20, E½NE¼, E½W½NE¼, NW¼NW¼NE¼, E½SW¼NW¼NE¼, E½NW¼SW¼NE¼, W½NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, E½SE¼, NE¼NW¼SE¼, W½W½NW¼SE¼, E½SE¼NW¼SE¼, W½SW¼SE¼, W½SE¼SW¼SE¼;
- Sec. 21, W½;
- Sec. 29, E½NE¼NE¼, E½W½NE¼NE¼, W½NE¼NW¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, SW¼NE¼, E½SE¼NE¼, E½NW¼SE¼NE¼, W½, E½NE¼SE¼, W½W½NE¼SE¼, W½SE¼, NE¼SE¼SE¼, W½W½ SE¼SE¼, W½E½SW¼SE¼SE¼, E½W½SE¼SE¼SE¼, E½SE¼SE¼SE¼;
- Sec. 32, Lots 1, 2, 3, the West three-quarters (W¾) of Lot 4, E½E½E½NE¼, W½E½NE¼, W½NE¼, NW¼, N½SW¼, W½NE¼SE¼, W½SE¼NE¼SE¼, NW¼SE¼.

T. 7 N., R. 2 E.,
- Sec. 28, E½, W½NE¼NW¼, W½NW¼, E½NE¼SE¼NW¼, W½NW¼SE¼NW¼, SE¼SE¼NW¼, E½NE¼SE¼, E½W½ NE¼SW¼, N½NW¼, SW¼, N½S½ NW¼SW¼, S½SW¼;
- Sec. 29, SW¼, N½NE¼SE¼, N½S½ NE¼SE¼, NW¼SE¼, SE¼NE¼SW¼SE¼, N½NW¼SW¼SE¼, SW¼NW¼SW¼SE¼, NW¼SW¼SW¼SE¼, SE¼SW¼SE¼, NE¼SE¼SE¼, NE¼NW¼SE¼SE¼, S½ NW¼SE¼SE¼,S½ SE¼SE¼;
- Sec. 32, NE¼NE¼, NE¼NW¼NE¼, E½NW¼NW¼NE¼, S½NW¼NE¼, S½NE¼, W½NE¼NE¼NW¼, W½NE¼ NW¼, NW¼NW¼N½SW¼NW¼, SW¼SW¼NW¼, W½SE¼SW¼NW¼, W½NW¼SE¼NW¼, E½E½ SW¼, E½W½E½SW¼, W½NE¼NW¼SW¼, W½NW¼SW¼, SE¼NW¼SW¼, SW¼SW¼, SE¼;
- Sec. 33;
- Sec. 34, NW¼NE¼, N½NW¼, SW¼NW¼.

The areas described aggregate approximately 6,975.56 acres.

3. At 10 a.m. on October 7, 1982, the public lands identified in paragraph 1, except as provided in paragraph 2, will be open to operation of the public land laws, generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable laws. All valid applications received at or prior to 10 a.m. on October 7, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing. The public lands, with the exception of those described in paragraph 2, will remain open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: September 1, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-24771 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6331

[M 40684]

Montana; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial order, as modified, which withdrew public lands for a stock driveway. This action will restore 80 acres to operation of the public land laws generally.

EFFECTIVE DATE: October 7, 1982.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-6291.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated January 16, 1920, as modified, which withdrew lands for Stock Driveway Withdrawal No. 122, Montana No. 4, is hereby revoked in entirety:

Principal Meridan

T. 11 N., R. 20 E.,
Sec. 3, SW¼NW¼ and NW¼SW¼.

The area described contains 80 acres in Golden Valley County.

2. At 8 a.m. on October 7, 1982, the lands shall be open to 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 8 a.m. on October 7, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to location under the United States mining laws and 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, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 82-24769 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6332

[OR-22460 (WASH)]

Washington; Revocation of Coal Land Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order which withdrew 5,262.30 acres of land from disposal under the coal land laws. This action would clear the official land status records of a withdrawal no longer needed.

EFFECTIVE DATE: September 9, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of October 10, 1906, which withdrew the following described lands from disposal under the coal land laws is hereby revoked:

Willamette Meridian, Wenatchee National Forest

T. 19 N., R. 15 E.,
Sec. 14, lots 1, 2, 3, and 4, and S½N½, and S½;
Sec. 16, lots 1, 2, 3, and 4, and S½N½, and S½;
Sec. 18, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 22;
Sec. 24, lots 1, 2, 3, and 4, W½E½, and W½, except M.S. 1201;
Sec. 26;
Sec. 28, NE¼ and NE¼NW¼;
Sec. 36.

The area described contains approximately 5,262.30 acres in Kittitas County.

2. The coal land laws have been superseded, and the land described in paragraph one has been and continues to be open to such forms of disposition as may by law be made of national forest lands, including the United States mining and mineral leasing laws.

Dated: September 1, 1982.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 82-24770 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 4, 26, 35, 78, 97, 109, 167, 185, and 196

[CGD 76-170]

Casualty Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This Final Rule amends the Interim Final Rule regarding casualty reporting which became effective on January 1, 1981. It will exclude the reporting requirements of certain accidents relating to shipyard and harbor workers, when such accidents or casualties are subject to reporting requirements of the Occupational Safety and Health Act. The effect will be the elimination of dual reporting requirements and a reduction in the paperwork burden on the affected public.

DATES: Effective October 12, 1982.

FOR FURTHER INFORMATION CONTACT: LT Carl Mosebach, Office of Merchant Marine Safety (G-MMI/24), Room 2407, U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, D.C. 20593 (202) 426-1455.

SUPPLEMENTARY INFORMATION: The Coast Guard published an Interim Final Rule on November 24, 1980 (45 FR 77439) to become effective on January 1, 1981. As a result of that Interim Final Rule a total of 34 comments were received. The majority of comments received addressed the apparent duplication of accident reporting requirements concerning shipyard and harbor workers as specified in § 4.03-1 and § 4.05-1 and a similar reporting requirement of the Occupational Safety and Health Administration under 29 CFR Part 1904. The Coast Guard has reviewed all comments and agrees there is an unnecessary duplication of reporting requirements. Dual reporting requirements placed a burden upon industry which could result in additional cost and lost time from two different federal agencies investigating the same accident. Coast Guard use of annual death or injury statistics resulting from industrial accidents not directly related to marine safety could be misleading and distort the safety record of the segment of the marine industry required to make the report.

While the Interim Final Rule requested comments on only the above sections, the same duplicative reporting requirements are found in other parts of Title 46; therefore, this rule also amends

the other applicable parts of Title 46 of the Code of Federal Regulations. The Coast Guard appreciates the response made by the public in regard to these duplicative reporting requirements.

Some additional comments not specifically addressing § 4.03–1 and § 4.05–1 were received. The Coast Guard is considering these comments and is presently studying the casualty reports received under the Interim Final Rule with the view that in the fall of 1982 a proposal to revise certain of these requirements may be developed.

Information Reporting and Paperwork Requirements

This Final Rule reduces the occasions upon which a report must be submitted and reduces overall paperwork reporting requirements by an estimated one to two percent. On May 6, 1981 the Office of Management and Budget in accordance with the Paperwork Reduction Act approved both forms CG–2692 and CG–924E for use through May 31, 1984. As a result of the comments and discussions concerning the revised marine casualty reporting requirements the Coast Guard is in the process of revising and combining the Casualty Report forms. A new form combining the present CG–2692 and CG–924E has been developed. The new form and appropriate revised regulations have been approved by the Office of Management and Budget under Control Number 21150003 and were published in the **Federal Register** on August 16, 1982 at 47 FR 35736. The compliance costs to the public for completing this new form have been determined to be $128,620. This figure is based on the projected submission of 6,431 reports which require one hour to complete at a cost of $20 per hour. Therefore, the estimated one to two percent reduction in reports submitted as a result of this final rule will yield a $1200 to $2600 annual savings in public compliance costs.

Regulatory 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 will 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.

Environmental Impact

It has been determined that there will be no impact on the environment as a result of this rulemaking.

List of Subjects

46 CFR Part 4

Administrative practice and procedure, Investigations, Marine safety accidents, Reporting requirements.

46 CFR Part 26

Marine safety, Penalties, Reporting requirements, Uninspected vessels, Navigation (water), Passenger vessels, Fishing vessels, Tow boats.

46 CFR Part 35

Hazardous materials, Transportation, Marine safety, Tank vessels, Barges.

46 CFR Part 78

Marine safety, Passenger vessels, Penalties, Reporting requirements, Navigation (water).

46 CFR Part 109

Reporting requirements, Vessels, Outer Continental Shelf, Marine safety accidents.

46 CFR Part 167

Fire prevention, Reporting requirements, Marine safety, Nautical school ships.

46 CFR Part 185

Marine safety, Small passenger vessels, Reporting requirements, Navigation (waters).

46 CFR Part 196

Diving accidents, Marine safety, Occupational safety and health, Vessels, Reporting requirements.

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

PART 4—MARINE INVESTIGATION REGULATIONS

1. By amending § 4.01–3 by adding paragraph (c) as follows:

§ 4.01–3 [Amended]

* * * * *

(c) Vessels are excluded from the requirements of § 4.05–1(d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g. collision) or a vessel equipment casualty (e.g. cargo boom failure) *and* are subject to the reporting requirements of Occupational Safety and Health Administration (OSHA) under 29 CFR Part 1904.

PART 26—OPERATIONS

2. By revising § 26.08–3 to read as follows:

§ 26.08–3 Reporting exclusion.

(a) Vessels subject to 33 CFR 173.51 are excluded from the requirements of Subpart 26.08 of this part.

(b) Vessels excluded from the requirements of § 4.05–1 (d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g. collision) or a vessel equipment casualty (e.g. cargo boom failure) *and* are subject to the reporting requirements of OSHA under 29 CFR Part 1904.

PART 35—OPERATIONS

3. By amending § 35.15–1 by adding paragraph (g) as follows:

§ 35.15–1 [Amended]

* * * * *

(g) Vessels are excluded from the requirements of § 405–1 (d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g. collision) or a vessel equipment casualty (e.g. cargo boom failture) *and* are subject to the reporting requirements of OSHA under 29 CFR Part 1904.

PART 78—OPERATIONS

4. By amending § 78.07–1 by adding paragraph (c) as follows:

§ 78.07–1 [Amended]

* * * * *

(c) Vessels are excluded from the requirements of § 4.05–1 (d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g. collision) or a vessel equipment casualty (e.g. cargo boom failure) *and* are subject to the reporting requirements of OSHA under 29 CFR Part 1904.

PART 97—OPERATIONS

5. By revising § 97.07–1 by adding paragraph (c) as follows:

§ 97.07–1 [Amended]

* * * * *

(c) Vessels are excluded from the requirements of § 4.05–1 (d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a

vessel casualty (e.g. collision) or a vessel equipment casualty (e.g. cargo boom failure) *and* are subject to the reporting requirements of OSHA under 29 CFR Part 1904.

PART 109—OPERATIONS

6. By amending § 109.411 by adding paragraph (d) as follows:

§ 109.411 [Amended]

* * * * *

(d) Vessels are excluded from the requirements of § 4.05–1 (d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g. collision) or a vessel equipment casualty (e.g. cargo boom failure) *and* are subject to the reporting requirements of OSHA under 29 CFR Part 1904.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

7. By amending § 167.65–65 by adding paragraph (f) as follows:

§ 167.65–65 [Amended]

* * * * *

(f) Vessels are excluded from the requirements of § 4.05–1 (d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g. collision) or a vessel equipment casualty (e.g. cargo boom failure) *and* are subject to the reporting requirements of OSHA under 29 CFR Part 1904.

PART 185—OPERATIONS

8. By amending § 185.15–1 by adding paragraph (g) as follows:

§ 185.15–1 [Amended]

* * * * *

(g) Vessels are excluded from the requirements of § 4.05–1 (d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g. collision) or a vessel equipment casualty (e.g. cargo boom failure) *and* are subject to the reporting requirements of OSHA under 29 CFR Part 1904.

PART 196—OPERATIONS

9. By amending § 196.07–1 by adding paragraph (c) as follows:

§ 196.07–1 [Amended]

* * * * *

(c) Vessels excluded from the requirements of § 4.05–1 (d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g. collision) or a vessel equipment casualty (e.g. cargo boom failure) *and* are subject to the reporting requirements of OSHA under 29 CFR Part 1904.

Dated: August 9, 1982.

Clyde T. Lusk, Jr.,

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

[FR Doc. 82–24733 Filed 9–8–82; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL MARITIME COMMISSION

46 CFR Parts 531 and 536

[General Orders 13 and 38; Docket No. 81–51]

Time Limit for Filing of Overcharge Claims; Correction

AGENCY: Federal Maritime Commission.

ACTION: Correction of final rule.

SUMMARY: This document corrects typographical and editorial errors appearing in General Orders 13 and 38 Report published August 10, 1982 (47 FR 34556).

DATE: Effective November 8, 1982.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Commission's Final Order in Docket No. 81–51 as it appeared in 47 FR 34556, August 10, 1982, contained the following errors:

1. Page 34557, column 1, line 35: "amendments" should read "amendment".
2. Page 34557, column 1, line 45: "to" should read "and".
3. Page 34557, column 1, line 47: "shipprs' " should read "shippers' ".
4. Page 34557, column 3, line 22: "shipper" should read "shippers".
5. Page 34559, column 1, note 6: "U.S.C." should read "CFR".
6. Page 34559, column 3, line 54: the word "no" should read "an".
7. Page 34560, column 1, line 4: the word "docketing" should read "docketed".

Therefore, it is ordered, That General Orders 13 and 38 (46 CFR Parts 531 and 536) are corrected to read in accordance with the above.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82–24689 Filed 9–8–82; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 79–318; FCC 82–409]

Public Mobile Radio Services; Regarding the Use of Specific MHz Bands for Cellular Communications Systems; and Amendment of the Commission's Rules Relative to Cellular Communications Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Order revises the procedures for the filing of amendments to cellular mobile radio applications. This action will serve the public interest by reducing the time necessary to process these applications, and thus make cellular radio service available to the public more quickly.

EFFECTIVE DATE: September 13, 1982.

FOR FURTHER INFORMATION CONTACT: Tom Gutierrez, (202) 632–6450.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 22

Cellular radio service, Communications common carriers, Mobile radio service.

Order

Adopted: September 2, 1982.

Released: September 3, 1982.

1. In our *Memorandum Opinion and Order on Reconsideration (Reconsideration Order)* [1] in this proceeding, we established a June 7, 1982, filing date for cellular applications for the thirty largest markets in the country. We also provided that minor or technical amendments and those required by § 1.65 of the Commission's Rules, but no major amendments, could be proffered for good cause until publication of a hearing designation order. *Reconsideration Order* at 91. We received 194 applications on June 7. Since that date, we have received nearly 250 proposed amendments to those applications. These amendments vary greatly in length, complexity and the nature of information contained in them.

[1] Cellular Communications Systems, 89 FCC 2d 58, 47 FR 10018 (1982).

While many of them correct minor errors and clerical omissions in the applications, a significant portion propose to revise system design or to provide additional information in order to improve their comparative posture.[2] The amendments are having a severe disruptive effect on the orderly processing of cellular applications because the staff has been forced to expend an inordinate amount of time reviewing them to determine whether they are major or minor.

2. We have determined that the public interest will be served best by further limiting applicants' ability to amend their applications. As such, effective ten days after release of this order, no additional amendments to applications filed June 7, will be accepted.[3] In addition, amendments to affirmative direct cases will not be accepted anytime prior to publication of a hearing designation order. After designation, any amendments to applications or to associated affirmative direct cases must be submitted to the presiding judge. We will follow a similar procedure for cellular applications filed in the future: Minor or technical amendments and those required by § 1.65 of the Rules, but no major amendments or amendments to affirmative direct cases, may be proffered for good cause within forty-five days of public notice of the filing of the application. After designation, amendments to applications or to associated affirmative direct cases must be submitted to the presiding judge. While we are reluctant to restrict the time when applicants can file truly minor or technical amendments, we believe that the orderly processing of applications requires such action. In addition, we note that applicants have already had a reasonable time, more than two months, to correct any clerical errors in applications filed on June 7, and will have sufficient time to correct any such deficiencies included in applications filed in the future.

3. In view of the foregoing, it is ordered, effective 10 days after release of this order,[4] that no further amendments to the cellular applications filed on June 7, 1982, will be accepted, and that in regard to cellular applications filed in the future, minor and technical amendments of those required by § 1.65 of the rules, but no major amendments, may be proffered for good cause only during the forty-five day period following public notice of filing.

4. It is further ordered, Pursuant to 47 U.S.C. 154(i), 301 and 303(r), that Title 47 of Code of Federal Regulations is amended as set forth in Appendix A. This amendment shall become effective September 13, 1982.

5. It is further ordered, That the Secretary shall cause a copy of this Order to be published in the **Federal Register.**

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 22—PUBLIC MOBILE RADIO SERVICES

Title 47, Part 22 of the Code of Federal Regulations is amended as follows:

1. In § 22.23, paragraph (a) is revised to read as follows:

§ 22.23 Amendment of applications.

(a) Any pending application, except an application in the Domestic Public Cellular Radio Telecommunications Service, may be amended as a matter of right if the application has not been designated either for hearing, or for comparative evaluation pursuant to § 22.35. *Provided, however,* That amendments shall comply with the provisions of § 22.29 as appropriate.

* * * * * *

2. Section 22.918 is added as follows:

§ 22.918 Amendment of cellular applications.

(a) Minor and technical amendments and those required by § 1.65 of the Rules, but no major amendments as defined in § 22.23(c), may be proffered for good cause within forty-five days of public notice of the filing of the application.

(b) Amendments not provided for by paragraph (a) of this section will be accepted only:

(1) In connection with settlement agreements under § 22.29 of the rules or changes in ownership of an applicant which do not result in transfers of control;

(2) In response to a Commission request for an amendment; or

(3) Where an application is designated for hearing, upon leave of the presiding judge.

[FR Doc. 82-24729 Filed 9-8-82; 8:45 am]

BILLING CODE 6712-01-M

[2] As such, these amendments appear to violate the spirit if not the letter of our *Reconsideration Order* which sought to avoid continuous changes to applications and one-upmanship.

[3] We do, however, provide some exceptions to this policy. Any mutually exclusive applicant may amend at any time in connection with settlement agreements under Section 22.29 of the Rules, 47 CFR 22.29, or changes in ownership of an applicant which do not result in transfers of control. In addition, where we have returned proposed amendments because portions of them were determined to be major and provided that the applicants could resubmit the other portions of the amendments, those parties will still be permitted to file such amendments within a reasonable time. We also reserve the right to request applicants to file curative amendments that will narrow the issues to be addressed in a comparative hearing, allow us to grant an application without a hearing or advise us of substantial and significant changes in information furnishined by applicants to the Commission. Finally, we note that as provided in our *Reconsideration Order* at 91, after publication of an order designating particular applications for hearing, those applications may be amended upon leave of the presiding judge. Information required under Section 1.65 of the Rules, 47 CFR 1.65, shall be provided to the presiding judge and to all other parties in interest within thirty days of publication of a hearing designation order in the **Federal Register.**

[4] Our action today is a rule of agency procedure and practice, rather than a substantive rule, because it affects only the time when amendments can be filed. Therefore, there is no need for publication or service prior to the effective date of this order.

47 CFR Part 68

[CC Docket No. 79-143]

Petitions Seeking Amendment of Rules Concerning Connection of Telephone Equipment, Systems, and Protective Apparatus to Certain Private Line Services, and Related Changes in Signal Power Limitations; and Petition Seeking Amendment To Accommodate 4-Wire Telephone Network Connections and Interfaces; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: The FCC is correcting its First Report and Order regarding the connection of telephone equipment, systems and protective apparatus to certain private lines.

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

FOR FURTHER INFORMATION CONTACT: William M. von Alven, Common Carrier Bureau, (202) 634-1833.

SUPPLEMENTARY INFORMATION:

Erratum

Released: August 31, 1982.

The following corrections are made concerning the First Report and Order, CC Docket No. 79-143, FCC 80-88, released March 19, 1980, 45 FR 20830:

1. Section 68.306(a)(4)(iv). The second sentence is corrected to read: "M lead protection shall be provided to assure that voltages to ground do not exceed 80

volts. For relay contact implementation * * *".

2. Section 68.306(b)(1)(i) is corrected to read: "Be reasonably physically separated and restrained from and be neither routed in the same cable as nor use the same connector as leads or metallic paths connecting power connections;"

3. Section 68.306(b)(1)(ii) is corrected to read: "Be reasonably physically separated and restrained from and be neither routed in the same cable as nor use adjacent pins on the same connector * * *".

4. Section 68.308(b)(7)(i). The reference to § 68.306(b)(3)(i) is incorrect; it should reference § 68.306(a)(6)(i).

5. Section 68.308(b)(7)(ii)(C) is corrected to read: "Except for class A OPS interfaces, the dc current into the OPS line simulator circuit must be at least 20 mA for the following conditions (see Fig. 68.3(f)):"

6. Section 68.310(h). The third from the last sentence is corrected to read: "The port under test shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance."

7. Section 68.314(c). The last word ("shall") after the parenthetical expression (called party condition) in the first sentence is deleted.

These corrections are for the purpose of grammatical clarifications, insertion of missing words and to correct typographical errors.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-24692 Filed 9-8-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-175]

Organization and Delegation of Powers and Duties; Coast Guard and Maritime Administration

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment amends a delegation to the Commandant of the Coast Guard to reflect the transfer of the Maritime Administration to the Department of Transportation.

DATE: The effective date of this amendment is August 6, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

All authority vested in the Secretary of Transportation by the Ocean Thermal Energy Conversion Act of 1980 (Pub. L. 96-320) ("OTEC") was originally delegated to the Commandant of the Coast Guard. Even though Title II of that act amends a statute—Title XI of the Merchant Marine Act, 1936—which was being carried out by the Maritime Administration, at the time of the delegation the Maritime Administration was not a part of DOT; consequently, Title II was not a function of the Secretary of Transportation and the delegation accurately described the extent of DOT's authority. Since enactment of the Maritime Act of 1981 (Pub. L. 97-31), however, the Maritime Administration has been a part of DOT and Title II has been a function of the Secretary of Transportation. It is necessary, therefore, to clarify the limit on Coast Guard authority under OTEC.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies).

§ 1.46 [Amended]

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended by inserting ", except Title II" immediately before the period at the end of § 1.46(ee).

(Sec. 9(e), Department of Transportation Act, 49 USC 1657(e))

Issued in Washington, D.C., on August 24, 1982.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 82-24742 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-62-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1137

[Ex Parte No. MC-142 (Sub-2)]

Freight Forwarder Restrictions

AGENCY: Interstate Commerce Commission.

ACTION: Extension of effective date to final rules.

SUMMARY: In this proceeding, the Commission made the motor carrier of property restriction removal rules, 49 CFR 1137 et seq. applicable to freight forwarders (47 FR 31281, July 19, 1982). The applicability of the rules was made effective immediately. Global Van Lines, Inc., Wheaton Van Lines, Inc., Freight Forwarders Institute, Global International U.S.A., Inc., and Furniture Forwarding, Inc., request a stay of the effect of the decision served July 19, 1982, pending judicial review.

The request for stay pending judicial review is denied. However, the proceeding is reopened and the effective date of the applicability of the restriction removal rules to freight forwarders has been extended.

EFFECTIVE DATE: October 8, 1982.

FOR FURTHER INFORMATION CONTACT: Ombudsman's Office (202) 275-7863
Howell I. Sporn (202) 275-7691

Decided: August 31, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-24686 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 175
Thursday, September 9, 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 29

Tobacco Inspection, Alternative Packaging for Burley Tobacco and Identifying and Preventing "Nesting"

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department issued an advance notice of proposed rulemaking in the the **Federal Register** on April 26, 1982, soliciting comments on alternative packaging for burley tobacco and on identifying and preventing the problem of "nesting" in flue-cured and burley tobaccos. Based on these comments, the Department proposes to amend 7 CFR Part 29, beginning with the 1982–83 marketing season, to provide farmers official grading on U.S. Type 31 burley tobacco offered for sale at auction untied on burlap sheets, in addition to the present methods of tied in hands or untied in bales. The Department also proposes to provide a new grademark designation for tobacco that is determined by a Federal inspector to be "nested." Additional proposals concern the manner in which burley tobacco is to be displayed for inspection.

DATE: All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal should file the same not later than October 8, 1982.

ADDRESS: Submit comments to J. T. Bunn, Deputy Director, Tobacco Division, Agricultural Marketing Service, Room 502 Annex Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: J. T. Bunn (202) 447–7235.

SUPPLEMENTARY INFORMATION: The Department proposes to amend the regulations to allow burley tobacco, U.S. Type 31, to be eligible for official grading when marketed untied on burlap sheets, thereby providing tobacco farmers with an economical alternative for the marketing of their tobacco. The Department also proposes to provide a new grademark of "No-G-Nested" for burley and flue-cured tobaccos determined by a Federal inspector to be nested. Additional proposals by the Department concern the manner in which burley tobacco is to be displayed for inspection. Changes in instructions to inspectors are commented upon as well herein. These proposals are issued as a result of the comments received in response to the publication of the advance notice of proposed rulemaking (47 FR 17825, April 26, 1982). The authority for promulgating these regulations is contained in the Tobacco Inspection Act of 1935 (49 Stat. 731, 7 U.S.C. 511 *et seq.*).

In an effort to improve the current burley marketing program and in the interest of promoting and maintaining orderly marketing conditions in the tobacco industry, the Department, on April 26, 1982 (47 FR 17825) issued an advance notice of proposed rulemaking soliciting the industry's views on alternative packaging for burley tobacco and the problem of "nesting." The advance notice of proposed rulemaking was a joint project by the Agricultural Marketing Service (AMS) and the Commodity Credit Corporation (CCC). Interesting parties were invited to participate in the making of this proposed rulemaking by submitting recommendations for (1) alternative packaging for burley tobacco sold at auction, and (2) identifying and preventing the problem of "nesting" in the flue-cured and burley tobaccos.

Many comments were received from all segments of the tobacco industry, as well as congressmen, recommending various options in the marketing of tobacco. A detailed proposal was also received from the Council for Burley Tobacco, an organization representing various segments of the burley tobacco industry. The Council's recommendations were also supported by the Burley Auction Warehouse Association, Clay Tobacco Warehouse, Pepper Peake Florence Tobacco Warehouse Company, Incorporated, Fourth Street Tobacco Company, Lorillard, Tobacco Association of the United States, Parker Tobacco Company, R. J. Reynolds Company, and Philip Morris, USA.

Background and Discussion

Prior to the 1978–79 marketing season, burley tobacco was eligible for official grading and loan only when marketed on baskets and tied in hands. As early as 1974 various segments of the burley tobacco industry expressed a desire to market their tobacco in an untied fashion which, through history and custom, has been marketed tied in hands. In an effort to cooperate with and meet the needs of the burley industry, the Department has cooperated in experimental sales of untied burley tobacco since 1974.

Following each of the 1978–79, 1979–80, and 1980–81 seasons, the Department collected pertinent project data on relevant aspects of the experiment. Much data was supplied by the Universities of Kentucky and Tennessee. At the request of the Agricultural Marketing Service, studies were made an reports were complied by the Economics and Statistics Service which analyzed, interpreted, and summarized all available data on the experiment.

The reports were reviewed by officials of the Agricultural Marketing Service, Agricultural Stabilization and Conservation Service (ASCS), and Economics and Statistics Service. The experiment, conducted for three marketing seasons, gained increased interest and participation each succeeding season and has caused no apparent disruption to the marketing system. Based on the Department's evaluation of these experiments, regulations were amended in 1981 to apply Official Standard Grades and make eligible for loan, unlimited quantities of burley tobacco when it is tied in hands or untied in bales.

Even though official grading was not provided for packaging methods other than hand-tied and untied loose leaf in approximately 70-pound bales on baskets or pallets, other types of packaging appeared on the auction market during the 1981–82 season. Federal graders applied "No-G," a no-grade designation, to these lots. A small quantity of untied tobacco on burlap sheets has appeared on the burley markets for the last few years with the amount increasing each year. During the 1981 marketing season, approximately 5 percent of the crop was sold untied in burlap sheets.

More than 1,500 comments were received on the advance notice of proposed rulemaking. Only a few respondents stated that they preferred selling tobacco in the traditional method of hand-tied bundles; about 15 respondents favored continuation of selling tobacco untied in bales, and the majority of comments received favored marketing loose-leaf tobacco on burlap sheets. A total of 1,387 preprinted postcards were received from producers from various tobacco producing states in favor of marketing untied, sheeted tobacco.

Untied, sheeted tobacco was also recommended by two congressmen from Tennessee, the Virginia Farm Bureau Federation, the Central District Warehousing Corporation, the American Tobacco Company, the Southwestern Tobacco Company, the Austin Company, the Thorpe-Greenville Tobacco Company, and the Export Leaf Tobacco Company.

There are distinct advantages to each of the three alternative packaging methods recommended by commentors to the advance notice of proposed rulemaking. From the standpoint of quality maintenance, the traditional method of hand-tied bundles marketed on baskets is considered the most favorable. Untied, baled tobacco is noted for its ease of mechanical handling at the market. Any type of loose leaf marketing considerably reduces labor cost incurred by producers.

Based on the above stated reasons and the overwhelming support for untied tobacco offered for sale at auction on burlap sheets, the Department proposes the inclusion of untied, sheeted tobacco, as an alternative packaging method to the present hand-tied bundles and untied, baled tobacco, for the 1982–83 and succeeding marketing seasons.

All comments were reviewed by AMS and are discussed herein:

Official Weigh-in Date

The Council for Burley Tobacco recommended that in addition to the weighing of tobacco at the time it is brought in by the grower, the warehouse also be required to re-weigh the tobacco not earlier than the "official weigh-in date" assigned by the Burley Sales Committee. The date and weight would have to be placed on the warehouse sales ticket and violations would result in the suspension of the price support contract for the warehouse.

Many producers deliver their crop to the warehouse several weeks in advance of the market opening, and their tobacco is weighed at that time. In the interim, prior to the market opening, many factors contribute to weight gain or loss to individual lots such as excessively dry or wet weather conditions and loss of small amounts of the tobacco falling from the individual lots while moving it around the warehouse floors to make room for other deliveries.

It should be noted that tobacco receives an official grade only on the date of the sale and the date on the warehouse sales tickets does not affect the official inspection and grading process. This recommendation, therefore, falls under the authority of CCC and has been forwarded to that agency for its consideration. For information regarding this item, interested parties may contact C. Russell Levering, Marketing Specialist, Agricultural Stabilization and Conservation Service, Washington, D.C. 20013. Telephone: (202) 447–7446.

However, AMS and CCC have determined that a need exists to closely examine the weigh-in date on the warehouse sales ticket to insure that it is not prior to the official weigh-in date established by the Burley Sales Committee of the Burley Auction Warehouse Association. In response to this problem presented by the Council, AMS will cooperate with CCC in issuing specific instructions to Federal graders stating that whenever a weigh-in date is found that is prior to the official weigh-in date, the grader will immediately report it to the office of the appropriate loan association.

Warehouse Floor Spacing

The Council of Burley Tobacco recommended the amendment of § 29.75a to increase the minimum space requirements for burley tobacco displayed on auction warehouse floors in designated markets. This recommendation would increase the minimum space between rows from 18 inches to 24 inches with not less than 8 inches between adjacent lots of tobacco. The present regulations do not specify a minimum of space between lots but instead require that butts or hands from immediately adjacent baskets not touch.

The Department proposes to accept the Council's recommendation and amend § 29.75a to increase the minimum distance between rows to 24 inches and to provide for no less than 8 inches between adjacent lots within a row. Also, it is proposed that the word "lot" be substituted for the word "basket" appearing therein. This proposal is based on the fact that additional space would facilitate the inspection marketing process. The Department propose to change the word "basket" to the word "lot" throughout § 29.75a to conform to the Department's proposal to offer "sheeted" tobacco as a packaging alternative.

Standardized Pallets

The Council for Burley Tobacco recommended that each burley tobacco auction warehouse which constructs or otherwise acquires and uses wooden pallets provide pallets that meet the specific dimensions and handling criteria to conform to plans by the College of Agriculture, University of Kentucky.

The recommendation for standardized pallets is rejected for the following reasons: The Tobacco Inspection Act and the regulations are limited to the inspection of tobacco. The size, shape, or weight of pallets do not affect the manner or method of inspecting a lot of tobacco and, therefore, are not appropriate items for regulations.

Number of Bales in a Lot and Methods of Display

The Council for Burley Tobacco recommended that only even number of bales, whenever possible, not to exceed 8 bales per lot with a limit of 4 bales high, be packed on a pallet. Also, the Council recommended that tobacco packed in bales should have the stems turned towards the aisle. The Council recommended that the penalty for violating these conditions be the nongrading of this tobacco.

The Department proposes that the number of bales displayed on a pallet not exceed 8 because (1) any greater number of bales would make the stack too high and would hinder the inspector's ability to properly see and physically inspect the tobacco; (2) any greater number would increase the danger of the pallet becoming top-heavy and toppling over; and (3) any greater number would decrease the maneuverability of the pallets by warehouse personnel. However, the Department rejects the recommendation to limit to any *even* number those bales on a pallet because of the variations in the volume to tobacco producers offer for sale.

The Department proposes that the stems of the tobacco packed in bales be turned towards the aisle because this would provide greater visibility in inspecting the product.

The Term "Oriented" Defined in Regard to Bales

The Council for Burley Tobacco recommended that the regulations be revised to include a definition for the term "oriented". This term has been used in the tobacco industry to describe

the appearance of a lot of tobacco. For purposes of clarity, the Department proposes a new definition for the term "oriented".

Three Strings Securing Bale Be Broken for Inspection by Grader

The Council for Burley Tobacco recommended that all three strings of the "inspection bale" be opened. Current § 29.3050 Rework states, in part, "*** (1) The operator of any warehouse at which baled burley is offered for sale shall open the particular bale, chosen by the grader for inspection and reseal that bale after inspection ***." The Department declines to propose this recommendation based on the fact that the regulations do not require a specific number of strings to bind a bale and the present regulations are adequate in regard to the opening of bales for inspection.

Collection of User Fees

The Council for Burley Tobacco recommended the assessment of user fees for all tobacco sold at auction and sold as "nonauction same as" cleared on the Daily Warehouse Sales Summary (ASCS Form MQ-80). However, the Tobacco Inspection Act does not give the Department the authority to collect grading fees on tobacco that has not been inspected. Therefore, the Department must reject this recommendation of the Council.

Certification

The Council for Burley Tobacco recommended that all farmers be required to sign a certificate which would certify to the condition and quality of producer tobacco and that warehousemen be required to sign a certificate which would certify to the condition and quality of resale tobacco. Violation of the certificate would subject the farmer or warehousemen to certain penalties.

The recommendations fall under authority of CCC and have been forwarded to that agency for its consideration. For information regarding this item, interested parties may contact C. Russell Levering, Marketing Specialist, Agricultural Stabilization and Conservation Service, Washington, D.C. 20013. Telephone: (202) 447-7446.

Nesting

Approximately 44 comments were received concerning the problems of "nesting". All commentors agreed that something must be done about the "nesting" problem, and many stated that the law and criminal penalties should be strictly enforced. Many respondents recommended employment of "pullers" to follow the sale and reexamine each lot of tobacco. Other commentors recommended charging monetary and/or criminal penalties and denying price support for noncompliance. The Council for Burley Tobacco recommended broadening the definition of the term "nested" as currently appearing in the regulations.

The Department propose a redefinition of the term "nested" to address the concerns raised by all commentors and a grademark of "No-G-Nested" to identify nested tobacco.

Unique Number System on Warehouse Tickets

The Council for Burley Tobacco recommended a phasing in by 1984 of unique numbering system for warehouse tickets and the taking of precautions to insure that the carbon used produced legible copies. The Department has determined that this proposed is not necessary because regulations contained in § 29.76 already provided the Director authority to approve acceptable forms of mandatory tobacco inspection certificates.

Improved System for Reporting Sales Figures

The Council for Burley Tobacco proposed that AMS and ASCS formulate uniform procedures to have all items on ASCS Forms MQ 80 and 79 accumulated separately. AMS agrees to coordinate efforts with ASCS to collect and publish specific items on the ASCS Forms MQ 80 and 79. Therefore, it is not necessary to write regulations for AMS in this regard.

Weight Limit on Individual Bales

The Council for Burley Tobacco recommended that the maximum weight per bale in each lot not exceed an average of 90 pounds and that any lot of bales exceeding this average be ineligible for official grading. The Department rejects this recommendation because the weight limit of individual bales should be dealt with by the affected segment of the industry in that the average bale weight per lot does not impede the grading process.

Cotton Twine for Bales

The Council for Burley Tobacco recommended that bales must be tied with 100 percent cotton which has a minimum of 150 pound tensile strength. The Department rejects this recommendation because twine material verfication is impossible to conduct on the warehouse floor.

Inspector Titles

Because of a change in personnel titles appearing in § 29.75a, the Department proposes to change all reference to the phrases "head grader" and "market supervisor grader." In all instances, the phrase "head grader" is changed to phrase "Set Work Leader" and the phrase "market supervisor grader" is changed to the phrase "Circuit Supervisor."

Redefinition of the Term "Lot"

The Department proposes to amend § 29.3036, Lot, to delete the words "or more than one" and to add the word "sheet" to the series of words describing the term "lot".

This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512-1 and has been determined to be a "nonmajor" rule because it does not meet any of the criteria established for major rules under the executive order. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness will be made within the next 3 years.

Additionally, in conformance with the provisions of Public Law 96-354, Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A number of firms which are affected by these proposed regulations do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. It has been determined that the economic impact upon all entities, small or large, will not be adverse and will in no way affect the normal competition in the market place.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file the same with J. T. Bunn, Deputy Director, Tobacco Division, Agricultural Marketing Service, Room 502 Annex Building, United States Department of Agriculture, Washington, D.C., 20250, not later than October 8, 1982.

William T. Manley, Acting Director, Tobacco Division, Agricultural Market Service, has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposal because all segments of the burley industry must be informed of any changes affecting the

marketing process to the opening of the marketing season and producers must be provided substantial lead time to decide on the method in which they will market their tobacco. Therefore, a 30-day comment period will be provided on this proposal.

All written submissions made pursuant to this notice will be made available for public inspection at the above location during regular business hours (7 CFR 1.29(b)).

List of Subjects in 7 CFR Part 29

Administrative practices and procedure, Tobacco.

PART 29—TOBACCO INSPECTION

Accordingly, the regulations under the Tobacco Inspection Act contained in 7 CFR Part 29 are proposed to be amended as follows:

1. In § 29.75a (a) and (b) are revised to read as follows:

§ 29.75a Display of burley tobacco on auction warehouse floors in designated markets.

(a) (1) Each lot of burley tobacco displayed for sale on auction warehouse floors shall have a minimum space of 24 inches from butts to butts between the rows. Distances between lots of tobacco within the row shall be no less than 8 inches between immediately adjacent lots.

(2) The number of bales on a pallet shall not exceed eight. Tobacco packed in bales shall have the stems turned toward the aisle.

(3) Each warehouse operator shall display a plainly visible sign showing the total number of lots of burley tobacco allotted to be sold each day. Such sign shall be displayed at the point of lots where the days' sales will conclude and no additional tobacco shall be graded beyond that point.

(4) Each warehouse operator shall arrange his entire day's sale in a continuous and orderly arrayed sequence of lots and rows of tobacco. Any arrangement of tobacco in rows of progressively varying lengths, or any deviations from an orderly arrayed sequence of lots and rows of tobacco, shall have prior approval of the Set Work Leader of Circuit Supervisor.

(5) Each warehouse operator shall designate to the Set Work Leader or Circuit Supervisor the starting point or lot for each day's sale, and counting and grading will begin at this designated point and proceed to the closing point of the sale in a orderly sequence. All lot spaces, containing or not containing a lot of tobacco, and all lots of tobbaco, covered or uncovered, shall be counted and included in the daily sales allotment. Lots of tobacco shall not be removed, added, rearranged, or substituted between the time they are counted for the day's sale and the time they are graded for the day's sale, provided, however, that with prior approval of the Set Work Leader or Circuit Supervisor compensating lots of tobacco may be substituted for empty spaces and covered lots included in a daily sales count.

(6) Each operator of a warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection; and

(7) Each producer, by offering untied, bale burley tobacco for sale, certifies that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

(b) Before starting inspection of the day's sale of burley tobacco in each warehouse, the Set Work Leader or Circuit Supervisor shall determine if there is compliance with the requirements of paragraph (a) of this section. If he determines that the prescribed requirements have not been followed, the inspector shall proceed to the next sale or sales as originally scheduled for that day and grade the number of lots of tobacco scheduled for such sale or sales, and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse, at which time the Set Work Leader or Circuit Supervisor shall again determine if the prescribed system has been followed before starting the inspection. If noncompliance or failure to observe requirements of paragraph (a) of this section are discovered after inspection for the day's sale has started, the inspector shall discontinue inspection and proceed to the next sale or sales scheduled for that day and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse.

* * * * *

§ 29.1035 Nested [Amended]

2. Remove the phrase "(See rule 23.)" at the end of § 29.1035 and replace it with the phrase "(See rule 27.)"

3. Section 29.1036 is revised to read as follows:

§ 29.1036 No-G

A designation applied to a lot of tobacco which is offtype, semicured, fire-killed, smoked, oxidized over 10 percent, or has an odor foreign to the type. (See rule 23.)

§§ 29.1038–29.1078 [Redesignated as §§ 29.1039–29.1080]

4. §§ 29.1038–29.1078 are renumbered §§ 29.1039–29.1080, respectively.

5. Section 29.1038 is added to read as follows:

§ 29.1038 No-G-Nested

A designation applied to a lot of tobacco which is classified as nested. (See rule 27.)

6. Section 29.1129 is revised to read as follows:

§ 29.1129 Rule 23.

Tobacco shall be designated by the grademark "No-G," when it is offtype, semicured, fire-killed, smoked, oxidized over 10 percent, or has an odor foreign to the type.

7. Section 29.1133 is added to read as follows:

§ 29.1133 Rule 27.

Tobacco shall be designated by the grademark "No-G-Nested" when it is nested.

§ 29.1181 Summary of standard grades. [Amended]

8. The last sentence of § 29.1181 is amended to read: Tobacco not covered by the standard grades is designated "No-G", "No-G-F", or "No-G-Nested."

9. Section 29.3036 is revised to read as follows:

§ 29.3036 Lot.

A pile, basket, bulk, bale or bales, sheet, case, hogshead, tierce, package, or other definite package unit.

10. Section 29.3039 is revised to read as follows:

§ 29.3039 Nested.

Any lot of tobacco which has been loaded, packed or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes:

(a) Any lot of tobacco which contains foreign matter, is damaged, injured, or tangled, or contains other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged;

(b) Any lot of tobaco which consists of distinctly different grades, qualities or conditions and which is stacked or arranged with the same kinds together so that the tobacco in the lower portions of the lot is distinctly inferior in grade, quality or condition from the tobacco in the top portion of the lot.

11. Section 29.3040 is revised to read as follows:

§ 29.3040 No grade.

A designation applied to a lot of tobacco which is classified as offtype, rework, semicured, damaged 20 percent or more, abnormally dirty, contains foreign matter, and/or having an odor foreign to the type.

§ 29.3041 Redesignated as § 29.3042

12. Renumber § 29.3041 *Offtype*, as § 29.3042 to maintain alphabetical sequence of the definitions contained in 7 CFR Part 29.

13. Section 29.3041 is added to read as follows:

§ 29.3041 No-G-nested.

A designation applied to a lot of tobacco which is classified as nested.

§§ 29.3044—29.3074 Redesignated as §§ 29.3045—29.3075

14. Current §§ 29.3044–29.3074 are renumbered §§ 29.3045–29.3075, respectively.

15. Section 29.3044 is added to read as follows:

§ 29.3044 Oriented.

A term applied to untied tobacco which denotes the arrangement of leaves in a straight and orderly manner. Oriented includes:

(a) Any lot of baled tobacco in which the leaves are packed parallel to the length of the bale with the butts to the outside and the tips of the leaves overlapping sufficiently to make a level, solid and uniform package;

(b) Any lot of sheeted tobacco in which the leaves are arranged in a circular pattern with the butts to the outside.

16. Section 29.3051 (as renumbered from § 29.3050) is revised to read as follows:

§ 29.3051 Rework.

Any lot of tobacco which needs to be resorted or otherwise rearranged to prepare it properly for market, including:

(a) Tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed;

(b) Tobacco not properly tied in hands, not packed in bales approximately 1x2x3 feet, not oriented, not packed straight, bales not opened for inspection when chosen by a grader, or otherwise not properly prepared for market.

17. Section 29.3126 is revised to read as follows:

§ 29.3126 Rule 23.

Tobacco shall be designated as No Grade, using the grademark, "No-G," when it is dirty, offtype, semicured, needs to be reworked, damaged 20 percent or more, contains foreign matter, or has an odor foreign to the type.

18. Section 29.3127 is added to read as follows:

§ 29.3127 Rule 24.

Tobacco shall be designated by the grademark "No-G-Nested" when it is nested.

§ 29.3181 Summary of Standard Grades. [Amended]

19. The last sentence of § 29.3181 is amended to read: Tobacco not covered by the standard grades is designated by No-G or No-G-Nested.

Dated: September 1, 1982.

C. W. McMillan,

Assistant Secretary Marketing and Inspection Services.

[FR Doc. 82-24577 Filed 9-8-82; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 541, 561, and 563

[No. 82-580]

Amendments to Net-Worth and Statutory-Reserve Requirements

Dated: August 26, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") proposes to amend its regulations governing reserve requirements (*i.e.*, the statutory-reserve and net-worth tests). Institutions whose accounts are insured ("insured institutions") by the Federal Savings and Loan Insurance Corporation ("FSLIC") would be able to include as part of their reserves a newly recognized item called "Appraised Equity Capital." In addition, the Board proposes to change the term "net worth" to "regulatory net worth" to reflect that the term is used in the context of regulatory definitions and other Board rules. The Board believes that these amendments will result in a more realistic approach to reserve requirements in light of current economic conditions by permitting savings and loan institutions to reflect certain equity items in their reports to the Board.

DATE: Comments must be received by: October 12, 1982.

ADDRESS: Send comments to Director, Information Services Section, Office of Communications, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: David Schweitzer, Office of Examinations and Supervision (202/377-6574), or John P. Soukenik, Deputy Director, Division of Corporate and Regulatory Structure, Office of General Counsel (202/377-6411), Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION: The Board proposes to amend its regulations pertaining to reserve requirements to allow currently unrecognized appreciation in various asset items to be used to meet those requirements.

Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)) ("NHA") requires the Board to establish a specific reserve requirement to be composed of an amount not greater than 6 percent nor less than 3 percent of each institution's insured accounts. Congress provided the Board with this flexibility in setting the required percentage of statutory reserve so that in various economic climates the Board could determine the amount of reserves a viable insured institution should maintain. On January 14, 1982, the Board, pursuant to that statutory provision, amended its regulations by reducing the percentage of insured accounts that must be maintained as reserves ("statutory reserves"). The NHA also provides considerable latitude for the Board to determine what accounts may be included under the general term "reserves" (*see* Board Resolution No. 82-581, August 26, 1982). Pursuant to that authority, the Board believes that insured institutions may include an off-balance-sheet item called "Appraised Equity Capital" in computing statutory reserves. Appraised equity capital is basically the arithmetical difference between the net book value and the appraised fair market value of office land, buildings, and improvements including leasehold improvements owned by the insured institution or any of its subsidiaries, or, in some instances, the deferred profit from a sale with leaseback of formerly owned office property.

In addition to the required statutory reserves, the Board's regulations requires that insured institutions maintain net worth at a specified percentage of liabilities as a measure of capital adequacy. The Board is proposing to allow the appraised equity capital that is included within the statutory reserve also to be included in computing regulatory net worth during the effective period of this amendment.

While the Board continues to believe that it is essential for insured

institutions to maintain adequate capital to ensure their ongoing viability and to provide an adequate cushion of protection to the FSLIC, the Board recognizes that, given the present state of the industry, it is extremely difficult for insured institutions to issue those instruments which have traditionally made up the capital accounts of insured institutions. Consequently, given the state of the industry, its present difficulties in accessing the traditional capital markets, and the need to maintain public confidence in the industry during this period, the Board believes that it is reasonable to allow insured institutions to include built-up equity in office land, buildings, and improvements in computing the statutory reserves and net worth. The Board is mindful that this amendment is a departure from past Board policy and generally accepted accounting principles. However, the Board believes that appraised equity capital, even though unrealized, has certain attributes which make it closely related to items traditionally viewed as components of the reserves for regulatory purposes; and therefore, the Board believes that it is reasonable to allow insured institutions to report these functional equivalents as net worth and statutory reserves.

As was noted, the Board is aware that the proposal departs from generally accepted accounting principles in that it recognizes the current market value of selected real property and fixed assets. The Board recognizes that this departure would be a step in the direction of a mark-to-market approach to financial accounting. Further, it realizes that this change in policy could have broad implications as to accounting, legal and policy issues far beyond the breadth of today's proposal. Therefore, in connection with today's action, the Board specifically requests comments on the issues which would be raised by a broad mark-to-market approach in which the current value of all assets and liabilities would reflect market value.

Appraised Equity Capital

The Board believes that the equity attributable to unrecognized appreciation in the value of investments in office land, buildings, and improvements, including leasehold improvements owned by an insured institution or any of its subsidiaries, may be appropriately recognized for inclusion in reserve accounts under certain circumstances. Many institutions carry their office land, buildings, and improvements at a net book value that is considerably below the current fair market value of those assets. The difference between net book value and fair market value represents a real, albeit unrealized, equity value that in the event of merger or liquidation would serve much the same purpose as more traditional forms of capital in protecting the interests of the FSLIC. Unrealized equity, when properly substantiated, is described by the Board as appraised equity capital.

Some institutions have already realized the equity in office property by entering into sale and leaseback agreements. In such an arrangement, under generally accepted accounting principles all or part of the profit from the sale (*i.e.*, realized equity appreciation) must be deferred and amortized over the term of the lease rather than recognized as current income. The Board views this deferred profit to be substantially the same as the difference between the fair market value and the net book value of an office property still owned by the institution. As a result, the Board's definition of appraised equity capital includes the unamortized deferred profit from the sale and leaseback of office property.

Subject to certain conditions, the proposed amendment to § 563.13 (12 CFR 563.13) would permit an insured institution to include on a "one-time-only" basis appraised equity capital in its reserve calculations made pursuant to paragraphs (a) and (b) of that section by submitting appraisals or other appropriate information to its Principal Supervisory Agent ("PSA"). Since this regulation, as proposed, contains a sunset provision of June 29, 1985, it would be impractical to allow or to require a regular updating of the established amount of appraised equity capital as values fluctuate. Therefore, with one exception, the Board proposes to allow an institution to establish the amount of appraised equity capital on a "one time only" basis during the effective period of this provision. To meet the Board's requirements, when an institution advises the PSA of its intention to include appraised equity capital in its reserve calculations, it would at that time be required to submit to the PSA appraisals of fair market value (as defined by (the office of Examinations and Supervision currently in R Memorandum) #41b) for owned office building properties, including land, improvements, and leasehold improvements, showing valuation dates on or subsequent to June 30, 1982, and a statement of the net book value of each property at the date of the appraisal. For a sale with leaseback, the institution would need to submit only a statement of the unamortized deferred profit resulting from the sale on the books of the institution at the date of the filing. Appraisals would be made by an "independent professional appraiser" who qualifies under the definition of that term set forth in § 571.1(a)(2) (12 CFR 571.1(a)(2)), with the exception that the appraiser would not be an affiliated person with the insured institution as defined in § 561.29 (12 CFR 561.29). The exception to the "one-time-only" rule would apply in a situation where an institution including deferred profit from a sale with leasback would be required to adjust its total appraised equity capital on at least a semiannual fiscal basis to reflect the current level of unamortized deferred profits on the books of the institution. Adjustments also would be made for properties subsequently sold.

An insured institution that elects to use appraised equity capital in its reserve calculations would be permitted to include any of its eligible office building properties, regardless of size or value. However, in order to represent as accurately as possible the total amount of actual appreciation, any insured institution filing under this provision would be required to include all owned office building properties and leasehold improvements that individually are carried at a net book value equal to 20 percent or more of an institution's total net book-value investment in such properties. Land held for development (unless acquired specifically as a site for future office or related facilities of the institution), properties not used as office sites by the institution for its own operations, and real estate owned as a result of foreclosure or acquired by deed in lieu of foreclosure (unless used as an office site) would not be properties eligible for inclusion.

Appraised equity capital is the sum of the arithmetical differences between the appraised fair market values of the individual properties and the corresponding net book values of such properties, plus eligible deferred profit from the sale and leaseback of formerly owned office building properties. Appraised equity capital would be permitted to be used by the institution as a component of regulatory net worth, provided no objection is raised by the PSA. The PSAs would review the method of appraisal to determine whether it is an accurate assessment of the property's real market value and may request analysis by the Board's District Appraisers.

The Board proposes to adopt the new inclusion to reserve accounts as a "sunset" provision which would cease

to be effective as of June 29, 1985, unless renewed or rescinded at an earlier date.

Reports to the Board

For the immediate future no change to reflect appraised equity capital would be made in the format of regulatory financial reports prepared by insured institution for the Board. Therefore, appraised equity capital would not be reported directly by institutions on their semiannual and monthly reports but would be submitted only to the PSAs who would forward the information to the Board's Washington office. All adjustments to reported regulatory net worth derived from semiannual and monthly reports, to reflect appraised equity capital, would be made by the Board's staff on the basis of information supplied by the PSA. An institution would be instructed not to report appraised equity capital to the Board in any form other than that specified in the regulation.

"Regulatory" Net Worth

The Board also is taking this opportunity to propose a change in the caption of § 561.13 (12 CFR 561.13) from "Net worth" to "Regulatory net worth." This change is made to recognize that the term "net worth" is not used identically in all contexts and to reflect the Board's discretion to define that term, for purposes of its regulations, in the manner most appropriate for the objectives and responsibilities of the Board. In addition, the first sentence of the first paragraph of § 561.13 would be amended to include appraised equity capital, as defined by new paragraph (d) of § 563.13. A new paragraph (b) would be added to § 561.13 to clarify that all existing references in the Insurance Regulations to "net worth" should be construed to mean regulatory net worth, with the exception of the guidelines (12 CFR 563.8–4) for disclosures required in connection with, and eligibility requirements for, the offer and sale of retail repurchase agreements which would continue to be based on generally accepted and regulatory accounting principles, exclusive of the provisions proposed today.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. ch. 6) the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorportated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule would apply only to FSLIC-insured institutions.

3. *Impact of the proposed rule on small institutions.* The proposal would add a new item to those eligible for inclusion as part of the net worth and statutory reserves of all insured institutions. Since small institutions must meet the same net-worth and statutory-reserve requirements as larger institutions, the proposal would be beneficial to them. These benefits have been discussed elsewhere in the supplementary information regarding the proposal. There is no disproportionate effect on small institutions.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap, or conflict with the proposal.

5. *Alternatives to the proposed rules.* The basic regulatory requirements included in the proposal concern the procedures for establishing the amount of appraised equity capital permitted to be included as part of net worth and statutory reserves. A limitation as to types of properties eligible for inclusion, appraisal methods, calculation of eligible amount, and adjustment procedures are minimally necessary requirements to ensure that the amount included in the net worth and statutory reserves accurately reflects the Board's intended policy for inclusion. It would not be possible to eliminate or modify these requirements for smaller entities and still permit them to include appraised equity capital in their net worth and statutory reserves.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80–584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

Because there is a present need to allow institutions greater flexibility in the composition of their net worth and statutory reserves, the Board has limited the comment period to 30 days.

List of Subjects in 12 CFR Parts 541, 561, and 563

Savings and loan associations.

Accordingly, the Board hereby proposes to amend Part 541, Subchapter C, and Parts 561 and 563, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations,* as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 541—DEFINITIONS

1. Revise § 541.15 to read as follows:

§ 541.15 Regulatory net worth.

Any reference to the term "net worth" included in this Subchapter shall mean "regulatory net worth" as defined in § 561.13 of this Chapter.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

2. Amend § 561.13 (as amended pursuant to Board Resolution No. 82–581 of this date) by revising the title, redesignating the existing text as paragraph (a) and revising the first sentence thereof, and adding a new paragraph (b) to read as follows:

§ 561.13 Regulatory net worth.

(a) The term "regulatory net worth" means the sum of all reserve accounts (except specific or valuation reserves), retained earnings, common stock, preferred stock, mutual capital certificates (issued pursuant to § 563.7–4 of this Subchapter), subordinated debt securities (issued pursuant to § 563.8–1 of this Subchapter), securities which constitute permanent equity capital in accordance with generally accepted accounting principles (if approved by the Corporation), appraised equity capital (as defined in § 563.13(d) of this Subchapter), and any other nonwithdrawable accounts of an insured institution: provided, that for any non-permanent instrument qualifying as net worth under this definition, either (1) the remaining period to maturity or required redemption (or time of any required sinking fund or other prepayment or reserve allocation, with respect to the amount of such prepayment or reserve) is not less than one year, or (2) the redemption or prepayment is only at the option of the issuer and such payments would not cause the institution to fail to meet its statutory-reserve or net-worth requirement under § 563.13 of this Subchapter; and provided further, that capital stock may be included as net worth without limitation if it would otherwise qualify but for either (1) a provision permitting redemption in the event of a merger, consolidation, or reorganization approved by the Corporation where the issuing institution is not the survivor, or (2) a provision permitting a redemption where the funds for redemption are raised by the issuance of permanent stock.

(b) The term "net worth" wherever used in this Subchapter shall mean, "regulatory net worth" as defined in paragraph (a) of this section, except that the term as used in § 563.8–4 of this

Subchapter shall not include items permitted to be used as part of the reserve calculations pursuant to § 563.13(d) of this subchapter.

PART 563—OPERATIONS

3. Amend § 563.13 by adding a new paragraph (d) and redesignating existing paragraphs (d), (e), and (f) as (e), and (g), respectively, as follows:

§ 563.13 Reserve accounts.

* * * * *

(d) *Appraised equity capital.* (1) *General.* For purposes of satisfying the reserve requirements of paragraphs (a) and (b) of this section, an insured institution may include in its reserve calculations under the caption "appraised equity capital": (i) Unrealized and unrecorded equity in office land, buildings, and improvements (including leasehold improvements) owned by the insured institution or a subsidiary thereof, and (ii) unamortized deferred profits originating from the sale and leaseback of office properties formerly owned by the insured institution or a subsidiary thereof.

(2) *Owned properties and leasehold improvements.* (i) *Eligibility.* An institution may submit appraisals of any of its eligible office land, buildings, or improvements (including leasehold improvements); *Provided,* that the submission shall include appraisals of all eligible property with a net book value which is 20 percent or more of the insured institution's or the subsidiary's total net book value of eligible office properties.

(ii) *Limitations.* The following properties may not be included in calculating appraised equity capital:

(A) Land held for future development (unless acquired with the intent, substantiated in the minutes of a meeting of the insured institution's board of directors, to be used as a site for a future office of related facility of the institution or a subsidiary thereof);

(B) Properties not currently in use by the insured institution or a subsidiary thereof as offices or related facilities for its own operations; and

(C) Real estate owned as a result of, or acquired in lieu of, foreclosure unless in use as an office or related facility by the institution or a subsidiary thereof.

(iii) *Calculation.* (A) The amount of eligible appraised equity capital attributable to owned properties and leasehold improvements shall be established by submitting to the Principal Supervisory Agent, on a "one time only" basis, appraisals prepared by independent professional appraisers (as defined in § 571.1(a)(2) of this subchapter, except that the appraiser may not be an affiliated person of the institution, as defined in § 561.29), of the fair market values (as defined by the Office of Examinations and Supervision) of the selected list of eligible office land, buildings, and improvements (including leasehold improvements) on or subsequent to June 30, 1982, along with the corresponding net book value of each appraised property on that date. The difference between the total appraised fair market value and the total net book value of eligible office properties (*i.e.,* appraised equity capital) may be included, in addition to amounts computed under subparagraph (3) of this paragraph (d), in the reserve requirements from June 30, 1982, to June 29, 1985. Appraisal standards and procedures used in complying with the requirements of this subparagraph (2), including the definition of market value, shall be those established by the Office of Examinations and Supervision with respect to the requirements of § 563.17-1(c)(1)(iii) of this chapter.

(B) An insured institution shall make an adjustment to the amount of appraised equity capital established pursuant to this paragraph (d) on the date any property, the appraised value of which is included in appraised equity capital calculations, is sold. Appraised equity capital shall be reduced by the amount of profit from the sale taken into income during the accounting period in which the sale occurs. Deferred profit may be retained in appraised equity capital in accordance with paragraph (d)(3) of this section.

(3) *Deferred profit on sales with leasebacks.* Appraised equity capital attributable to profit on the sale of eligible office property deferred under generally accepted accounting principles because of a leaseback agreement shall be established by an insured institution as of the date of submission of notification to the Principal Supervisory Agent of the intent to include eligible deferred profits in the insured institution's reserve calculations and shall consist of the unamortized portion of such deferred profits recorded on the books of the insured institution on that date and reported as part of the submission. Appraised equity capital shall be adjusted on at least a semiannual fiscal basis to reflect the current level of unamortized deferred profits on the books of the institution.

(4) *Filing.* Before including appraised equity capital as part of its reserve accounts, an insured institution must file a notice of intent together with other information required by this paragraph (d) with the Principal Supervisory Agent. The institution may include appraised equity capital as part of its reserves immediately upon submission of the required information to the Principal Supervisory Agent.

(5) *"Sunset" provision.* Authority to include appraised equity capital as part of an insured institution's net worth and reserve under this section will cease as of June 29, 1985, unless renewed or rescinded at an earlier date by the Board.

(e) *Failure to meet net-worth requirements.* * * *

(f) *Charging of losses to statutory reserve.* * * *

(g) *Exemption relating to sale of mortgages.* * * *

(Sec. 409, 94 Stat. 160, secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-24807 Filed 9-8-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9018]

AMREP Corporation; Proposed Agreement Containing Order re General Development Corporation

Correction

In FR Doc. 82-23383 beginning on page 37251 in the issue of Wednesday, August 25, 1982, make the following corrections:

1. On page 37253, first column, in the top two lines of the page, remove the words "assign of AMREP Corporation or its subsidiary, Silver Springs Shores, Inc.,". (The word "within" stays.)

2. In the middle column, in the 18th line from the top of the page, "shall refer" should have read "shall not refer".

3. In the third column, in the table at the top of the page, *"Trade to higher priced new lot"* should have appeared above the entry "Current selling price—New lot ..... $12,500".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Public Disclosure of Comments Received From Federal Agencies on the Virginia Proposed Program Amendment

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

ACTION: Disclosure of comments on the Virginia proposed program amendment from Federal agencies.

SUMMARY: Before the Director, OSM, may approved Sate regulatory program amendments submitted under Section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal agencies must be solicited and disclosed. The Director has solicited comments from these agencies, and is today announcing their public disclosure.

ADDRESSES: Copies of the comments received are available for public review during business hours at:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 L Street NW., Washington, D.C.

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219.

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266.

Virginia Division of Mined Land Reclamation, 630 Powell Avenue, Big Stone Gap, Virginia 24219.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, telephone: (202) 343-5361.

SUPPLEMENTARY INFORMATION: The Director is evaluating the proposed amendment submitted by Virginia for his review on July 8, 1982 (Administrative Record No. VA 401). See the July 27, 1982 **Federal Register** (47 FR 32457-32458). In accordance with Section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i), this amendment to Virginia's program may not be approved until the Director has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise relevant to the program amendment as proposed. In this regard, the following Federal agencies were invited to comment on the Virginia program amendment:

Department of Agriculture:
- Soil Conservation Service
- Forest Service

Advisory Council on Historic Preservation

Department of Labor: Mine Safety and Health Administration

Environmental Protection Agency

Department of the Interior:
- Bureau of Land Management
- Bureau of Mines
- Fish and Wildlife Service
- National Park Service
- Geological Survey

U.S. Army Crops of Engineers

Of those agencies invited to comment, OSM received comments from the following offices:

Department of the Interior: Bureau of Land Management

Environmental Protection Agency

Department of Agriculture: Forest Service

These comments are available for review and copying during business hours at the locations listed above under "Addresses".

Dated: September 2, 1982

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 82-24772 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2199-6]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The EPA today is proposing to approve a Marion County open burning regulation as a revision to the Indiana State Implementation Plan (SIP) for total suspended particulates (TSP). Such a regulation was submitted by the State of Indiana on April 16, 1982 as a part of its strategy to attain the TSP National Ambient Air Quality Standards (NAAQS) in Marion County. This regulation was amended and resubmitted on August 25, 1982. EPA is proposing to approve the August 25, 1982 regulation because it meets the requirements of the Clean Air Act (Act) and should decrease TSP levels in Marion County.

DATE: Comments on this proposed revision to the Indiana SIP are due on November 9, 1982.

ADDRESSES: Copies of the proposed SIP revision and other materials relating to this proposal are available for inspection at the following addresses: (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V Office).

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section (5AP-11), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air Programs Branch, U.S. Environmental Protection Agency, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: Under Section 107 of the Act, EPA designated Marion County, Indiana as not attaining the primary NAAQS for TSP.[1] See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). For areas designated as nonattainment, Part D of the Act required that the State revise its SIP to provide for attaining the primary NAAQS by December 31, 1982. These SIP revisions must also provide for attaining the secondary NAAQS as soon as practicable. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemakings published at 44 FR 20372 (April 4, 1979), 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

On February 11, 1980, Indiana submitted its Marion County SIP strategy to EPA. A supplement was submitted on October 28, 1981. The Marion County plan was based on requiring reasonably available control technology (RACT) to be placed on all existing industrial sources and studying

[1] The primary TSP NAAQS is violated when, in a year, either: (1) The geometric mean value of a site's TSP concentrations exceeds 75 micrograms per cubic meter of air (75 $\mu g/m^3$) (the annual standard), or (2) the maximum 24-hour concentration of TSP exceeds 260 $\mu g/m^3$ more than once (the 24-hour primary standard). The secondary TSP standard is violated when, in a year, the maximum 24-hour concentration exceeds 150 $\mu g/m^3$ more than once.

various nontraditional fugitive dust control methods to bring Marion County into attainment. EPA proposed to conditionally approve the Marion County plan on March 3, 1982 (47 FR 9019) and, except for the coke battery regulation conditionally approved the plan on July 16, 1982 (47 FR 30972). In its final rulemaking, EPA noted that Indiana had submitted a Marion County open burning regulation on April 16, 1982, and that EPA would rulemake on it and the coke battery regulation in subsequent **Federal Register** notices. An amended version of the Marion County open burning regulation was submitted on August 25, 1982. EPA today is proposing rulemaking on the August 25, 1982 Marion County open burning regulation.

Indiana's statewide open burning regulation is 325 IAC Article 4-1 (formerly APC-2). EPA approved, with certain exceptions, APC-2 on June 22, 1978 (43 FR 26722) and approved its recodification on July 16, 1982 (47 FR 30972). The August 25, 1982 Marion County open burning regulation differs from the general State regulation in several respects. The Marion County regulation allows residents of single or double family dwellings to burn only wood products which originate on the premises. Household waste is not permitted. Burning is allowed between 10:00 a.m. and 7:00 p.m. on days when the wind is greater than 5 mph. Burning is allowed in an enclosed, vented, noncombustible container. The State regulation allows burning of wood products, including household waste, at residences of four units or less. Burning may take place at any time, except during unfavorable meteroligical conditions, and must take place in an enclosed, vented, noncombustible container.

The Marion County regulation allows enforcement officers to issue a $25.00 citation to the offending party or, alternatively, a court Summons and Order to Appear. The maximum court imposed fine is $2,500.00. Penalties charged for violations of the State's regulation are at the discretion of the Indiana Air Pollution Control Board. The maximum fine under State law is $25,000 per day.

Fires are allowed in both regulations for ceremonial, personal comfort, cooking, and agricultural purposes. Fires are also allowed under certain conditions for the training of firemen and for the disposal of petroleum products and high explosives. Variances are allowed under both regulations. EPA will be bound only by those variances submitted to EPA and approved as revisions to the SIP.

EPA is proposing to approve the Marion County open burning regulation as a revision to the SIP. This regulation should lead to a reduction in particulate levels in Marion County over those levels predicted to be emitted if only the State regulation is in place. It should also lead to reductions in the hydrocarbon levels (precursors to ozone) and the carbon monoxide levels. While EPA has conditionally approved the Marion County TSP plan without an open burning regulation as meeting the requirements of Part D of the Act, inclusion of an open burning regulation will assist Indiana in its goal of attaining the NAAQS in Marion County. If EPA ultimately approves the Marion County open burning regulation, it will supplement but not replace the currently approved State regulation (325 IAC Article 4-1). The general State regulation (325 IAC Article 4-1), will remain a part of the Marion County SIP.

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

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

This notice is issued under authority of Sections 110, 172 and 301 of the Clean Air Act, as amended.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: August 25, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-24773 Filed 9-8-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA THD-350]

44 CFR Part 350

Review and Approval of State and Local Radiological Emergency Plans and Preparedness

Correction

In FR Doc. 82-22696, appearing at page 36386 in the issue for Thursday, August 19, 1982, please make the following corrections:

(1) On page 36386, in the document heading, the docket number should have read "[Docket No. FEMA THD-350]".

(2) On page 36388, in the middle column, the second line should have read: "licensing process. If NRC, as part of this process, requests findings and".

(3) On page 36392 (in § 350.9) in the first column, in the fifth line from the top, the word "For" should have begun a new paragraph and been preceded by "[(c)" to read as follows:

"[(c) For".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-350; RM-4080]

FM Broadcast Station in Bay Shore, New York; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in BC Docket No. 82-350, concerning a proposal to assign FM Channel 276A to Bay Shore, New York. Counsel for petitioner states that additional time will be needed to formulate a proper response.

DATE: Reply comments must be filed on or before August 31, 1982.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 24, 1982.

Released: August 30, 1982.

1. On June 18, 1982, the Commission adopted the Notice of Proposed Rule Making, 47 FR 29856, published July 9, 1982, in the above captioned proceeding. Comments have been filed and reply comments are presently due August 24, 1982.

2. We now have before us for consideration a request for extension of time for filing reply comments, filed by Living Communications, Inc., petitioner in the above-referenced rule making proceeding. Petitioner requests a one-week extension to and including August 31, 1982. It states that due to unforeseeable circumstances it was unable to meet the August 9, 1982, deadline for filing comments and was

delayed until August 16, 1982, filing its comments in this proceeding. It also states that as of that date it had failed to receive the comments of one of the three other parties to this rule making proceeding. In view of the above, petitioner finds and requests that it needs additional time to prepare its reply comments.

We are of the view that, under the circumstances recited, an extension of time is warranted. It appears that no other party to the proceeding would be prejudiced by a grant of the instant request, such request was timely filed and such extension will assure development of a sound and comprehensive record on which to based a decision herein. The new reply comment date of August 31 will permit 15 days for replies to the August 16 filing of petitioner's comments.

4. Accordingly, it is ordered, That the request for extension of time, filed on behalf of Living Communications, Inc., is granted, and the time for filing reply comments is extended to and including August 31, 1982.

5. This action is taken pursuant to sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-24691 Filed 9-8-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[BMCS Docket No. MC-103; Notice No. 82-7]

49 CFR Part 391

Exemption; Driver Qualification Files

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Comments and information are solicited on a petition filed by the American Bakers Association which requests an exemption from the driver qualification rules regarding certain paperwork and administrative requirements for drivers of lightweight trucks of between 10,000 and 15,000 pounds gross vehicle weight rating.

DATE: Comments must be received on or before October 25, 1982.

ADDRESS: Submit comments, preferably in triplicate, to BMCS Docket No. MC-103; Notice No. 82-7, Room 3404, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9767; or Mr. Thomas P. Holian, 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: The American Bakers Association (ABA) profiles itself as representing over 350 member companies engaged in the wholesale baking industry and related trades. The ABA member companies they say, operate approximately 1,000 plants and produce and distribute 80% of the commercially baked bread and other bakery products consumed in the United States. These products are delivered to retail stores, hospitals, nursing homes, schools, and other institutions principally by some 125,000 small delivery route trucks. According to the ABA, the baking industry has the third largest fleet of trucks of U.S. industry groups.

The ABA has petitioned the Federal Highway Administration requesting an exemption from the driver qualification rules regarding certain paperwork and administrative requirements for drivers operating vehicles having a gross vehicle weight rating (GVWR) of between 10,000 and 15,000 pounds. There is an exemption for lightweight vehicles currently in effect (49 CFR 391.62(a). A lightweight vehicle is a vehicle having a GVWR of 10,000 pounds or less, provided that the vehicle is not used in the for-hire carriage of passengers or in the carriage of hazardous materials (49 CFR 390.17).

The current exemption (49 CFR 391.62(a), which is applicable to drivers who only operate lightweight vehicles, provides relief by excluding them from the requirements for:

1. Disclosure of, investigation into, and inquiries about, the background, character, and driving record of drivers (49 CFR Part 391 Subpart C).

2. The road test and written exam (49 CFR Part 391 Subpart D).

3. Medical examination, certificate of medical examination, and possession of a medical certificate (49 CFR Part 391 Subpart E (§§ 391.41, 391.43, and 391.45)).

4. Maintenance of driver files and records (49 CFR Part 391 Subpart F).

The purpose of these exemptions is to relieve small businesses of detailed safety recordkeeping and other administrative obligations which may be unduly burdensome given the nature of the operations involved. On the other hand, drivers of lightweight vehicles are not exempted from the substantive requirements of the driver qualification rules, e.g., the requirement to hold a driver's license or permit, the requirement for minimum physical qualifications, and the requirement for knowledge and ability to operate safely upon the public highways in furtherance of a commercial enterprise.

In their petition, the ABA seeks to apply these exemptions to operators of additional vehicles, specifically those between 10,000 and 15,000 pounds GVWR. They propose that this be achieved in the most limited way possible by expanding the definition of lightweight vehicle only in its application to 49 CFR 391.62(a) to include vehicles having a GVWR of 15,000 pounds or less.

ABA Position in Support of Petition

Operational Characteristics

In their petition, the ABA states that today's vehicles rated at between 10,000 and 15,000 pounds GVWR have size and handling characteristics similar to older vehicles rated at 10,000 pounds and less and are similar in terms of chassis, engine, power train, brake system, and tires. As a result, they say, vehicles between 10,000 and 15,000 pounds GVWR have the same operational characteristics as the lighter rated vehicles and require no additional driver training.

Bakery trucks, like most trucks under 15,000 pounds GVWR, are used almost exclusively in local pick-up and delivery service, and not in long distance over-the-road movements. Thus, even when used outside of exempt intracity operations, these trucks are used in the same type of local delivery service as vehicles operating within exempt zones. The ABA concludes that given the present exemption for local delivery operations, which includes an exemption from Part 391 even for the heaviest trucks on the road, relief sought should be granted to ensure that vehicles which are used similarly—in local delivery service—are treated similarly.

Economic Impact

ABA provided information which indicated that the cost of compliance

with § 391 for two baking cooperatives having 15,500 vehicles subject to interstate use is over one-half million dollars annually. They state that the applicability of these regulations to all 10,000 to 15,000 pound GVWR trucks in the baking industry alone results in very significant costs, which are incurred annually.

In addition to direct regulatory costs, the continued application of these requirements discourages the baking industry from using more efficient trucks with greater payload capacity, even though those trucks have similar operating and safety characteristics. They conclude that the cost of paperwork requirements can result in a business selecting vehicles rated at less than 10,000 pounds GVWR when but for the costs of those paperwork regulations, a higher rated vehicle would be more cost effective.

Background

Since the inception of vehicle weight as a criterion for exemption, 10,000 pounds has been the weight used as the point of differentiation. The first vehicle weight exemption was granted in 1962 and excluded drivers of motor vehicles having not more than 2 axles and whose gross weight does not exceed 10,000 pound from log requirements. Vehicles which fall under the 10,000 pounds exemption later became known as "lightweight vehicles" in an amendment to the Federal Motor Carrier Safety Regulations (FMCSR) issued in 1975 (40 FR 10683).

In the rulemaking leading up to the 1975 amendment the FHWA considered comments and testimony received from public hearings concerning the proposal of a general exemption from lightweight vehicles from all of the requirements of the FMCSR. The primary criteria considered in deregulating lightweight vehicles were:

1. Lightweight vehicles are not basically used for transportation of property as a primary business but are for the most part used as incidental transportation during the course of some other business.

2. The lightweight commercial truck has many of the same operating characteristics, and requires the same driving skills as a passenger car.

3. It would be difficult for the FHWA to establish a program of surveillance covering the thousands of small businessmen who operate small trucks in interstate commerce and who have no knowledge of the FMCSR.

4. The States now have sufficient rules and enforcement programs to exercise effective and adequate control of the safety of operation of lightweight vehicles.

5. The FMCSR already provide for many exemptions for lightweight vehicles, and an across-the-board exemption would have little impact on the coverage of the total regulatory scheme.

6. Exemption of lightweight vehicles would remove a heavy administrative and economic burden from the small vehicle operators. It would also free the FHWA to concentrate its resources on more significant safety problems resulting from the operation of medium and heavy-duty commercial vehicles.

7. The majority of lightweight vehicles operate only in a single municipality or its commercial zone and are already exempt from most features of the regulatory scheme.

8. Accident report data, including the FHWA's records, seem to show that vehicles with a gross vehicle weight of 10,000 pounds or less do not, as a class, experience accidents as *severe* as those experienced by heavier vehicles.

Generally speaking, opponents of the exemption contended that the legitimate interests of small business concerns which use lightweight trucks essentially as a means of transporting service personnel and their equipment or to make local deliveries should be recognized without instituting an exemption that would cover fleet operations of regulated motor carriers. Some opponents of the blanket exemption urged the FHWA to restrict it to the operations of a driver who, operating a lightweight vehicle, spends less than three and one-half hours per day driving the vehicle. It was felt that there was little in the way of new information, evidence, or data supporting denial of the petitions for rulemaking.

The FHWA performed an analysis of accident reports in its data files for the year 1973 pertaining to lightweight vehicles. It was apparent that the death and property damage rates for accidents involving vehicles that have a GVWR of 10,000 pounds or less were lower than they were for all weight classes of vehicles. The injury rate for accidents of these vehicles was slightly higher. When the data base used for purposes of analysis was expanded to include accidents involving vehicles with a GVWR of 10,000–16,000 pounds the accident severity frequency rose sharply.

The FHWA felt that these findings confirmed the general notion that a gross vehicle weight rating of 10,000 pounds was a valid benchmark to distinguish lightweight vehicles from medium and heavy-duty motor vehicles. Both the Federal Motor Vehicle Safety Standards and the Federal Motor Carrier Safety Regulations use that figure to distinguish between motor vehicles that have basic operating characteristics of passegner cars by reason of their size, weight, construction, and configuration.

In it's final rule, the FHWA granted, in part, limited exemptions for lightweight vehicle operations, essentially insofar as the regulations require creation and retention of detailed safety records. The exemption found at § 391.62 was among those granted in that final rule.

Needed Data

The ABA has requested that the exemption found at § 391.62 be amended to include operations of vehicles having a GVWR of up to 15,000 pounds.

It has always been assumed that vehicle weight is related to accident frequency and severity. As vehicles get heavier their performance characteristics degrade (longer stopping distances, slower acceleration) which increases the likelihood of an accident. Also, when involved in an accident, the heavier weight is more likely to produce an injury or fatality. However, quantifying this influence has been very difficult to achieve because of the lack of accurate exposure data on vehicles with various weights and the confounding influence of variables such as, truck type and cargo configuration. The data does not show that heavier vehicles have a higher accident rate, but they do show severity increases with weight.

In consideration of the petition filed by the ABA and the data available to the BMCS, this notice solicits comments and substantive data in response to the questions set forth below.

Questions

1. Do present vehicles, weighing between 10,000 and 15,000 pounds GVWR, have size and handling characteristics similar to older vehicles rated at 10,000 pounds or less? (When the original 10,000 pound exemption was granted, it was believed that their operational characteristics were the same as automobiles.)

2. Are vehicles between 10,000 and 15,000 pounds GWR similar to vehicles under 10,000 pounds GVWR in terms of chassis, engine, power train, brake system, and tires? What major structural or operational differences exist between these groups of vehicles?

3. Do any vehicles between 10,000 and 15,000 pounds GWR require special or additional driver training or skills not

required for vehicles of 10,000 pounds or less?

4. Are any vehicles between 10,000 and 15,000 pounds GWR articulated vehicles? What is the most common configuration of these vehicles? Most unusual?

5. In what type of operations are your vehicles of 10,000 and 15,000 pounds GWR generally involved (intracity, pick-up and delivery, intercity, etc.)?

6. What is the annual total mileage operated by a typical vehicle weighing between 10,000 and 15,000 pounds GWR?

7. Should drivers operating vehicles weighing between 10,000 and 15,000 pounds GWR be exempt from:

(a) Physical examination,

(b) Road test,

(c) Written test,

8. Should motor carriers be exempt from performing background investigations, driving record investigations and maintenance of driver files for those drivers operating motor vehicles with a GVWR of 15,000 pounds and under? If so, why?

Those desiring to comment on this rulemaking action are asked to submit their views, data, and arguments to the docket at the above address. Comments need not be limited to the area specifically mentioned in the ANPRM. All comments received will be considered before any proposals for rulemaking are developed.

All comments submitted, will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the BMCS, Room 3402, 400 Seventh Street, SW., Washington, D.C. 20590.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies of the Department of Transportation.

A draft regulatory evaluation has been prepared and is available 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." The FHWA specifically requests information upon which to determine whether such action would have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 391

Motor carriers, Driver qualification.

(49 U.S.C. 304, 1655, 49 CFR 1.48(b) and 301.60)

(Catalog of Federal Domestic Assistance Program, Number 20.217, Motor Carrier Safety)

Issued on: August 30, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 82-24616 Filed 9-7-82; 8:45 am]

BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1127

[Ex Parte No. 293 (Sub-8)]

Standards for Determining Commuter Rail Service Continuation Subsidies

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Section 1137 of the Northeast Rail Service Act of 1981 (NERSA), requires that the Rail Services Planning Office (RSPO) issue regulations prescribing the necessary contents of a notice by Amtrak Commuter Services Corporation (CSC) to discontinue commuter rail operations. RSPO proposes to incorporate the requirements for a notice by CSC to discontinue these operations into the Standards for Determining Commuter Rail Service Continuation Subsidies (Standards). This would be accomplished by separating the Standards into two sections: Subpart A, containing the current Standards; Subpart B containing the discontinuance notice procedures as set forth in this notice.

DATE: Comments are due October 12, 1982.

ADDRESS: An original and 6 copies of the comments should be submitted to: Section of Rail Services Planning, Room 4414, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Thomas L. McClelland, Jr., (202) 275-0804

or

Stephen Grimm, (202) 275-0839.

SUPPLEMENTARY INFORMATION: Section 1137 of NERSA creates a new Title V of the Rail Passenger Service Act (45 U.S.C. 501) which provides for the establishment of a new corporation, CSC, to replace Conrail as the operator of commuter rail services. As of January 1, 1983, CSC is required to take over the commuter operations currently provided by Conrail if a commuter authority offers a subsidy payment which complies with RSPO's Standards (45 U.S.C. 504(c)). CSC may, however, discontinue these operations upon 60 days notice if (1) a commuter authority fails to offer an operating payment in accordance with the RSPO Standards or (2) an applicable commuter service operating payment is not paid when it is due.

Section 1137 of NERSA (45 U.S.C. 504(d)(2)) directs RSPO to issue regulations prescribing the necessary content of a discontinuance notice by CSC. Accordingly, we propose to amend the Standards to include the content requirement for these notices. We suggest that the Standards be divided into two subparts. Subpart A would embrace the current commuter service regulations and Subpart B would contain the necessary content, service and posting requirements for discontinuance notices by CSC.

Specifically, we porpose that the notice include a descriptive title, the date of the proposed discontinuance, identification of the commuter service subsidizer, a description of the general rail commuter area to be affected, the statutory reasons for the discontinuance, specific identification of the timetables for the affected commuter services, and the name and phone number of a representative for both CSC and the subsidizer.

It should be noted that we are only requiring identification of the timetables because the volume of train and route information that would otherwise be required would be unduly burdensome. For example, some authorities subsidize a large number of trains over many different lines. As a result, it would be prohibitive to require that specific train information such as stations, route, and times be included with each notice.

However, we are requiring that the notice identify a representative of both CSC and the subsidizer to ensure the availability of adequate information to the public.

This is not a major Federal action significantly affecting the quality of the human environment or the conservation of energy resources. Also, the proposed rules do not appear to have a negative impact on small entities.

The proposed rules are published under authority of 45 U.S.C. 504(d)(2).

List of Subjects in 49 CFR Part 1127

Railroads.

Issued: August 30, 1982, by William Southard, Director, Rail Services Planning Office.

By the Commission,

Agatha L. Mergenovich,

Secretary.

Chapter x of Title 49 of the CFR is proposed to be amended as follows:

PART 1127—STANDARDS FOR DETERMINING COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES

1. Sections 1127.1 through 1127.10, including appendices I, II and III, would be designated as Subpart A as follows, and a heading for the proposed Subpart A would be added to read as follows:

Subpart A—Determination of Commuter Rail Service Continuation Subsidies

* * * * *

2. A new Subpart B would be added to read as follows:

Subpart B—Notice of Discontinuance of Commuter Service by Amtrak Commuter Services Corporation

Sec.
1127.20 Purpose.
1127.21 Content and form of the notice.
1127.22 Service and posting.

§ 1127.20 Purpose.

Section 1137 of the Northeast Rail Service Act, 45 U.S.C. 504(d)(2), directs the Rail Services Planning Office (RSPO) to issue regulations prescribing the necessary contents of a notice by Amtrak Commuter Services Corporation (Commuter Services Corporation) to discontinue commuter service operations. Commuter Services Corporation may discontinue commuter service upon 60 days notice if (a) a commuter service operating payment (subsidy payment) is not made by a commuter authority in accordance with the Standards For Determining Commuter Rail Service Continuation Subsidies issued by RSPO, or (b) an applicable subsidy payment is not paid when it is due.

§ 1127.21 Content and form of the notice.

The notice to discontinue commuter service operations shall contain the following information and shall be in the following form:

Notice of Discontinuance of Commuter Services Corporation's Operation of [Name of Subsidizer] Commuter Rail Service

Commuter Services Corporation hereby gives 60 days notice that on [date of proposed discontinuance] it intends to discontinue the operation of commuter rail service currently subsidized by [name of subsidizer] in [identify general area to be affected].

Commuter Services Corporation intends to discontinue the service because [name of subsidizer] has [cite reason for discontinuance in accordance with 45 U.S.C. 504(d)(1) (A) or (B)] a required by section 1137 of the Northeast Rail Service Act of 1981.

Timetables for the Commuter service to be discontinued are [list timetables for the affected commuter service]. For further information contact [specify name and telephone number of a designated representative for Commuter Services Corporation and the subsidizer].

Commuter Services Corporation.

By: (Commuter Services Corporation Authorizing Official and Title).

[Date of Notice.]

§ 1127.22 Service and positing.

(a) The notice shall be served by certified mail on the subsidizer, the governor, and the designated state agency; and by first class mail on the Rail Services Planning Office and the National Railroad Passenger Corporation. Service shall be made no less than 3 days prior to the date of the notice.

(b) The notice shall be posted in a conspicuous place in each car of all trains affected by the proposed discontinuance and in each station, depot, and other facility involved. The posting of the notice shall be completed prior to the date of the notice.

(45 U.S.C. 504(d)(2))

[FR Doc. 82-24687 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 47, No. 175
Thursday, September 9, 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

Forms Under Review by Office of Management and Budget

September 3, 1982.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer, (202) 447-6201.

New

• Food and Nutrition Service
Integrated Review Schedule—Recordkeeping
On occasion
Individuals or households and state or local governments: 69,773 responses; 1,646 hours; not applicable under 3504(h)
Greg Fortine (703) 756-3540

• Food and Nutrition Service
Quality Control Review Schedule—Reporting FNS-245, 247-1, 247-2, 247-3, 247-4, 248
On occasion
Individuals or households: 28,254 responses; 109,359 hours; not applicable under 3504(h)
Greg Fortine (703) 756-3540

• Food and Nutrition Service
Quality Control Review Schedule—Recordkeeping
On occasion
Individuals or households: 28,254 responses; 667 hours; not applicable under 3504(h)
Greg Fortine (703) 756-3540

• Food and Nutrition Service
Energy Assistance and Restoration of Lost Benefits
Nonrecurring
State or local governments: 53 responses; 318 hours; not applicable under 3504(h)
Kathryn Hamilton, (703) 756-3431

• Food and Nutrition Service
Food Stamp Regulations, Part 275, Quality Control—Recordkeeping
On occasion
State or local governments: 53 responses; 265 hours; not applicable under 3504(h)
Maurice Tracy, (703) 756-3540

• Food and Nutrition Service
Food Stamp Regulations, Part 275, Quality Control—Reporting
On occasion
State or local governments: 53 responses; 1 hour; not applicable under 3504(h)
Maurice Tracy, (703) 756-3540

• Food and Nutrition Service
Food Stamp Program, Part 275, Performance Reporting, Management Evaluation—Recordkeeping
On occasion
State or local governments: 1,235 responses; 29 hours; not applicable under 3504(h)
Maurice Tracy, (703) 756-3540

Revised

• Agricultural Marketing Service
Dried Prunes Produced in California—Marketing Order 993
On occasion, monthly, annually
Businesses or other institutions: 40,298 responses; 34,786 hours; not applicable under 3504(h)
J. S. Miller, (202) 447-5697

• Agricultural Marketing Service
Marketing Agreement for Peanuts, No. 146
On occasion, weekly, monthly, annually
Businesses or other insitutions: 731,328 responses; 495,045 hours; not applicable under 3504(h)
J. S. Miller, (202) 447-5697

• Food and Nutrition Service
Civil Rights Title VI—Collection Reports
FNS-191
Annually
State or local governments: 4,500 responses; 8,480 hours; not applicable under 3504(h)
Barbara Campbell (703) 756-3710

Extension

• Food and Nutrition Service
Integrated Review Schedule—Reporting
FNS-380-1
On occasion
Individuals or housholds, state or local governments: 69,773 responses; 69,773 hours; not applicable under 3504(h)
Greg Fortine (703) 756-3540

• Foreign Agricultural Service
Trade Opportunity Referral Service (TORS) Registration Form for U.S. Suppliers and TORS Foreign Trade Inquiry Form
FAS-529 and FAS-608
On occasion
Farms and businesses or other institutions: 7,800 responses; 142 hours; not applicable under 3504(h)
Audrey Talley, (202) 447-7103

• Agricultural Stabilization and Conservation Service
Application for Approval of Warehouse (Porcessed Commodities)
CCC-560
Nonrecurring
Businesses or other institutions: 650 responses; 650 hours; not applicable under 3504(h)
Lynda Flament (202) 447-7912

• Forest Service
Detection Report—Forest Insect and Disease Damage
FS-3400-1
On occasion
State or local governments: 1,200 responses; 300 hours; not applicable under 3504(h)
David Alligood, (202) 235-2554

Reinstatement

• Food and Nutrition Service
Claim for Reimbursement, Summer Food Service Program
FNS–143 and 143–1
On occasion
Businesses or other institutions: 3,300 responses; 1,650 hours; not applicable under 3504(h)
James Belcher, (703) 756–3855

• Food and Nutrition Service
Food Stamp Regulations, Part 275, Performance Reporting, Management Evaluation—Reporting
On occasion
State or local governments: 5,282 responses; 217,294 hours; not applicable under 3504(h)
Maurice Tracy, (703) 756–3540

Richard J. Schrimper,
Statistical Clearance Officer.

[FR Doc. 82-24708 Filed 9-8-82; 8:45 am]
BILLING CODE 3410-01-M

Commodity Credit Corporation

1982-Crop Barley Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination of 1982-Crop Barley Loan and Purchase Rates.

SUMMARY: This notice of determination sets forth the county loan and purchase rates applicable to the 1982 crop of barley. The county loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1982-crop barley in accordance with the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act").

EFFECTIVE DATE: September 9, 1982.

FOR FURTHER INFORMATION CONTACT: Eloise V. Mauck, Cotton, Grain, and Rice Price Support Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7936.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and had been classified as "not major." The determination will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, investment, productivity, innovation or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This notice will not have a major impact specifically on area an community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this notice.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The title and number of the federal assistance program that this notice applies to are: Title—Commodity Loans and Purchases; Number—10.051; as found in the Catalog of Federal Domestic Assistance.

Price support for barley is made available each year by Commodity Credit Corporation (CCC) through county Agricultural Stabilization and Conservation Service (ASCS) offices. Price support for each crop of barley is mandatory at a level which is determined in accordance with the formula prescribed by Section 105A of the Act. Section 105A of the Act provides that loans and purchases shall be made available to producers of 1982-crop barley at such level as the Secretary determines is fair and reasonable in relation to the level at which loans and purchases are made available for corn, taking into consideration the feeding value of barley in relation to corn and other factors specified in section 401(b) of the Act.

Section 403 of the Act provides, in part, as follows:

> Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, locations, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in the Act * * *

The Secretary has previously determined that the 1982-crop barley loan rate will be $2.08 per bushel. The county loan and purchase rates determined herein reflect the level of support determined for the 1982 crop of barley.

This notice of determination also sets forth the discounts applicable to the 1982 crop of barley.

Accordingly, the individual county loan and purchase rates and discounts for the 1982 crop of barley are as follows:

Determinations

(a) Basic Loan and Purchase Rates (Counties)

County	Rate per Bushel
ALABAMA	
All counties	$2.06
ALASKA	
All counties	2.38
ARIZONA	
All counties	2.28
ARKANSAS	
All counties	2.06
CALIFORNIA	
Alameda	2.47
Alpine	2.30
Amador	2.43
Butte	2.38
Calaveras	2.43
Colusa	2.42
Contra Costa	2.44
El Dorado	2.42
Fresno	2.41
Glenn	2.39
Humboldt	2.27
Imperial	2.41
Inyo	2.29
Kern	2.42
Kings	2.40
Lake	2.37
Lassen	2.27
Los Angeles	2.47
Madera	2.43
Marin	2.44
Mariposa	2.41
Mendocino	2.31
Merced	2.43
Modoc	2.25
Monterey	2.39
Napa	2.42
Orange	2.47
Placer	2.40
Plumas	2.30
Riverside	2.42
Sacramento	2.47
San Benito	2.39
San Bernardino	2.43
San Diego	2.47
San Francisco	2.47
San Joaquin	2.47
San Luis Obispo	2.39
San Mateo	2.44
Santa Barbara	2.38
Santa Clara	2.43
Santa Cruz	2.40
Shasta	2.27
Sierra	2.29
Siskiyou	2.25
Solano	2.44
Sonoma	2.42
Stanislaus	2.45
Sutter	2.41
Tehama	2.38
Tulare	2.39
Tuolumne	2.41
Ventura	2.42
Yolo	2.44
Yuba	2.41
Wght. State avg.	2.40
COLORADO	
All counties	2.16
CONNECTICUT	
All counties	2.06

County	Rate per Bushel
DELAWARE	
All counties	2.06
FLORIDA	
All counties	2.07
GEORGIA	
All counties	2.07
IDAHO	
Ada	2.13
Adams	2.13
Bannock	2.13
Bear Lake	2.10
Benewah	2.19
Bingham	2.12
Blaine	2.13
Boise	2.13
Bonner	2.15
Bonneville	2.10
Boundary	2.14
Butte	2.12
Camas	2.13
Canyon	2.13
Caribou	2.10
Cassia	2.12
Clark	2.09
Clearwater	2.18
Custer	2.13
Elmore	2.13
Franklin	2.14
Fremont	2.10
Gem	2.13
Gooding	2.13
Idaho	2.14
Jefferson	2.10
Jerome	2.13
Kootenai	2.19
Latah	2.19
Lemhi	2.09
Lewis	2.18
Lincoln	2.13
Madison	2.10
Minidoka	2.14
Nez Perce	2.19
Oneida	2.13
Owyhee	2.13
Payette	2.13
Power	2.13
Shoshone	2.07
Teton	2.10
Twin Falls	2.14
Valley	2.13
Washington	2.13
Wght. State Avg.	2.12
ILLINOIS	
Alexander	2.12
Cook	2.07
Madison	2.11
St. Clair	2.11
All other counties	2.02
Wght. State avg.	2.02
INDIANA	
All counties	2.02
IOWA	
Pottawattamie	2.08
All other counties	2.04
Wght. State Avg.	2.04
KANSAS	
Leavenworth	2.09
Wyandotte	2.09
All other counties	2.05
Wght. State avg.	2.05
KENTUCKY	
All counties	2.03
LOUISIANA	
East Baton Rouge	2.24
Jefferson	2.24
Orleans	2.24
St. Charles	2.24
West Baton Rouge	2.24
All other counties	2.07
Wght. State avg.	2.07
MAINE	
All counties	2.06
MARYLAND	
Baltimore	2.24
All other counties	2.06
Wght. State avg.	2.06
MASSACHUSETTS	
All counties	2.06
MICHIGAN	
All counties	1.98
MINNESOTA	
Aitkin	2.17
Anoka	2.20
Becker	2.02
Beltrami	2.06
Benton	2.16
Big Stone	2.07
Blue Earth	2.20
Brown	2.18
Carlton	2.21
Carver	2.21
Cass	2.09
Chippewa	2.14
Chisago	2.20
Clay	2.00
Clearwater	2.00
Cottonwood	2.14
Crow Wing	2.13
Dakota	2.21
Dodge	2.20
Douglas	2.08
Faribault	2.19
Billmore	2.17
Freeborn	2.20
Goodhue	2.20
Grant	2.06
Hennepin	2.21
Houston	2.16
Hubbard	2.06
Isanti	2.19
Itasca	2.13
Jackson	2.13
Kanabec	2.18
Kandiyohi	2.17
Kittson	1.95
Koochiching	2.10
Lac qui Parle	2.10
Lake of the Woods	2.05
Le Sueur	2.21
Lincoln	2.08
Lyon	2.12
McLeod	2.20
Mahnomen	2.00
Marshall	1.97
Martin	2.18
Meeker	2.18
Mille Lacs	2.18
Morrison	2.14
Mower	2.19
Murray	2.11
Nicollet	2.20
Nobles	2.09
Norman	1.98
Olmsted	2.20
Otter Tail	2.05
Pennington	1.98
Pine	2.21
Pipestone	2.07
Polk	1.98
Pope	2.11
Ramsey	2.21
Red Lake	1.98
Redwood	2.15
Renville	2.18
Rice	2.21
Rock	2.05
Roseau	1.97
St. Louis	2.21
Scott	2.21
Sherburne	2.20
Sibley	2.20
Stearns	2.16
Steele	2.21
Stevens	2.09
Swift	2.12
Todd	2.11
Traverse	2.05
Wabasha	2.20
Wadena	2.10
Waseca	2.21
Washington	2.21
Watonwan	2.19
Wilkin	2.03
Winona	2.18
Wright	2.21
Yellow Medicine	2.10
Wght. State avg.	2.01
MISSISSIPPI	
All counties	2.06
MISSOURI	
Buchanan	2.08
Clay	2.08
Jackson	2.08
St. Louis	2.10
All other counties	2.06
Wght. State avg.	2.06
MONTANA	
Beaverhead	2.00
Big Horn	1.94
Blaine	1.90
Broadwater	2.02
Carbon	1.95
Carter	1.82
Cascade	1.98
Chouteau	1.94
Custer	1.84
Daniels	1.83
Dawson	1.84
Deer Lodge	2.06
Fallon	1.82
Fergus	1.94
Flathead	2.11
Gallatin	2.06
Garfield	1.90
Glacier	1.97
Golden Valley	1.95
Granite	2.04
Hill	1.93
Jefferson	2.06
Judith Basin	1.95
Lake	2.04
Lewis and Clark	1.96
Liberty	1.95
Lincoln	2.11
McCone	1.87
Madison	2.06
Meagher	1.99
Mineral	2.08
Missoula	2.08
Musselshell	1.94
Park	2.03
Petroleum	1.92
Phillips	1.87
Pondera	1.96
Powder River	1.85
Powell	2.06
Prairie	1.84
Ravalli	2.04
Richland	1.83
Roosevelt	1.81
Rosebud	1.88
Sanders	2.08
Sheridan	1.81
Silver Bow	2.06
Stillwater	1.95
Sweet Grass	1.98
Teton	1.96
Toole	1.96
Treasure	1.89

County	Rate per Bushel
Valley	1.87
Wheatland	1.96
Wibaux	1.82
Yellowstone	1.94
Wght. State avg.	2.96
NEBRASKA	
Douglas	2.09
All other counties	2.01
Wght. State avg.	2.01
NEVADA	
All counties	2.26
NEW HAMPSHIRE	
All counties	2.06
NEW JERSEY	
All counties	2.06
NEW MEXICO	
All counties	2.16
NEW YORK	
Albany	2.24
New York City	2.24
All other counties	2.06
Wght. State avg.	2.06
NORTH CAROLINA	
All counties	2.07
NORTH DAKOTA	
Adams	1.81
Barnes	1.94
Benson	1.86
Billings	1.79
Bottineau	1.81
Bowman	1.79
Burke	1.79
Burleigh	1.85
Cass	1.97
Cavalier	1.88
Dickey	1.92
Divide	1.79
Dunn	1.79
Eddy	1.89
Emmons	1.84
Foster	1.90
Golden Valley	1.79
Grand Forks	1.94
Grant	1.80
Griggs	1.91
Hettinger	1.79
Kidder	1.88
La Moure	1.91
Logan	1.88
McHenry	1.84
McIntosh	1.89
McKenzie	1.81
McLean	1.83
Mercer	1.82
Morton	1.82
Mountrail	1.79
Nelson	1.91
Oliver	1.83
Pembina	1.92
Pierce	1.85
Ramsey	1.88
Ransom	1.94
Renville	1.80
Richland	1.97
Rolette	1.84
Sargent	1.96
Sheridan	1.85
Sioux	1.82
Slope	1.79
Stark	1.79
Steele	1.93
Stutsman	1.92
Towner	1.86
Traill	1.94
Walsh	1.92
Ward	1.81
Wells	1.88
Williams	1.79
Wght. State avg.	1.91
OHIO	
All counties	2.00
OKLAHOMA	
All counties	2.04
OREGON	
Baker	2.18
Benton	2.23
Clackamas	2.27
Clatsop	2.33
Columbia	2.33
Coos	2.14
Crook	2.22
Curry	2.12
Deschutes	2.22
Douglas	2.16
Gilliam	2.27
Grant	2.22
Harney	2.09
Hood River	2.29
Jackson	2.15
Jefferson	2.25
Josephine	2.15
Klamath	2.15
Lake	2.14
Lane	2.22
Lincoln	2.22
Linn	2.24
Malheur	2.12
Marion	2.25
Morrow	2.26
Multnomah	2.33
Polk	2.25
Sherman	2.28
Tillamook	2.28
Umatilla	2.23
Union	2.21
Wallowa	2.18
Wasco	2.29
Washington	2.29
Wheeler	2.24
Yamhill	2.27
Wght. State avg.	2.19
PENNSYLVANIA	
Philadelphia	2.26
All other counties	2.08
Wght. State avg.	2.08
RHODE ISLAND	
All counties	2.06
SOUTH CAROLINA	
Charleston	2.22
All other counties	2.07
Wght. State avg.	2.07
SOUTH DAKOTA	
Aurora	1.92
Beadle	1.96
Bennett	1.86
Bon Homme	1.95
Brookings	2.02
Brown	1.95
Brule	1.90
Buffalo	1.92
Butte	1.79
Campbell	1.89
Charles Mix	1.93
Clark	1.97
Clay	1.97
Codington	2.00
Corson	1.84
Custer	1.84
Davison	1.92
Day	1.98
Deuel	2.04
Dewey	1.86
Douglas	1.93
Edmunds	1.92
Fall River	1.84
Faulk	1.93
Grant	2.04
Gregory	1.92
Haakon	1.86
Hamlin	2.00
Hand	1.94
Hanson	1.93
Harding	1.79
Hughes	1.90
Hutchinson	1.94
Hyde	1.92
Jackson	1.86
Jerauld	1.92
Jones	1.89
Kingsbury	1.99
Lake	1.98
Lawrence	1.79
Lincoln	1.97
Lyman	1.90
McCook	1.95
McPherson	1.92
Marshall	1.97
Meade	1.82
Mellette	1.88
Miner	1.94
Minnehaha	1.98
Moody	2.00
Pennington	1.84
Perkins	1.81
Potter	1.91
Roberts	2.02
Sanborn	1.92
Shannon	1.84
Spink	1.95
Stanley	1.89
Sully	1.91
Todd	1.88
Tripp	1.90
Turner	1.97
Union	1.98
Walworth	1.89
Yankton	1.97
Ziebach	1.84
Wght. State avg.	1.96
TENNESSEE	
Shelby	2.12
All other counties	2.06
Wght. State avg.	2.06
TEXAS	
Chambers	2.26
Galveston	2.26
Harris	2.26
Jefferson	2.26
Nueces	2.26
San Patricio	2.26
All other counties	2.10
Wght. State avg.	2.10
UTAH	
All counties	2.16
VERMONT	
All counties	2.06
VIRGINIA	
Chesapeake (Norfolk)	2.16
All other counties	2.06
Wght. State avg.	2.06
WASHINGTON	
Adams	2.20
Asotin	2.20
Benton	2.22
Chelan	2.24
Clallam	2.10
Clark	2.31
Columbia	2.21
Cowlitz	2.31
Douglas	2.19
Ferry	2.15
Franklin	2.21
Garfield	2.21
Grant	2.20

County	Rate per Bushel
Grays Harbor	2.19
Island	2.23
Jefferson	2.15
King	2.31
Kitsap	2.23
Kittitas	2.22
Klickitat	2.23
Lewis	2.24
Lincoln	2.19
Mason	2.17
Okanogan	2.18
Pacific	2.19
Pend Oreille	2.13
Pierce	2.31
San Juan	2.18
Skagit	2.18
Skamania	2.25
Snohomish	2.23
Spokane	2.17
Stevens	2.14
Thurston	2.24
Wahkiakum	2.27
Walla Walla	2.21
Whatcom	2.16
Whitman	2.19
Yakima	2.21
Wght. State avg.	2.19
WEST VIRGINIA	
All counties	2.06
WISCONSIN	
Douglas	2.13
All other counties	2.03
Wght. State avg.	2.03
WYOMING	
All counties	2.07

(b) *Schedule of Discounts*

(1) *Grade* (in cents per bushel):

(i) U.S. No. 3, −4

(ii) U.S. No. 4, −8

(iii) U.S. No. 5, −20

(iv) U.S. Sample grade—on the factors of test weight and/or total damaged kernels; −32

(2) *Additional Discounts When Sample Grade:*

(i) U.S. Sample grade on Account of Test Weight:

Pounds (in cents per bushel)

(A) 35.9–35.0, −1

(B) 34.9–34.0, −2

(C) 33.9–33.0, −3

(D) 32.9–32.0, −4

(E) 31.9–31.0, −5

(F) 30.9–30.0, −6

(G) 29.9–29.0, −7

(H) 28.9–28.0, −8

(I) 27.9–27.0, −9

(J) 26.9–26.0, −10

(K) 25.9–25.0, −11

(ii) U.S. Sample grade on Account of Total Damaged Kernels:

Percent (in cents per bushel)

(A) 10.1–11.0, −2

(B) 11.1–12.0, −4

(C) 12.1–13.0, −6

(D) 13.1–14.0, −8

(E) 14.1–15.0, −10

(F) Each percent over 15, −5

(3) *Other factors.* Barley grading U.S. Sample grade is ineligible for warehouse-stored loan except on the factors of test weight and/or total damaged kernels. In the event quantities of barley grading U.S. Sample grade are delivered in satisfaction of farm-stored loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City ASCS Commodity Office for settlement purposes. The schedule will also provide discounts for certain quality factors not specified above which affect the value of the barley, e.g., weevily, ergoty, stones, etc. Such discounts will be established prior to loan maturity and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors, discounts and adjustments as county ASCS offices prior to their loan maturity dates or as soon thereafter as practicable.

(4) *Special Discount—Garlicky,* −10

(5) *Weed Control Discount (where required by § 1421.24),* −10

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and (c); secs. 105B, 401, 95 Stat. 1227, 63 Stat. 1051, as amended (7 U.S.C. 1444d, 1421))

Signed at Washington, D.C. on: September 1, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-24707 Filed 9-8-82; 8:45 am]

BILLING CODE 3410-05-M

COMMISSION ON CIVIL RIGHTS

North Dakota 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 North Dakota Advisory Committee to the Commission will convene at 1:00p and will end at 4:00p, on September 27, 1982, at the Holiday Inn, Bismarck North Dakota, 58501. The purpose of the meeting will be to discuss the release of the Committee's report on equal opportunity in housing and activities for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Robert A. Feder, Post Office Box 1637, Fargo, North Dakota, 58107, (701) 235-5515 or the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver Colorado, 80202, (303) 837-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 2, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-24667 Filed 9-8-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee on Population Statistics will convene on October 1, 1982, at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The Committee is composed of six members appointed by the Secretary of Commerce, and nine members designated by the President of the Population Associaton of America from the membership of that Association.

The agenda for the meeting, which is scheduled to adjourn at 4:15 p.m., is: (1) Introductory remarks by the Director of the Bureau of the Census, including staff changes and program and budget developments; (2) 1980 census update; (3) income imputation procedures; (4) 1980 census field experience; (5) 1990 census planning; (6) updates and current items, including: (a) 1980 census monograph program (b) redesign of demographic surveys, (c) industry and occupation classification, (d) conference on regional population change and its economic determinants and consequences, (e) women in development—international data base, and (f) annual estimates of U.S. population by race; (7) Committee recommendations; and (8) agenda for the next meeting and election of chairperson-elect.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Dr.

Campbell Gibson, Room 2266, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-1408.

Dated: September 3, 1982.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 82-24730 Filed 9-8-82; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Computer Systems Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place

September 30, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th Street and Constitution Ave., N.W., Washington, D.C.

Agenda

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of EAR 376.10(a)(4) Definitions of Terms, (performance parameters). The definitions are to be examined with a view to bring them more in line with current computer technology.

(4) Report on the current work program of the subcommittees:

(a) Foreign Availability;

(b) Hardware; and

(c) Licensing Procedures.

(5) New business.

Executive Session

(6) Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and stragetic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: September 3, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82-24784 Filed 9-8-82; 8:45 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Time and Place

September 29, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Ave., N.W., Washington, D.C.

Agenda

General Session

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. Review the minutes of the previous meeting.
4. OEA response on performance parameters.
5. Outstanding communications to OEA:

a. Procedures on licenses for exhibits.

b. Accelerations of post-COCOM procedures.

6. Patent Office licensing procedures.
7. New business.

Public Participation

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: September 3, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82-24785 Filed 9-8-82; 8:45 am]

BILLING CODE 3510-25-M

Foreign Availability Subcommittee of the Computer Systems Technical Avisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981

in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

Time and Place

September 29, 1982, at 1:30 p.m. The meeting will take place at the Main Commerce Building, Conference Room D, 14th Street and Constitution Ave., N.W., Washington, D.C.

Agenda

General Session

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of the letter from the Subcommittee to Lionel Olmer, Under Secretary for International Trade, on the Foreign Availability Certification Group proposal.

(4) Discussion of the agenda for the remainder of the year.

Public Participation

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: September 3, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82-24786 Filed 9-8-82; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 632]

Dresser (France) S.A.; Order Modifying Temporary Denial of Export Privileges

By Order of August 26, 1982, 47 FR 38170 (August 30, 1982), the respondent, Dresser (France) S.A., Cedex L 192, SILIC 5 Rue d'Antony, 94563 Rungis, France, was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1981)) (the "Regulations"), all privileges of participating in any manner or capacity in the export of U.S.-origin commodities or technical data.

The Department of Commerce (the "Department") has now filed a motion to modify the Order of August 26, 1982 to restrict the scope of the denial to U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement, on the grounds that a denial order which is restricted in scope will (1) continue to facilitate the Department's investigation, (2) remain consistent with the foreign policy objectives of the Regulations relating to the export to the Soviet Union of commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement, and (3) reflect conscientious efforts by the Department to adjust its measured approach to possible violations of the Regulations, both in light of information developed during the investigation and in a way that imposes a uniform and not overly broad burden upon all respondents.

Based upon the showing made by the Department and having considered the views of the respondent, I find that the motion to modify the order temporarily denying all export privileges to Dresser-France is in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401, *et seq.* (Supp. III 1979)), and the Regulations, and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondent in transactions that in any way involve U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered that the Order of August 26, 1982 is modified as follows:

I. All outstanding validated export licenses concerning U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation. All validated export licenses revoked by the Order of August 26, 1982, that are not for or relating to oil and gas exploration, production, transmission, or refinement are hereby reinstated, and all such licenses received by the Department pursuant to the Order of August 26, 1982, shall be returned forthwith to the licensee by the Office of Export Administration.

II. The respondent, its successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any such commodities or technical data exported from the United States in whole or in part, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other

export control document relating to any export, reexport, transshipment, or diversion of any such commodity or technical data exported from the United States in whole or in part, or to be exported, by, to, or for the respondent denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexprot, transshipment, or diversion of any such commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondent may move at any time to vacate or modify this modified temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. In accordance with the provisions of § 338.22 of the Regulations, the respondent may appeal to the Assistant Secretary for Trade Administration, U.S. Department of Commerce, Room 3898-B, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an order temporarily denying export privileges.

VI. This modification of the Order of August 26, 1982 is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the named respondent as a result of the ongoing investigation. A copy of this modification of the Order of August 26, 1982 shall be served upon the respondent.

Dated: September 7, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-24941 Filed 9-8-82; 10:41 am]

BILLING CODE 3510-25-M

[Case No. 634]

Nuovo Pignone S.p.A. Industrie Meccaniche E Fonderia; 2 Via F. Matteucci, 50100 Florence, Italy, Order Temporarily Denying Export Privileges

The Department of Commerce (the "Department"), pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1981) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying to Nuovo Pignone S.p.A. Industrie Meccaniche e Fonderia ("Nuovo Pignone"), 2 Vie F. Matteucci, 50100 Florence, Italy, export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement.

The Department states that Nuovo Pignone is under investigation by the Department's Office of Export Enforcement. The Department states further that its investigation gives it reason to believe: (i) That Nuovo Pignone is an Italian company which is a licensee of General Electric, a United States corporation; (ii) that, in order to carry out certain transactions, Nuovo Pignone has exported, or has placed beyond its control to prevent the export of, certain gas turbines and other oil and gas equipment parts from Italy to the Soviet Union; (iii) that these gas turbines and other oil and gas equipment parts were manufactured in Italy incorporating U.S.-origin rotors and technology; (iv) that the Regulations prohibit the export to the Soviet Union of such items; and (v) that Nuovo Pignone may make similar exports in the future contrary to the Regulations unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying to Nuovo Pignone export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. Section 2401, *et seq.*) (Supp. III (1979)), and the Regulations, and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondent or any related party in transactions that in any way involve U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses concerning U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement in which respondent or any related party appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondent, its successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any such commodities or technical data exported from the United States in whole or in part, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. The business organization in Italy now known to be owned by or affiliated with Nuovo Pignone, and which is accordingly subject to the provisions of this order, is: INSO—Sistemi per le Infrastrutture Sociali S.p.A. 2 Via F. Matteucci, 50100 Florence, Italy.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or

refinement, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party or whereby the respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any such commodity or technical data exported from the United States in whole or in part, or to be exported, by, to or for the respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any such commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondent or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, and appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. In accordance with the provisions of § 388.22 of the Regulations, the respondent or any related party may appeal to the Assistant Secretary for Trade Administration, U.S. Department of Commerce, Room 3898-B, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an order temporarily denying export privileges.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the named respondent as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondent and the above-named related party.

Dated: September 4, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-24862 Filed 9-7-82; 2:28 pm]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council's Anchovy Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), has established an Anchovy Subpanel which will meet to discuss proposed amendments to the Northern Anchovy Fishery Management Plan. The proposed amendments would change current regulations effecting size limit and release of harvest quotas. Information developed at this meeting will enable the Subpanel to formulate a recommendation to the Council preparatory to releasing the proposal for public review.

DATES: The public meeting will convene on Thursday, September 23, 1982, at approximately 10 a.m., and will take place in the conference room of the California Department of Fish and Game, 350 Golden Shore, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, Telephone: (503) 211-6352.

Dated: September 3, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-24761 Filed 9-8-82; 8:45 am]

BILLING CODE 3510-22-M

Salmon and Steelhead Advisory Commission; Public Meeting; Postponement

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: Postponement of a meeting of the Salmon and Steelhead Advisory Commission from September 8, 1982, until October 18, 1982.

DATE: The meeting of the Salmon and Steelhead Advisory Commission originally scheduled for September 8 at the Columbia River Inter-Tribal Fish Commission Offices in Portland, Oregon, has been postponed until October 18, 1982, at the same location and time. The meeting will convene at 10:00 a.m.. and continue until 5:00 p.m. A public comment period will be provided at 1:30 p.m. Limited seating is available.

ADDRESS: Columbia River Inter-Tribal Fish Commission, 8383 Sandy Boulevard, Room 110, Portland, Oregon 97220; (503) 257-0181.

MEETING AGENDA: The Commission will meet to consider issues, problems, and concerns regarding the salmon resource and which need to be resolved in order to provide coordinated management, research, enforcement, and enhancement. The Commission will also consider other matters appropriate to its responsibilities.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Regional Director, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115, Telephone: (206) 527-6150.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

September 3, 1982.

[FR Doc. 82-24762 Filed 9-8-82; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Public Workshops on Trends in Critical Materials Requirements for Steels of the Future; Conservation and Substitution Technology for Chromium

AGENCY: Commerce.

ACTION: Notice of Public Workshop on Trends in Critical Materials Requirements for Steels of the Future; Conservation and Substitution Technology for Chromium.

SUMMARY: The Departments of Commerce, Interior and Defense by this notice are soliciting participation in a public workshop identifying trends in materials requirements for steels and defining technical opportunitues to deal with needs for critical materials listed below.

DATE: The workshop will take place October 4-7, 1982.

ADDRESS: The workshop will be held in the Sarratt Center at Vanderbilt University, Nashville, Tennessee, under the Chairmanship of Dr. Allen G. Gray, Adjunct Professor of Materials Engineering and Management of Technology, Vanderbilt University and Technical Director, American Society for Metals.

FOR FURTHER INFORMATION CONTACT: Dr. John D. McKinley, Center for Materials Science, National Bureau of Standards, Materials Building, B308, Washington, D.C. 20234, Telephone (301) 921-2891 or Professor Robert Nash, School of Engineering, Vanderbilt University, P.O. Box 1553, Station B, Nashville, Tennessee 37235, Telephone (615) 322-3479.

SUPPLEMENTARY INFORMATION: In section 5(c) of the National Materials and Minerals Policy, Research and Development Act of 1980, Pub. L. 96-479, the Secretary of Commerce is directed to identify and assess materials needs cases as necessary to ensure an adequate and stable supply of materials to meet national security, economic well-being and industrial production needs.

As used in the Act the term "materials" means substances, including minerals, of current or potential use that will be needed to supply the industrial, military, and essential civilian needs of the United States in the production of goods or services, including those which are primarily imported or for which there is a prospect of shortages or uncertain supply, or which present opportunities in terms of new physical properties, use, recycling, disposal or substitution, with the exclusion of food and of energy fuels used as such.

Following completion of an October 1981 report to the Congress, "Critical Materials Requirements of the U.S. Aerospace Industry" the Department of Commerce selected the U.S. steel industry as the focus for a second materials needs case study and report. The study will address trends in use by the steel industry of chromium, manganese, nickel, tungsten, fluorspar, cobalt, zinc, tin, columbium, and vanadium. The study will address opportunities for conservation by adoption of advances in technologies including substitution, processing, coatings, and recycling. Consideration will be given to research needs, and to requirements for an information stockpile on substitutes for critical materials. The Secretary of Commerce wil be recommending programs to assist in assuring that future needs of the American steel industry for these materials can be met.

A block of rooms has been set aside for workshop participants at the Holiday Inn-Vanderbilt, 2613 West End Avenue, Nashville, TN 37203 (Phone: 615-327-4707). Reservations should be made as soon as possible. Mention the Vanderbilt Workshop to get the special rate. Rooms not reserved by September 18 will be released. Sessions scheduled for October 4, 5, and 6 will be held in the Sarratt Center on the Vanderbilt campus. The session schedule for October 7 will be held in meeting rooms at the Holiday Inn-Vanderbilt to make departure more convenient. Limousine service is available between the Nashville Metro Airport and the Holiday Inn-Vanderbilt. An attendance fee of $75.00 includes the cost of four lucheons and the workshop dinner. Participation by the public is encourged.

Dated: September 3, 1982.

D. Bruce Merrifield,

Assistant Secretary for Productivity, Technology, and Innovation.

Public Workshop on:[1]

Trends in Critical Materials Requirements for Steels of the Future Conservation and Substitution Technology for Chromium

Sponsors: U.S. Department of Commerce/National Bureau of Standards, U.S. Department of of the Interior/Bureau of Mines, U.S. Department of Defense/Army Research Office, Vanderbilt University/School of Engineering

In cooperation with the American Iron and Steel Institute.

Session I—Sarratt Cinema

Monday, October 4, 1982

8:00—Registration and Check-in—Sarratt Center Lobby

8:30—Greetings from Vanderbilt, James J. Wert, George A. Sloan Professor of Metallurgy

8:35—Significance of the Workshop: Critical Materials Needs for Future Steels and the Challenge of the Chromium Situation, Allen G. Gray, Chairman of Workshop, Adjunct Professor, Materials Engineering and Management of Technology, Vanderbilt University, Technical Director, American Society for Metals

8:50—Charge to the Workshop, Robert Mehrabian, Director, Center for Materials Science, National Bureau of Standards

Keynote Session

9:00—Workshop Keynote Address: Industrial Life without Chromium-Technological Challenges, Arden L. Bement, Jr., Vice President, Technical Resources, TRW Inc.

10:00—How Developments in Processing Technology Influence Critical Materials Needs of the Steel Industry, Gordon H. Geiger, Chase Manhattan Bank (formerly Inland Steel Co.)

10:30—Break—Room 123-124 Sarratt Center

(All sessions, Monday through Wednesday, will be held in the Sarratt Center at Vanderbilt University, with the exception of Tuesday evening which will be in Room 4309 of the Stevenson Center at Vanderbilt. Thursday sessions will be at Holiday Inn-Vanderbilt for convenience in departure)

10:45—Potential Areas for Chromium Conservation in Stainless Steels, R. A. Lula, Consultant

11:15—Chromium Conservation and Substitution in Steels for Hardenability, Dale H. Breen, Director, Gear Research Institute, Packer Engineering Associates

11:45—Discussion

12:15—Lunch—University Club

Session II—Sarratt Cinema

Monday, October 4, 1982

Users' Views on Steels Needed for the Future. Technological Trends on Critical Materials Required for these Steels. Chairman: William E. Dennis, Vice President, Manufacturing and Research American Iron and Steel Institute

1:15—Opening Comments, Chairman Dennis

Users' Views on Steels Needed for the Future Applications—20 minute summary of written statements:

Buildings and Bridges, Lewis Brunner, American Institute of Steel Construction

Railway Industry, William J. Harris, Association of American Railroads

Automotive Industry, George H. Robinson, General Motors Corporation

Heavy Duty Vehicles, Dennis Oneil, Caterpillar Tractor Co.

Chemical and Petrochemical Equipment, James D. Anderson, E.I. Du Pont Co.

Electric Utilities, Nuclear Industry, Robert I. Jaffee, Electric Power Research Institute

Aircraft and Aerospace, Rod Simenz, Lockheed-California Co.

Oil Country Tubular Goods, Ernest W. Haycock, Shell Development Co.

4:15—Workshop Exercise: Development of views on action items; All attendees will be given an opportunity to provide brief written or oral comments from the floor on this topic.

6:15—Reception—University Club Lobby

7:00—Workshop Banquet—University Club, Speaker: Robert D. Wilson, Director, Office of Strategic Resources, U.S. Department of Commerce

Session III—Sarratt Cinema

Tuesday, October 5, 1982

Impact of Developments in Manufacturing and Process Controls on Conservation and Recovery of Critical Materials. Chairman: Gordon H. Geiger, Chase Manhattan Bank (formerly Inland Steel Co.)

8:30—Opening Comments, Chairman Geiger

9:00—Integrated Mills—Melting Practices, Continuous Casting, Controlled Rolling, Gordon H. Geiger

9:30—Stainless and Specialty Steels, AOD, EBR, LR, VAR, VIM, VOD, Frank M. Richmond, Universal Cyclops Specialty Steels Co.

10:00—Break—Rooms 123-124, Sarratt Center

10:15—Tool Steels, Walter T. Haswell, Jr., Colt Industries/Crucible, Inc.

10:45—Mini Mills—Technological Innovations and Future Alternatives, Peter Wright, Chaparral Steel Co.

11:15—Recycling—Present and Future Potential for Conservation, Herschel Cutler, Institute of Scrap Iron and Steel

11:45—Workshop Exercise: Development of views on action items; All attendees will be given an opportunity to provide brief written or oral comments from the floor on this topic

12:15—Lunch—University Club

Session IV—Sarratt Cinema

Tuesday, October 5, 1982

Conservation and Substitution for Chromium in Stainless Steels for Chemical Use and for Corrosion Resistant Applications. Chairman: Gerald L. Houze, Allegheny Ludlum Steel Corporation

[1] Some invited participants for various sessions are not confirmed.

1:30—Overview of Opportunities for Chromium Conservation in Stainless Steels for Corrosion Applications, Chairman Houze
2:00—Summary of Studies of Metal Properties Council on Chromium Conservation in Stainless Steels for Corrosion Applications, A. O. Schaefer, MPC, Jim Heger, Consultant, MPC
2:30—Case History on Substitution in Hospital Equipment, Roy Klein, AMSCO
3:00—Break—Rooms 123–124, Sarratt Center
3:15—Alternates for Stainless Steels in the Chemical Process Industries, Edward A. Kachik, Materials Processing Institute of Chemical Processing Industries
3:45—Opportunities for Conservation of Chromium in Chemical Process Equipment Including Potential Applications for Titanium as an Alternate Material, Donald Dees, Oregon Metallurgical Corp.; Robert A. Gaugh, ARMCO Inc.
4:15—Concepts in Alloying and in Hard Facing Techniques to Conserve Chromium in Materials for Chemical Processing Industries, Aziz I. Asphåhani, Cabot Corporation

Session V—4309 Stevenson Center

Tuesday, October 5, 1982, 7:00–9:30 p.m.

Conservation and Substitution for Chromium in Stainless Steels and Alloys for Heat Resistant Applications. Chairman: Joseph R. Stephens, NASA Lewis Research Center
7:00—Opening comments, Chairman Stephens
7:15—Outlook for Conservation of Chromium in Superalloys, John K. Tien, Columbia University
7:45—Experience with 9Cr–1Mo Steel To Conserve Chromium in Power Plant Applications, Vinod Sikka, Oak Ridge National Laboratory
8:05—Si–Mo Ductile Iron for Elevated Temperature Service to Conserve Chromium, Jan Janowak, Climax Molybdenum Co.
8:25—Status of Mn–A1–Fe Alloys as Replacement for Stainless in Heat Resisting and Cryogenic Applications, Samir K. Banerji, Foote Minerals Co.
8:45—Workshop Exercise: Development of views on action items; All attendees will be given an opportunity to provide brief written or oral comments from the floor on this topic.
9:15—Adjourn

Session VI—Sarratt Cinema

Wednesday, October 6, 1982

Conservation and Substitution for Chromium in Carburizing, Heat Treatable Steels and Bearing Steels. Chairman: Dale H. Breen, Director, Gear Research Institute, Packer Engineering Associates
8:30—Comments, Chairman Breen
8:45—Status Report on Development of New Alloys to Replace Chromium in Carburizing Steels for Gears and Shafts, Carl J. Kieth, International Harvester Co.
9:15—Alternative Steels for Carburizing and Hardening without Chromium, Horace N. Lander, Climax Molybdenum Co.
9:45—Chinese Carburizing Gear Steel without Chromium or Nickel, Report from Nanchang Gear Plant, Beijing, China, Presented by Allen G. Gray
10:00—Break—Rooms 123–124, Sarratt Center
10:15—Potential for Selective Hardening by Induction in Chromium-Free Steels, Peter A. Hassell, Ajax Magnethermic Corp.
10:45—Bearing Steels of the 52100 Type with Reduced Chromium, Chester F. Jatczak, Timken Co.
11:15—Workshop Exercise: Development of views on action items; All attendees will be given an opportunity to provide brief written or oral comments from the floor on this topic.
12:15—Lunch—Peabody Room—Hill Student Center Presentation: A Foreign Viewpoint—Supply and Use of Chromium, Raw Materials and Processed Alloys, A. Strasheim, Director, National Physical Research Laboratory, CSIR, Pretoria, South Africa

Session VII (Concurrent) Sarratt Cinema

Wednesday, October 6, 1982

Conservation and Substitution for Chromium in Structural Alloy, High Strength, and High Strength Low Alloy Steels. Chairman: Robert Ault, Republic Steel Corporation
1:30—Comments: Overview of Requirements for Critical Materials in High Strength Steels and Opportunities for Conservation and Substitution, Chairman Ault
2:00—Recent Developments in Alternatives for Chromium in High Strength Low Alloy Steels, Michael Korchynsky, Union Carbide Co.
2:30—Break—Rooms 123–124, Sarratt Center
2:45—Alternative Compositions for Future HSLA Steels, Harry Stuart, Niobium Products Co.
3:15—Potential for Substitution for Chromium in Ultra High Strength Steels (Landing Gear), Gareth Thomas, University of California-Berkeley
4:00—Discussion
4:30—Adjourn

Session VIII (Concurrent), Sarratt Center, Room 118

Wednesday, October 6, 1982

Conservation and Substitution in Refractories for Metallurgical Furnaces. Chairman: David H. Hubble, U.S. Steel Co.
1:30—Trends in Applications for Refractories and Influence on Supply, Chairman Hubble, Topic being developed in cooperation with the Chairman

Session IX

Thursday, October 7, 1982

Potential for Advanced Technologies for Chromium Conservation Including Rapid Solidification Technology; Coating Systems and Surface Modification Technology; Ceramics, Composites and Intermetallics. Chairman: Joseph B. Moore, Pratt and Whitney Aircraft Div.
8:30—Opening Comments: Opportunities for New Technologies in Chromium Conservation, Chairman Moore
9:00—Potential for Fiber Reinforced Superalloys in Conservation of Critical Metals, Robert A. Signorelli, NASA Lewis Research Center
9:30—Opportunities for surface Modification Technology in Conservation of Chromium, Peter G. Moore, Naval Research Laboratory
10:00—Salt Bath Treatment as an Alternative for chromium Plating, William G. Wood, Kolene Co.
10:30—Break—Holiday Inn
10:45—Precision Clad Metals—Conservation Through Design for Corrosion Protection and High Performance, James T. Skelly, Texas Instruments, Inc.
11:15—Potential for Polymer Concrete to Conserve Alloys in Engineering Applications, Jack J. Fontana, Brookhaven National Laboratory
11:45—Workshop Exercise—All attendees will be given an opportunity to provide brief written comments on the topics covered in this session
12:15—Lunch—Holiday Inn
1:30—Electroless Nickel as a Substitute for Chromium Plating in Industrial Applications, Ronald Duncan Elnic Inc.
2:00—Development of Ductile Polycrystalline Ni_3Al for High Temperature Applications, C. T. Liu, Oak Ridge National Laboratory
2:30—Potential for High Performance ceramics in Conservation of Chromium and Critical Metals, R. N. Katz, Army Materials and Mechanics Research Center
3:00—Injection Molding Ceramic Parts for High Temperature applications, Beebhas Mutsudly, Battelle-Columbus Laboratories
3:30—Adjourn

[FR Doc. 82–24787 Filed 9–8–82; 8:45 am]
BILLING CODE 3510–18–M

Performance Review Board

Rebecca F. Lambert, Associate Deputy Secretary, has been appointed as a member of the Office of the Secretary Performance Review Board. This is in accordance with the Senior Executive Service Performance Appraisal System.

Jo Ann Sondey-Hersh,

Executive Secretary, Office of the Secretary, Performance Appraisal System.

[FR Doc. 82–24751 Filed 9–8–82; 8:45 am]
BILLING CODE 3510–BS–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Import Level for Certain Cotton Fabrics From Thailand

September 2, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the bilateral agreement to establish a specific ceiling of 15,760,000 square yards for cotton printcloth in Category 315 combined with Category 320 pt. (only T.S.U.S.A. number 326.0092), produced or manufactured in Thailand and exported during the period which began on

January 1, 1982 and extends through December 31, 1982; and increasing the new level to 16,705,600 square yards by the application of swing.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR. 13172), as amended on April 23, 1980 (45 FR. 27463), August 12, 1980 (45 FR. 53506), December 24, 1980 (45 FR. 85142), May 5, 1981 (46 FR. 25121), October 5, 1981 (46 FR. 48963), October 27, 1981 (46 FR. 52409), February 9, 1982 (47 FR. 5926), and May 13, 1982 (47 FR. 20654.))

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand, the two governments have consulted and agreed to amend the agreement further to include a specific ceiling of 15,760,000 square yards for cotton textile products in Category 315 combined with Category 320 pt. (only T.S.U.S.A. number 326.0092) during the period which began on January 1, 1982 and extends through December 31, 1982. The agreement, as further amended, also provides that the specific limit for Category 315 combined with Category 320 pt. (only T.S.U.S.A. number 326.0092) may be exceeded by not more than six percent (swing), provided the apparel group limit is decreased by an equal square yard equivalent amount.

EFFECTIVE DATE: September 9, 1982.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, there was published in the **Federal Register** (46 FR. 61689) a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for cotton textile products in Categories 315 and 320, among other categories, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. The letter published below establishes a new level of 15,760,000 square yards for cotton textile products in Category 315 combined with Category 320 pt. (only T.S.U.S.A. number 326.0092) for the period which began on January 1, 1982 and extends through December 31, 1982, and that level is being increased by the application of swing to 16,705,600 square yards. The new level has not been adjusted to account for any imports during the period which began on January 1, 1982 and extends through the effective date of this action. Such adjustments will be made, as applicable, when the data become available.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 2, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry for consumption and withdrawal from warehouse for consumption of certain cotton, wool and man-made fiber textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1982.

Effective on September 9, 1982, paragraph 1 of the directive of December 14, 1981 is further amended to cancel the levels established for cotton textile products in Categories 315 and 320 and include instead of level of restraint for Category 315 combined with Category 320 pt. (only T.S.U.S.A. number 326.0092), produced or manufactured in Thailand and exported on and after January 1, 1982, of 16,705,600 square yards.[1]

The action taken with respect to the Government of Thailand and with respect to imports of cotton textile products from Thailand has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-24788 Filed 9-8-82; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

August 31, 1982.

The USAF Scientific Advisory Board Ad Hoc Committee on Modeling Techniques to Predict the Impact of Chemical Warfare (CW) Agents will meet at Brooks AFB, Texas on October 5-6-7, 1982 from 9:00 a.m. to 5:00 p.m. each day.

The Committee will receive classified briefings and hold classified discussions to define the inputs needed for predictive modeling of CW scenarios at different levels of conflict; identify any new modeling technologies, and outline the R&D needed (if any). The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-24739 Filed 9-8-82; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers; Department of the Army

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Laupahoehoe Navigation Improvements; Hawaii

August 24, 1982.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY:

1. The US Army Engineer District, Honolulu, is studying the feasibility of improving navigation facilities at Laupahoehoe on the island of Hawaii.

2. The study is investigating the possibility of contructing an improved launch ramp, and installing a protective structure in the bay at Laupahoehoe.

3. The Corps held a public workshop in November 1981 in Laupahoehoe and participated with County officials and the State of Hawaii, Harbors Division, in another workshop held during the same period at Hilo. Local interest groups, private organizations, and parties, and Federal, State and County of Hawaii agencies will be contacted during the course of the study. At this time, the DEIS will address the effects of the harbor on fish and wildlife resources, historic sites, water resources, parks, and social considerations identified by local residents at the public workshops. The US Fish and Wildlife Service will provide their opinion of the project effects on fish and wildlife resources for inclusion in the DEIS. Consultation with the US Advisory Council on Historic Preservation, National Park Service,

State Historic Preservation Officer, State Department of Health, US Environmental Protection Agency, National Marine Fisheries Service, State Harbor Division, and State Department of Parks, County Department of Parks and Recreation will be completed during the study.

4. A scoping meeting is not planned at this time.

5. The DEIS will be made available for public review about March 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Ms. Teresa Bowen, Project Manager, US Army Engineer District, Honolulu, Building T-1, Fort Shafter, HI 96858. Telephone: (808)438-2240

Dated: August 24,1982.

Kenneth E. Sprague,

Lt. Col., Corps of Engineers, District Engineer.

[FR Doc. 82-24748 Filed 9-8-82; 8:45 am]

BILLING CODE 3710-NN-M

Intent To Prepare Draft Environmental Impact Statement (DEIS) for the Reevaluation of the Reed's Bay Small Craft Harbor; Hawaii

August 23, 1982.

AGENCY: US Army Corps of Engineers, DOD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement.

SUMMARY:

1. The US Army Engineer District, Honolulu, is reevaluating the feasibility of constructing a small boat harbor in Hilo Bay on the island of Hawaii.

2. The study is investigating the possibility of modifying the design of the harbor which was approved by Congress in 1965.

3. As part of the Hilo Comprehensive Study, the Corps held a workshop in February 1981 in Hilo and participated with the State of Hawaii, Harbors Division in another workshop held on 18 March 1981 at Pahoa. These workshops identified the need to modify the previously approved Reed's Bay Small Craft Harbor design. Local interest groups, private organizations, and parties, and Federal, State and County of Hawaii agencies will be contacted during the course of the study. At this time, the DEIS will address the effects of the harbor on fish and wildlife resources, historic sites, water resources, parks, and social considerations identified by local residents at the public workshops. The US Fish and Wildlife Service will provide their opinion of the project effects on fish and wildlife resources for inclusion in the DEIS. Consultation with the US Advisory Council on Historic Preservation, National Park Service, State Historic Preservation Officer, State Department of Health, US Environmental Protection Agency, National Marine Fisheries Service, State Harbor Division, and State Department of Parks, County Department of Parks and Recreation will be completed during the study.

4. A scoping meeting is not planned at this time.

5. The DEIS will be made available for public review about December 1982.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Eugene Dashiell, Project Manager, US Army Engineer District, Honolulu, Building T-1, Fort Shafter, HI 96858. Telephone: (808) 438-2240.

August 23, 1982.

Kenneth E. Sprague,

Lt. Col., Corps of Engineers, District Engineer.

[FR Doc. 82-24749 Filed 9-8-82; 8:45 am]

BILLING CODE 3710-NN

Army Science Board; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)

Dates of meeting: Tuesday, 28 September 1982, Wednesday, 29 September 1982

Times: 1300-1700 hours on 28 September 1982 (Open), 0900-1500 hours on 29 September 1982 (Open)

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Functional Subgroup on RDA Management will meet to receive briefings and hold discussions in that specific area with respect to Army research, development, and acquisition issues, developments, and opportunities. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. In order to be able to accommodate prospective attendees, the Army Science Board Administrative Officer, Helen M. Bowen, must be notified no later than 26 September 1982. For further information, call the ASB at (202) 695-3039 or 697-9703.

Maria P. Galvan,

Acting Administrative Officer.

[FR Doc. 82-24740 Filed 9-8-82; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Defense Science Board, Advisory Committee Meeting

The Defense Science Board Task Force on Autodin II will meet in closed session on October 6-7, 1982 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on Scientific and Technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on October 5-6, 1982 the Task Force will review the progress in establishing the Defense Data Network and examine the proposed network security options for it.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

September 3, 1982.

[FR Doc. 82-24704 Filed 9-8-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Community Education Advisory Council; Meeting

AGENCY: Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice corrects the document that announces the meeting of the Community Education Advisory Council that appeared in the **Federal Register** on August 27, 1982 (47FR37951). The room numbers for the meetings, which were omitted in the original announcement, will be Room 1130 (Sanchez Room) on Monday, September 13 and Room 5092 on Tuesday, September 14.

DATES: Meeting: September 13 and 14, 1982.

ADDRESS: Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202

Signed at Washington, D.C. on September 2, 1982.

John K. Wu,

Deputy Assistant Secretary for Vocational and Adult Education.

[FR Doc. 82-24747 Filed 9-8-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 82-07-NG]

Natural Gas Imports; Texas Eastern Transmission Corp.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt, on July 16, 1982, of an application of Texas Eastern Transmission Corporation (Texas Eastern) to import up to 100,000 Mcf per day of Canadian natural gas, and additional daily volumes on a best efforts basis not to exceed ten (10) percent of the maximum daily volumes. The imported volumes are to be purchased from TransCanada PipeLines Limited (TransCanada) beginning on November 1, 1985, or as soon thereafter as possible, for fourteen (14) years from the date of first delivery.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m., October 12, 1982.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass (Natural Gas Branch, Oil and Gas Imports Division), Economic Regulatory Administration, 12th & Pennsylvania Avenue NW., Room 6144, RG-631, Washington, D.C. 20461, (202) 633-9296

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue SW., Forrestal Building, Room 6E-042, Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: A June 9, 1982 "Precedent Agreement" between Texas Eastern and TransCanada provides that a "Gas Purchase Contract" will be executed between the two companies, after all requisite authorizations have been obtained, for the purchase of daily contract volumes of up to 100,000 Mcf of natural gas per day, and additional daily volumes not to exceed ten (10) percent of the maximum daily contract volumes to be delivered on a "best efforts" basis upon request by Texas Eastern.

The proposed contract provides that deliveries will begin on November 1, 1985, or as soon thereafter as possible, contingent upon both parties obtaining requisite authorizations and upon completion of the necessary facilities. Texas Eastern notes that TransCanada has filed as application with the Canadian National Energy Board (NEB) for authorization to export the gas for sale to Texas Eastern. The Precedent Agreement provides that if by May 1, 1983, either party has not obtained and accepted all relevant authorizations, either party may, after giving 90 days notice, terminate the Precedent Agreement if such authorizations have not been obtained by the end of the notice period.

The proposed Gas Purchase Contract indicates that TransCanada intends to construct an extension of its pipeline within Canada to enable it to deliver the gas to an interconnection with the proposed Trans-Niagara Pipeline (Trans-Niagara) at a point near Niagara Falls, Ontario. The gas will be transported through the Trans-Niagara and delivered to Texas Eastern's pipeline system near Tamarack, Pennsylvania. Texas Eastern states that Trans-Niagara intends to amend its application before the Federal Energy Regulatory Commission (FERC) for authorization to construct and transport gas through the Trans-Niagara pipeline system (Docket No. CP82-125) to include a request for authority to transport the volumes covered by this application. Texas Eastern further states that it intends to file an application with the FERC for authorization to expand part of its own pipeline system to enable it to transport this imported gas.

The price for the imported natural gas will be the authorized international border price, currently U.S. $4.94 per MMBtu. The proposed Gas Purchase Contract obligates Texas Eastern to take or otherwise pay for a minimum annual quantity of gas equal to 75 percent of the maximum daily contract volume of 100,000 Mcf times the number of days in the contract year, less any difference between the daily volumes of gas requested by Texas Eastern and actual volumes delivered. The price that Texas Eastern will be required to pay is the Alberta border price plus Canadian transportation charges to point of export.

The proposed Gas Purchase Contract provides that, in any contract year after it has met its minimum annual purchase obligation, Texas Eastern may recover any gas paid for but not previously taken by paying the difference between the price previously paid for the gas and the then currently authorized international border price. Gas previously paid for but not delivered may also be recovered by Texas Eastern for a period of up to one year beyond the fourteen year term of the proposed Gas Purchase Agreement. The total volume of gas recovered after the end of the contract term, however, may not exceed the annual contract quantity for the last year of the contract term.

In support of its application Texas Eastern asserts that the proposed import of natural gas is needed to meet "future requirements of its customers at its current level of commitments to them." Texas Eastern also asserts that it continues to face the problem of a declining supply of gas from existing sources and must replace that gas from a variety of sources if it is to be able to continue to serve its customers' requirements. Texas Eastern concludes that the proposed import is "required by the public interest of the United States."

Texas Eastern requests that consideration of its application be expedited.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate as a party in any conference or hearing which might be convened must file a petition to intervene.

Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Branch, Economic Regulatory Administration, Room 6144, RG-631, 12th & Pennsylvania Avenue, N. W., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m. October 12, 1982.

A hearing will not be held unless a motion is made by a party or person seeking intervention and granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Texas Eastern's application is available for inspection and copying in the Natural Gas Branch Docket Room, located in room 6144, 12th & Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-24743 Filed 9-8-82; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 82-08-NG]

Natural Gas Imports; Texas Gas Transmission Corp.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application to Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt on July 16, 1982, of the application of Texas Gas Transmission Corporation (Texas Gas) to import up to 186,200 Mcf per day of Canadian natural gas, and additional unspecified daily volumes to be delivered, upon request, on a best efforts basis. The imported volumes are to be purchased from ProGas Limited (ProGas) beginning on or about November 1, 1982, and continuing until October 31, 2002, unless any of the required authorizations, or any extensions thereof, expire at an earlier date.

The application is filed with ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on October 12, 1982.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach (Natural Gas Branch, Oil and Gas Imports Division), Economic Regulatory Administration, 12th & Pennsylvania Avenue NW., Room 6144, RG-631, Washington, D.C. 20461, (202) 633-9296.

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue SW., Forrestal Building, Room 6E-042, Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: An October 29, 1981 Gas Sales Agreement (Agreement), with amendments dated March 26 and June 11, 1982, between Texas Gas and ProGas provides for the purchase of up to 186,200 Mcf of natural gas per day, and additional unspecified daily volumes to be delivered on a "best efforts" basis upon request by Texas Gas. The Agreement specifies that the gas will be delivered at a mutually agreed upon point or points of interconnection between the facilities of ProGas' and Texas Gas' transporters at the Canadian-American border. The place of delivery will be either at a point near Emerson, Manitoba, or a point near Monchy, Saskatchewan, or such other point or points as may become mutually advantageous. Texas Gas states in its application, however, that the volumes will be delivered at Emerson and transported to its own facilities by Great Lakes Gas Transmission Company (Great Lakes) and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin). Texas Gas anticipates that initial deliveries will be on an interruptible or "best efforts" basis and that firm service will follow upon completion of any necessary facilities by Great Lakes and Michigan Wisconsin. Authorization for the transportation of the gas in the United States on both a best efforts and firm basis, as well as any facilities that may be necessary, will be the subject of separate applications by Great Lakes and Michigan Wisconsin to be filed with the Federal Energy Regulatory Commission.

The price for the imported natural gas will be the authorized international border price, currently U.S. $4.94 per MMBtu. Texas Gas also states that ProGas filed an application, dated March 31, 1982, with the Canadian National Energy Board (NEB) for authorization to export the gas in question from Canada. The NEB hearings regarding the ProGas application commenced on July 13, 1982.

The Agreement obligates Texas Gas to take or otherwise pay for a minimum annual quantity of gas equal to 75 percent of the maximum daily contract quantity of 186,200 Mcf times the number of days in the contract year, less the difference between the daily volumes of gas requested by Texas Gas and actual amounts delivered. The price that Texas Gas will be required to pay for the gas under the take-or-pay provision is the prevailing Canadian border price.

In any contract year after it has met its minimum annual purchase obligation, Texas Gas may recover any gas paid for but not previously taken (prepaid gas).

The Agreement also provides a mechanism for reducing Texas Gas' volume of prepaid gas in any contract year if ProGas' contractual obligations to take gas from the Alberta producers which supply it are less than the total volume of prepaid gas of all of ProGas' customers. In that case, Texas Gas' prepaid gas will be adjusted by its pro rata share of the difference (obtained by multiplying ProGas' prepaid volume by Texas Gas' prepaid volume and dividing by the total prepaid volume of all ProGas' customers).

In support ot its application Texas Gas asserts that the proposed import of natural gas will constitute an important addition to its supply that is necessary to meet market requirements. Texas Gas also states that current studies indicate a declining supply of natural gas from its traditional sources of domestic supply and that it is seeking to extend its gas acquisition capability into new areas, including the importation of Canadian gas. Texas Gas concludes that the proposed import "is required by the public interest" and is necessary if it "is to continue to meet the needs of its customers in the future."

Other Information

Any person whishing to become a party to the proceeding, and thus to participate as a party in any conference or hearing which might be convened must file a petition to intervene.

Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Branch, Economic Regulatory Administration, Rm. 6144, RG-631, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., October 12, 1982.

A hearing will not be held unless a motion is made by a party or person seeking intervention and granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Texas Gas' application is available for inspection and copying in the Natural Gas Branch Docket Room, located in Rm. 6144, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-24715 Filed 9-8-82; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Department of Energy (DOE) notices of proposed collections under review will be published in the Federal Register on the Thursday of the week following their submission to the Office of Management and Budget (OMB) Following this notice is a list of DOE proposals sent to OMB for approval since August 26, 1982

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory; voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the forms; and (9) A brief abstract describing the proposed collection.

DATES: Last Notice published Thursday, September 2, 1982.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H023, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2308.

Jefferson B. Hill, Department of Energy Desk Office, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided to Mr. Gross. If you anticipate commenting on a form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., September 2, 1982.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA-141	National Survey of Fuel Purchases For Vehicles—Purchase Log and Supplementary Questionnaire.	Extension	Monthly	Voluntary	Households in the United States.	3,840	2,940	The information, along with information from the EIA-429, provides data on gasoline consumption, miles driven, miles-per-gallon, fuel use patterns, and fuel purchase behavior for household vehicles. The data will be published similar to the publication, Consumption Patterns of Household Vehicles, 6/79 to 12/80.
EIA-429	National Survey of Fuel Purchases for Vehicles—Background Questionnarie.	Extension	Monthly	Voluntary	Households in the United States.	3,840	640	The information, along with information from the EIA-141, provides data on gasoline consumption, miles driven, miles-per-gallon, fuel use patterns, and fuel purchase behavior for household vehicles. The data will be published similar to the publication, Consumption Patterns of Household Vehicles, 6/79 to 12/80.

[FR Doc. 82-24716 Filed 9-8-82; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Central Valley Project; Proposed Power Rate Adjustment

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of an Amendment to the Notice of Proposed Power Rate Adjustment—Central Valley Project.

SUMMARY: By Notice of Proposed Power Rate Adjustment—Central Valley Project (CVP), which was published at FR 47 27602 (June 25, 1982), and at the public information forum held pursuant to that notice, rates for the transmission (wheeling) of non-CVP power over the CVP transmission system were proposed by the Western Area Power Administration (Western). Those rates were 1 mill/kWh for firm wheeling and 1 mill/kWh for nonfirm wheeling. Western, by this **Federal Register** notice, is proposing the following CVP wheeling rates in lieu of the 1 mill/kWh rate proposed in the June 25, 1982, **Federal Register** notice.

Firm Transmission

A charge of $0.35/kW-month is proposed for the transmission of power between any of the interconnections within the entire CVP transmission system, including any portion of the Pacific Northwest-Pacific Southwest Intertie system owned by Western within the CVP marketing area. This charge will be applied at the point of receipt.

Nonfirm Transmission

A charge of $0.001/kWh is proposed

for the nonfirm transmission of power between any of the interconnections within the entire CVP transmission system, including any portion of the Pacific Northwest-Pacific Southwest Intertie system owned by Western within the CVP marketing area. This charge will be applied at the point of delivery.

Both firm and nonfirm transmission service will be available to non-CVP power users, as well as to CVP power users, as determined by separate agreements or contracts. Those CVP customers that are directly connected to the CVP system shall have first priority to receive transmission service from the CVP to supply their supplemental requirements. Service to other CVP or non-CVP customers will be determined by the availability of the system and will be negotiated and contracted for on an individual basis.

DATES: It is requested that written comments concerning the transmission rate proposed herein, as well as the proposed rates which were the subject of the public information forum held on July 13, 1982, and the public comment forum held on August 17, 1982, be submitted to the address below by September 23, 1982, as originally scheduled.

Western will announce in a **Federal Register** notice, to be published about October 1, 1982, the alternative selected for the CVP firm power rates. The proposed wheeling rates and the alternative which will be selected for the CVP proposed firm power rates will be the subject of a combined public information and public comment forum which will be held October 26, 1982, at the Holiday Inn, Holidome, 5321 Date Avenue, Sacramento, California, beginning at 9:30 a.m.

Written comments may be submitted during the comment portion of the combined forum or may be submitted to the address below throughout the consultation and comment period but should be received at that address on or before the end of the consultation and comment period. The consultation and comment period is extended to November 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484-4251.

AVAILABILITY OF INFORMATION: All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed rate are and will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4251.

Issued at Golden, Colorado, September 1, 1982.

Robert L. McPhail,

Administrator.

[FR Doc. 82-24713 Filed 9-8-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59096A; TSH-FRL 2205-3]

Alkyl-Substituted Aromatic Amine; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for test marketing exemption (TM-82-36) under section 5 of the Toxic Substances Control Act (TSCA) on July 23, 1982. Notice of receipt of the application was published in the **Federal Register** of August 6, 1982 (47 FR 34186). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 26, 1982.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, D.C. 20460, (202-382-3738).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On July 23, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-36. The submission is for an alkyl-substituted aromatic amine and will generally be used as a chain extender for polyurethanes. The submitter claimed its identity, the specific chemical identity, the amount imported, industrial sites, and process descriptions as confidential business information. The TME substance will be test marketed for a period not to exceed 1 year.

During processing by the submitter a maximum of four workers may be exposed to the new substance for 3 hours/day for 30 days/year. During use by typical polyurethane molders, three workers may be exposed to the processed TME substance for 8 hours/day for 15 days/year.

A notice published in the **Federal Register** of August 6, 1982 (47 FR 34186) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the new chemical substance submitted under TM-82-36 will not present an unreasonable risk of injury to health or to the environment under the specific conditions set out in the application and with the additional conditions (see below) recommended by the Agency. The Agency expects the test market substance to be absorbed through the gastro-intestinal tract and may cause chronic effects such as liver toxicity, sensitization, and carcinogenicity based on previously-reviewed data on several analogues of the same class as the new substance. A small number of workers during processing in the submitter's facility could be exposed to the new substance especially through inhalation if the worker did not have adequate respiratory protection. The Agency requires that the submitter provide such protection to further assure that there is no exposure to the new substance. In

addition, the submitter's facility will be ventilated.

During use, the new substance will be unavailable for inhalation exposure although skin contact is possible. The mixture will then be incorporated into an article. There will be no consumer exposure.

The test market substance is likely to be toxic to aquatic organisms at fairly low concentrations and there may be a slight tendency for bioaccumulation. Release to the environment is expected to be well below a level that might result in aquatic toxicity. The Agency would require further evaluation of the new chemical substance under any other production, exposure, use, and release scenarios.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this importer.

2. The applicant must maintain records of the date(s) of shipment(s) to customers and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a 1-year period commencing on the date of signature of this notice by the Director of the Office of Toxic Substances.

6. The number of workers exposed to the new chemical should not exceed that specified in the application, and the exposure levels and duration of exposure should not exceed those specified in the application. Workers, during processing in the submitter's facility, must wear adequate respiratory protection such as full-face charcoal cannister type respirator or a respirator of comparable efficiency. Other protective equipment, such as side-shield safety glasses, protective gloves, boots, and clothing is required.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: August 26, 1982.

Marcia Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 82-24695 Filed 9-8-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59097C; TSH-FRL 2205-2]

Polymer of the Homopolymer of Hexane, 1,6-Diisocyanato-Substituted Alkyl Alkanoates, and a Benzene Derivative; Aproval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for test marketing exemption (TM-82-43) under section 5 of the Toxic Substances Control Act (TSCA) on August 5; 1982. Notice of receipt of the application was published in the **Federal Register** of August 13, 1982 (47 FR 35331). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 31, 1982.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Enviromental Protection Agency, Rm. E-203, 401 M St., SW., Washington, D.C. 20460, (202-382-3734).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 5, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-43. The submission is for a new chemical described generally as a polymer of the homopolymer of hexane, 1,6-diisocyanato-substituted alkyl alkanoates, and benzene derivative. The submitter claimed the company identity and the specific chemical identity as confidential business information. A maximum of 2,273 kilograms (kg) of the new chemical substance will be imported and test marketed for use as a crosslinker for industrial coatings, for a period not to exceed 6 months. At ten test marketing sites, a maximum of 50 workers would have potential for exposure through eye and skin contact, and by inhalation of the new chemical substance. However, workers are advised that during handling of the test market material, safety goggles and protective clothing should be worn to protect against eye and skin contact. To protect against inhalation exposure, use of an organic vapor/particulate air purifying respirator is recommended. With use of protective clothing and equipment, exposure during processing should be minimal. A notice published in the **Federal Register** of August 13, 1982 (47 FR 35331) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the new chemical substance submitted in TM-83-43, will not present any unreasonable risk of injury to health or the environment under the specific conditions set out in the application. No significant health or environmental effect concerns were identified by EPA.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this importer.

2. The applicant must maintain records of the date(s) of shipment(s) to customers and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The import volume of the new substance may not exceed the quantity of 2,273 kg described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a 6-month period commencing on the date of signature of this notice by the Director of the Office of Toxic Substances.

6. The number of workers exposed to the new chemical should not exceed that specified in the application, and the exposure levels and duration of exposure should not exceed those specified in the application.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: August 31, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-24697 Filed 9-8-82; 8:45 am]

BILLING CODE 6560-50-M

[A-10-FRL 2200-3]

Issuance of PSD Permit to the Puget Sound Power and Light Company

Notice is hereby given that on August 23, 1982, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to the Puget Sound Power and Light Company for approval to construct two (2) 100 megawatt combustion turbines at the Fredonia Generating Station near Mount Vernon, Washington.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulation, subject to certain conditions specified in the permit.

Copies of the permit are available for public inspection upon request at the following location: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Room 11D, M/S 532, Seattle, Washington 98101.

Dated: August 23, 1982.

John R. Spencer,

Regional Administrator.

[FR Doc. 82-24706 Filed 9-8-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Service Utilizing it

September 1, 1982.

Task Group A-2 of Working Group A: Facilities and Technology

Chairman: Jeffrey Binckes, (202) 863-6864

Date: Thursday, September 16, 1982

Time: 9:15 A.M.

Location: Communications Satellite Corporation, 950 L'Enfant Plaza, S.W., Room 2169, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-24666 Filed 9-8-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Canadian Cruise Lines (1982) Ltd., Suite 401, 1208 Wharf Street, Victoria, British Columbia V8W 3B9, Canada.

This Certificate expires September 29, 1982.

Dated September 2, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-24705 Filed 9-8-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies

The companies listed this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *PBM Bancorp,* Marion, Illinois; become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Peoples Bank of Marion, Marion, Illinois. Comments on this application must be received not later than October 4, 1982.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Darrouzett Bancshares, Inc.,* Darrouzett, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Darrouzett, Darrouzett, Texas. Comments on this application must be received not later than October 4, 1982.

C. **Secretary, Board of Governors of the Federal Reserve System,** Washington, D.C. 20551:

1. *APSB Bancorp,* North Hollywood, California; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to American Pacific State Bank, Sun Valley, California. The application may be inspected at the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than October 4, 1982.

2. *National Bancorp of Alaska, Inc.,* Anchorage, Alaska; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Alaska, Anchorage, Alaska. The application may be inspected at the Federal Reserve Bank on San Francisco. Comments on this application must be received not later than October 4, 1982.

Board of Governors of the Federal Reserve System, September 2, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-24688 Filed 9-8-82; 8:45 am]

BILLING CODE 6210-10-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, *Barclays Bank International Limited,* each a bank holding company whose principal office is in London, England (consumer finance; Idaho, Kansas, Michigan, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas and Washington): To engage through their subsidiaries, BarclaysAmerican/Financial, Inc., BarclaysAmerican/Financial, Inc. (Texas), BarclaysAmerican/Financial Inc. (New York), BarclaysAmerican/Consumer Discount Company, BarclaysAmerican/Mortgage, Inc., BarclaysAmerican/Retail Services, Inc. and BarclaysAmerican/Industrial Loan Company, in wholesale financing (floor planning). This activity would be conducted from offices of BAC located in the following cities: Idaho Falls, Boise, and Nampa and Payette, Idaho; Leavenworth and Junction City, Kansas; Flint, Michigan; Albuquerque, Alamogordo, Carlsbad, Clovis, Farmington, Hobbs and Lovington, New Mexico; Loring, Cortland, Glens Falls, Middletown, Newburgh, Senaca Falls and Syracuse, New York; Ashtabula, Findlay, North Canton, Alliance, Massillion, Kettering, Hamilton, Springfield, Reynoldsburg, Steubenville, Lorain, Zanesville, Hilliard, Grove City, Fairview Park, Maple Heights Painesville, Parma, Parma Heights, Akron, Akron-Chapel Hill, Akron-W. Market, Maumee, Toledo-West, Northwood, Batavia, Cincinnati, Cincinnati-Cherry Grove, Cincinnati-Colerain, Cincinnati-Kenwood, Loveland, Milford, Columbus, Columbus-Arlington, Columbus-Graceland, Columbus-Revolving and Columbus-Great Western, Ohio; Bartlesville, Oklahoma; Salem Candelaria, Salem, Salem-Keizer, Portland, Eugene, Milwaukie, Baker, Redmond, Hillsboro, Gresham and Bend, Oregon; Lancaster, Baden and Lower Burrell, Pennsylvania; Huron, Rapid City and Sioux Falls, South Dakota; Amarillo, Borger, Corpus Christi, Houston, Kingsville, Midland and San Antonio, Texas; Seattle-Lake City, Seattle-Westlake, Auburn, Bellingham, Kirkland, Tacoma, Vancouver and East Wenatchee, Washington. Comments on this application must be received not later than October 4, 1982.

2. *Chemical New York Corporation,* New York, New York (financing and insurance activities; Colorado): To continue to engage through its subsidiary, Sunamerica Corporation, in the previously approved activities of operating as an industrial bank in the manner authorized by the laws of the State of Colorado, including receiving time savings deposits; making direct loans and purchasing sales finance contracts and such other extensions of credit as would be made or acquired by an industrial bank; and making available to its debtors, credit related insurance. These activities will be conducted from an office in Colorado Springs, Colorado, serving the city of Colorada Springs and its environs. This application is for the relocation of an office within the same city. Comments on this application must be received not later than October 4, 1982.

B. **Federal Reserve Bank of Cleveland** (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *F.N.B. Corporation,* Hermitage, Pennsylvania (insurance underwriting; Pennsylvania, Ohio): To acquire Penn-Ohio Life Insurance Company, Phoenix, Arizona, a company in organization by Applicant that would engage de novo in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by three of Applicant's subsidiaries, First National Bank of Mercer County, Citizens Budget Co.-Youngstown and F.N.B. Consumer Discount Company. First National Bank of Mercer County conducts its retail banking operations through 11 branch offices located in Mercer County, Pennsylvania. Citizens Budge Co.-Youngstown conducts its consumer-finance business through 5 branch offices located in the Ohio Counties of Trumbull, Mahoning and Columbiana. F.N.B. Consumer Discount Company conducts its consumer finance business through 8 branch offices located in the Pennsylvania Counties of McKean, Warren, Erie, Crawford, Clearfield, Mercer and Lawrence. Comments on this application must be received not later than October 1, 1982.

2. *Pittsburgh National Corporation,* Pittsburgh, Pennsylvania (consumer finance; South Carolina): To engage, through its subsidiary, The Kissell Company, in making or acquiring and servicing for its own accounts and the accounts of others, loans and other extensions of credit. These activities would be conducted at an office in the metropolitan area of Hilton Head, South Carolina which is located in the southern portion of the state of South Carolina. The counties of origination are: Beaufort, Jasper, Colleton, Charleston and Hampton. Comments on this application must be received not later than September 29, 1982.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Union Planters Corporation,* Memphis, Tennessee (leasing and data processing activities; Tennessee): To engage through its subsidiary, Union Planters Automated Services, Inc., in leasing and data processing activities. These activities would be conducted from an office in Memphis, Tennessee, and would serve Memphis and the surrounding area. Comments on this

application must be received not later than October 1, 1982.

Board of Governors of the Federal Reserve System, September 2, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-24669 Filed 9-8-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board's subcommittee on Facilities and Buildings Management will meet on September 22, 1982, from 9:00 a.m. to 4:00 p.m. at John Hancock Mutual Life Insurance Company headquarters, John Hancock Place, Boston, Massachusetts 02117. Those wishing to attend this session should report to the security desk in the main lobby for directions to the meeting site. This session will be open to the public and will be devoted to discussions of management issues of concern to GSA's Public Buildings Service. Less than 15 days notice is being provided due to scheduling difficulties.

For further information, contact Roger C. Dierman, Deputy Associate Administrator, on (202) 523-1141.

Charles S. Davis, III

Associate Administrator.

[FR Doc. 82-24922 Filed 9-8-82; 9:44 am]

BILLING CODE 6820-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-08927]

Idaho; Partial Termination of Proposed Withdrawal and Reservation of Lands

August 30, 1982.

Notice of an application, serial number I-08927, for withdrawal and reservation of lands was published as Federal Register Document No. 58-5248 on page 5262 of the issue for July 10, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at, 9:00 a.m. on October 5, 1982, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

Nez Perce National Forest

Selway River Streamside Recreational Zone

A strip of land 200 feet wide on the northerly side of the Selway River contiguous to and beginning at the mean high water mark and a strip of land 100 feet wide on the southerly side of the Selway River contiguous to and beginning at the mean high water mark, extending east of the confluence of the Lochsa and Selway Rivers to the boundary of the Selway-Bitterroot Primitive Area, through the following-described subdivisions or so much of said widths as may be situated within said subdivisions:

T. 32 N., R. 7 E., B.M., Idaho
Sec. 9, lots 2, 3, 6, 7 SW¼SW¼NE¼
Sec. 10, lot 7;
Sec. 15, lots 5, 6;
Sec. 22, lots 1, 2, 4, 5, 6;
Sec. 23, lots 1, 2, 3, 4, 5;
Sec. 24, lot 3, lot 2;
Sec. 25, lots 1, 2, 4, 5, 6, 7;
Sec. 26, lots 2, 3;
T. 32 N., R. 8 E.
Unsurveyed, but when surveyed will probably be:
Sec. 25, S½S½SE¼;
Sec. 26, SW¼, S½SE¼;
Sec. 27, N½S½;
Sec. 28, S½S½NW¼, S½NE¼, N½Se¼;
Sec. 29, N½S½, S½NE¼;
Sec. 30, N½S½NW¼, S½NE¼, N½SE¼;
Sec. 35, NE¼NE¼;
Sec. 36, N½N½.
T. 32 N., R. 9 E.
Surveyed, but when surveyed will probably be:
Sec. 30, SW¼SW¼;
Sec. 31, NW¼, S½NE¼;
Sec. 32, NW¼, NE¼SW¼, SE¼;
Sec. 33, SW¼SW¼.
T. 31 N., R. 9 E.
Sec. 2, SW¼;
Sec. 3, S½NW¼, NE¼SW¼SE¼;
Sec. 4, NW¼, S½NE¼
Sec. 11, N½N½;
Sec. 12, N½.
T. 31 N., R. 10 E.
Unsurveyed, but when surveyed will probably be:
Sec. 7, N½N½.

Rackliff Creek Recreation Area (Unsurveyed)

T. 32 N., R. 8 E.
Sec. 29, SE¼SW¼NW¼,

Nineteen Mile Recreation Area (Unsurveyed)

T. 32 N., R. 8 E.
Sec. 29, NW¼SW¼NE¼

Twenty Mile Bar Recreation Area (Unsurveyed)

T. 32 N., R. 8 E.
Sec. 28, NE¼SE¼NW¼

Slide Creek Recreation Area (Unsurveyed)

T. 32 N., R. 8 E.
Sec. 27, NE¼NE¼SW¼

Boyd Creek Recreation Area (Unsurveyed)

T. 32 N., R. 8 E.
Sec. 27, SW¼NW¼SE¼

Rock Island Recreation Area (Unsurveyed)

T. 32 N., R. 8 E.
Sec. 26, NE¼NE¼SW¼

Twenty Five Mile Recreation Area (Unsurveyed)

T. 32 N., R. 9 E.
Sec. 31, N½NE¼NW¼

Glover Creek Recreation Area (Unsurveyed)

T. 32 N., R. 9 E.
Sec. 32, SW¼SE¼NW¼

Race Creek Recreation Area (Unsurveyed)

T. 31 N., R. 9 E.
Sec. 12, SW¼NW¼NW¼

Meadow Creek Streamside Zone Recreation Area (Unsurveyed)

A strip of land 300 feet wide contiguous to both sides of the thread of Meadow Creek beginning at the mouth of Meadow Creek and ending 1¼ miles upstream and located wholly within the following-described subdivisions:

T. 32 N., R. 9 E.
Sec. 11, NW¼, SW¼, SE¼;
Sec. 14, E½.

The area described aggregates 897 acres in Idaho County.

William E. Ireland,

Chief, Lands Section.

[FR Doc. 24710 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-84-M

Final Environmental Impact Statement for West Socorro Rangeland Management Program, Catron, Cibola, Socorro, and Valencia Counties, New Mexico; Availability

Pursuant to section 102(2) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has completed the Final Environmental Impact Statement (FEIS) for a proposed rangeland management program. This rangeland management program entails implementing grazing management actions, rangeland improvements, and vegetative land treatments within the Divide Planning Area. The Divide Planning Area, located in Catron, Cibola, Socorro, and Valencia Counties in west-central New Mexico, contains 986,092 surface acres administered by the BLM Socorro District, New Mexico.

A limited number of copies of the Draft EIS and the FEIS are available upon request at the following BLM Offices:

New Mexico State Office, U.S. Post Office & Federal Building, South Federal Place, P.O. Box 149, Santa Fe, New Mexico 87501

Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107

Las Cruces District Office, 1705 N. Valley Drive, P.O. Box 1420, Las Cruces, New Mexico 88001

Roswell District Office, 1717 W. Second Street, Featherstone Farm's Building,

P.O. Box 1397, Roswell, New Mexico 88201
Socorro District Office, 198 Neel Avenue, NW, P.O. Box 1219, Socorro, New Mexico 87801

Reading copies of these documents are also available at public and university libraries in the following cities:

Albuquerque, New Mexico
Gallup, New Mexico
Las Cruces, New Mexico
Santa Fe, New Mexico
Socorro, New Mexico
St. John's, Arizona
Truth or Consequences, New Mexico
Window Rock, Arizona

Dated: August 25, 1982.

Charles W. Luscher,

Bureau of Land Management, State Director, New Mexico.

[FR Doc. 82-24746 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 9041-C]

Oregon; Order Providing for the Opening of Public Lands

1. The following identified Secretarial Orders of Interpretation of Public Water Reserve No. 107 are hereby revoked insofar as they affect the following described lands which do not meet the criteria of the Executive Order of April 17, 1926:

Willamette Meridian

Interpretation No. 48 of May 2, 1927

T. 18 S., R. 21 E.,
Sec. 29, N½NW¼ and NW¼NE¼;
Sec. 30, NE¼NE¼.

Interpretation No. 81 of February 26, 1929

T. 6 S., R. 18 E.,
Sec. 25, SW¼NE¼.

Interpretation No. 93 of April 12, 1929

T. 21 S., R. 24 E.,
Sec. 4, S½SW¼ and SW¼SE¼.

Interpretation No. 136 of August 28, 1930

T. 15 S., R. 23 E.,
Sec. 20, NW¼ of Lot 8 and S½ of Lot 8.

Interpretation No. 217 of May 14, 1935

T. 19 S., R. 17 E.,
Sec. 32, SE¼SW¼.
T. 20 S., R. 23 E.,
Sec. 4, NE¼SE¼;
Sec. 14, SE¼SE¼.

The areas described aggregate 417.43 acres in Crook County, Oregon.

2. At 9:30 a.m., on October 5, 1982, the lands will be open to 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 9:30 a.m., on October 5, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9:30 a.m., on October 5, 1982, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: August 19, 1982.

Robert D. Hostetter,

Acting State Director.

[FR Doc. 82-24712 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Southern Malheur Grazing Management Plan; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Vale District Office, will be preparing an Environmental Impact Statement (EIS) on the grazing management program on approximately 3.9 million acres of public land in the Southern Malheur EIS Area of the Vale District in southeastern Oregon. Decisionmaking will take place over a several-month period following completion of the final statement.

Public scoping meetings will be held as follows:

September 27, 2982, 7:30 p.m., McDermitt Community Center, McDermitt, Nevada
September 28, 1982, 7:30 p.m., Lion's Den, Jordan Valley, Oregon
September 29, 1982, 7:30 p.m., Red Rock Center, Vale, Oregon
October 5, 1982, 7:30 p.m., Bonneville Power Administration Auditorium, 1002 N.E. Holladay, Portland, Oregon.

At these meetings public comments will be sought to help develop the preferred land use alternative for the area and various alternatives that could realistically be addressed in the EIS. Public participants will also be asked to identify the significant issues to be discussed in detail in the EIS. Possible methods of obtaining public comment on the draft EIS after it is published will be discussed.

A brochure describing four land use alternatives for the EIS area is available from the Vale District Manager. The grazing management elements of some of these alternatives may be used to develop one or more EIS alternatives.

The proposed grazing management program will be based on coordinated land use allocations for all resources developed through the Bureau's land use planning system. The objectives of the program are to enhance the vegetative resource, provide quality habitat for wildlife and wild horses, provide a continuous supply of livestock forage, reduce soil erosion and sedimentation damage, improve water quality, improve the recreation and visual resources, and protect archeological and historical sites.

The EIS will discuss alternatives to the proposed grazing management program. A no action alternative will be included in the EIS. Other alternatives being considered for discussion include no livestock grazing and at least one higher and one lower level of livestock grazing than that in the proposal.

The EIS will identify the impacts that can be expected from implementation of either the proposed grazing management program or any of the alternatives discussed. The statement will be an analytical tool used in making final decisions for managing livestock grazing in the Southern Malheur EIS area.

Additional information may be obtained from: Fearl Parker, District Manager, Bureau of Land Management, P.O. Box 700, Vale, Oregon 97918, Telephone (503) 473-3144.

Dated: August 30, 1982.

Stanley D. Butzer,

Chief, Division of Resources, Oregon State Office.

[FR Doc. 82-24711 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-84-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jeffrey Hill, at 202-395-7340.

Title: Timber or Vegetative Resource Sale Contracts and Assignment 43 CFR 5424.0-6 and 5474.1.

Bureau Form Numbers: Cash Sale of Vegetative Resources—5450-1; Contract for the Sale of Timber—5450-3; Timber Sale Contract Assignment—5470-3.

Frequency: Often.

Description of Respondents: Individuals purchasing timber or vegetative resources and individuals obtaining a contract assignment of a timber or vegetative resources contract.

ACTUAL RESPONSES

Form	Number of re-sponses	Burden hours
5450-3	1,000	1,000
5450-1	125	125
5470-3	20	20
Totals	1,145	1,145

Bureau clearance officer: Linda C. Gibbs, 202-653-8853

September 1, 1982.

James M. Parker,

Associate Director, Bureau of Land Management.

[FR Doc. 82-24735 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-70-M

National Park Service

Upper Delaware National Scenic and Recreational River; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: September 24, 1982, 7 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159 (717/729-7135).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include review of Draft Management Plan.

The meeting will be open to the public. A member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: September 1, 1982.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 82-24694 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-70-M

Shell Oil Co.; Big Thicket National Preserve, Texas; Availability of Plan of Operations and Environmental Analysis for the Purpose of Conducting Geophysical Exploration

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Shell Oil Company a Plan of Operations for the purpose of conducting geophysical exploration in the Lance Rosier Unit of Big Thicket National Preserve, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 8185 Eastex Freeway, Beaumont, Texas; the Jefferson County Courthouse, in Beaumont, Texas; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Santa Fe, New Mexico 87501. Copies of the document are available from the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: August 26, 1982.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 82-24699 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jeffrey Hill, at 202-395-7340.

Title: 30 CFR 783 Underground Mining Permit—Minimum Requirements for Information of Environmental Resources in the Permit and Adjacent Areas.

Bureau Form Number: None.

Frequency: Once Every Five Years.

Description of Respondents: Coal Mine Operators.

Annual Responses: 16,430.

Annual Burden Hours: 215,180.

Bureau clearance officer: Darlene Gross, 202-343-5447.

Dated: August 26, 1982.

Ann L. Chapman,

Acting Assistant, Director, Management and Budget.

[FR Doc. 82-24750 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-05-M

Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jeffrey Hill, at 202-395-7340.

Title: 30 CFR 784 Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan.

Bureau Form Number: None.

Frequency: Once Every Five Years.

Description of Respondents: Coal Mine Operators.

Annual Responses: 44,973.

Annual Burden Hours: 823,296.

Bureau clearance officer: Darlene Grose, 202-343-5447.

Dated: August 27, 1982.

Ann L. Chapman,

Acting Assistant Director, Management and Budget.

[FR Doc. 82-24736 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-05-M

Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the office of Management and budget reviewing official, Mr. Jeffrey Hill,at 202-395-7340.

Title: 30 CFR 779 Surface Mining Permit Applications Minimum Requirements for Information on Environmental Resources.

Bureau Form Number: None.

Frequency: Annually, and Monthly.

Description of Respondents: Coal Mine Operators.

Annual Responses: 26,400.

Annual Burden Hours: 521,400.

Bureau clearance officer: Darlene Grose 202-343-5447.

Dated: August 26, 1982.

Ann L. Chapman,

Acting Assistant Director, Management and Budget.

[FR Doc. 82-24737 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-05-M

Bureau Forms Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jefferey Hill, at 202-395-7340.

Title: 30 CFR 822 Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors.

Bureau Form Number: None.

Frequency: Annually, and Monthly.

Description of Respondents: Coal Mine Operators.

Annual Responses: 280.

Annual Burden Hours: 1,690.

Bureau clearance officer: Darlene Grose, 202-343-5447.

Dated: September 2, 1982.

John G. Prior, Jr.,

Acting Assistant Director, Management and Budget.

[FR Doc. 82-24738 Filed 9-8-82; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Agricultural Cooperative; Intent to Perform Interstate Transportation for Certain Nonmembers

Dated: September 3, 1982.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Green Valley Transport Systems, Inc.

(2) 482 #CW Arrow Hwy., San Dimas, CA 91773

(3) Calle 1 NO 703 Pue 7-8, Agua Prieta, Mexico

(4) Sharon Sharp, 482 #CW Arrow Hwy., San Dimas, CA 91773

(1) Nurserymen's and Farmers' Shipping Association

(2) P.O. Box 313, East Windsor, Conn. 06088

(3) 11 Shoham Rd., East Windsor, CT 06088

(4) Charles Frascona, P.O. Box 313, East Windsor, CT 06088

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-24681 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302,

11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: September 3, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14921, filed July 29, 1982. R.E.T.E.N.O. CARRIERS, INC. (Reteno) (P.O. Box 1438, Wilmar, MN 56201)—purchase (portion)—ECKLEY TRUCKING, INC. (P.O. Box 156, Mead NE 68041). Representatives: William J. Monheim, P.O. 1756, Whittier, CA 90609 and A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103. R.E.T.E.N.O. seeks authority to purchase a portion of the operating rights of Eckley. The operating rights to be purchased are contained in Eckley's certificate No. MC-5227 (Sub-No. 54F) and a portion of (Sub-No. 89X), which authorize the transportation of (1) *iron and steel articles,* from the facilities of Midwest Steel, Division of National Steel Corp., at Portage, IN, to points in MN, restricted to the transportation of traffic originating at the named origin, and (2) *construction materials,* (a) between Grand Rapids, MN, on the one hand, and, on the other, points in the United States (excluding HI, but including AK), and (b) between points in Churchill County, NV, on the one hand, and, on the other, points in NE, IA, MN, SD, ND, IL, IN, MO, OH, and WI. R.E.T.E.N.O. is a motor contract carrier pursuant to authority isued in MC-143868.

Note.—An application for temporary authority has been filed.

MC-F-14933; filed August 17, 1982. Applicant: BEKINS VAN LINES CO., 333 So. Center Street, Hillside, IL 60162. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036. Bekins Van Lines, Co., applies for approval of its pooling arrangement between itself and Graebel Van Lines, Inc., to transport household goods between points in the United States. Also sought is authority to update the pooling plan periodically by submission of information concerning changes in the pooling arrangement among Bekins and Graebel.

MC-F-14934, filed August 18, 1982. W & L MOTOR LINES, INC. (W & L) (P.O. Box 3467, Hickory, NC 28603)—CONTROL—BILLINGS TRUCKING CORPORATION (Billings) (P.O. Box 1106, North Wilkesboro, NC 28659). Representative: Theodore Polydoroff, 1307 Dolley Madison Boulevard, McLean, VA 22101. W & L seeks authority to acquire control of Billings through the purchase of all of the issued and outstanding stock of Billings. The operating rights sought to be controlled by W & L are contained in Billings' certificates in MC-62110 and sub-numbers thereunder, which authorize the transportation of *general commodities* (with exceptions) and specified commodities such as *furniture and fixtures, chemicals and related products, foodstuffs and related products, clay, concrete, glass or stone products, building materials, machinery, and metal products,* between various points in AL, FL, GA, IL, IN, KY, MD, NC, NJ, NY, OH, PA, SC, TN, VA, WV, and DC. W & L is a common carrier pursuant to certificates issued in MC-123872 and sub-numbers thereunder.

Note.—An application for temporary authority has been filed.

[FR Doc. 82-24683 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79718. By decision of August 18, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to PROFESSIONAL DRIVER SERVICES, INC., of Certificate Nos. MC-125029 and MC-125029 (Sub-No. 2), issued to DRIVE U SERVICE, INC., which authorizes, as summarized, the transportation of *privately-owned used passenger automobiles,* in secondary movements, in driveaway service, restricted to movements in which the automobile is accompanied by a person or persons of the class defined below, and *passengers and their baggage and personal effects* that accompany the automobiles described above, restricted to the owner of the respective automobile, employees, dependents, or relatives of the said owner, or others

designated by and traveling with the said owner, in special operations, between points in Dade, Broward and Palm Beach Counties, FL, on the one hand, and, on the other, points in the U.S. (except Nashville, TN and points within 75 miles thereof, and AK and HI), with specific restrictions, and between Nashville, TN, and points within 75 miles thereof, on the one hand, and, on the other, points in the U.S. (except AK and HI). Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202.

Note.—Approval of this transfer contemplates the merger of transferor into transferee. A prior decision of April 12, 1982, published April 29, 1982, approved the transfer to transferee of transferor's certificate No. MC-127379 (Sub-2)X.

MC-FC-79911. Correction. Certificate No. MC-78080 (description 1) and MC-78080 (Sub-2) (description 3) published under MC-FC-79911 at 47 FR 36476 on August 20, 1982, should be disregarded. Transferor is retaining these certificates.

MC-FC-79991. By decision of August 18, 1982, issued under 49 U.S.C. 10926 and the transer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to VELVET TRANSPORTATION, INC., of Permit No. MC-153198 (Sub-No. 1), issued to CORN ENTERPRISES, INC., of North Bend, OH, which authorizes the transportation of *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dorcy Ashflash, Inc., and Central Ohio Shippers Coordinated Corporation, both of Columbus, OH. Representative: Rex A. Corn, 11051 Stephens Rd., North Bend, OH 45052.

Note.—Transferee is not a carrier.

MC-FC-79964. By decision of August 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Cargoliner Corp. of Certificate No. MC-148443 (Sub-Nos. 5F, 6F, 7F, 8, 9, 10, and 11) issued January 15, 1981, November 7, 1980, November 7, 1980, September 3, 1981, April 21, 1981, February 22, 1981 and March 22, 1982 respectively to South Shore Equipment Corp. generally authorizing the transportation of general commodities, iron and steel articles, castings, foundry products, rust preventatives, electroplating additives, metals, metal products, rubber, petroleum products, chemicals, machinery, cryogenic and compressed gas equipment and equipment, materials and supplies used in the manufacture of several of the previously described commodities throughout the United States. Representative is: Alan N. Johnson, President, South Shore Equipment Corp., P.O. Box 187, Avon, OH 44011-0187.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-24684 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-149

Decided: August 31, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 38650 (Sub-9), filed August 16, 1982. Applicant: SALTER'S EXPRESS COMPANY, INCORPORATED, 120 West Street, Simsbury, CT 06070. Representative: James D. Salter (same address as applicant), (203) 658-7678. Transporting *such commodities* as are dealt in or used by manufacturer of paints, stains, wood preservatives, caulking compounds and fillers, between points in the U.S., under continuing contract(s) with Darworth Company of Avon, CT.

MC 42121 (Sub-2), filed August 18, 1982. Applicant: B & B MOTOR FREIGHT CO., INC., 527 Pennsylvania Avenue, Linden, NJ 07036. Representative: Ken Wilson, P.O. Box 747, Union, NJ 07083, (201) 688-6804. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between New York, NY, on the one hand, and, on the other, points in Bucks County, PA.

MC 46421 (Sub-19), filed August 16, 1982. Applicant: ESCRO TRANSPORT, LTD., 275 Mayville Avenue, Buffalo, NY 14217. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202, (716) 854-5870. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in by grocery, food and drug business houses, between

points in CT, DE, FL, GA, IL, IN, MD, NH, NJ, NY, OH, PA, RI, VT, and DC.

MC 94990 (Sub-4), filed August 17, 1982. Applicant: NASSAU WORLD-WIDE MOVERS, INC., 57 Central Avenue, Farmingdale, NY 11735. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. As a broker in arranging for the transportation of *household goods*, as defined by the Commission, between points in the U.S. (except AK and HI).

MC 110751 (Sub-4), filed August 20, 1982. Applicant: HOBGOOD TRANSPORT, INCORPORATED, P.O. Box 315, Wilmington, NC 28402. Representative: Neal A. Jackson, 1156 15th Street, NW., Washington, DC 20005, (202) 223-6680. Transporting *petroleum, natural gas and their products*, between points in NC, SC and GA.

MC 115860 (Sub-12), filed August 26, 1982. Applicant: DALBY TRANSFER AND STORAGE, INC., 2755 Delta Place, Colorado Springs, CO 80910. Representative: Charles M. Williams, 1600 Sherman St., Suite 665, Denver, CO 80203, (303) 839-5856. Transporting *household goods*, between points in CO.

MC 121811 (Sub-11), filed August 28, 1982. Applicant: McCLELLAN'S ENTERPRISES, INC., P.O. Box 1237, Tifton, GA 31794. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477-1525. Transporting *building materials*, between points in AL, FL, GA, IL, IN, KY, LA, MI, MO, MS, NC, NJ, OH, PA, SC, TN, VA, WI and WV.

MC 142431 (Sub-15), filed August 20, 1982. Applicant: WAYMAR TRANSPORT CORP.; 5225 E. University, Des Moines, IA 50317. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting (1) *food and related products, (2) chemicals and related products, and (3) plastic products*, between points in MN and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143951 (Sub-3), filed August 29, 1982. Applicant: WESTCO TRUCKING, INC.; 5206 Dixie Highway, Louisville, KY 40216. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230, (513) 231-4831. Transporting *salt and salt products*, between points in Jefferson County, KY, on the one hand, and, on the other, points in IL, IN, KY, OH and TN.

MC 148451 (Sub-3), filed August 23, 1982. Applicant: HOLSTINE TRUCKING, INC.; 125th Old Brighton Road, Henderson, CO 80640. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203, (303) 837-1204. Transporting *food and related products*, between points in AZ, CO, MN, MT, and UT, on the one hand, and, on the other, points in AR, CA, KS, LA, MS, NE, NM, NV, OK, and TX.

MC 150711 (Sub-2), filed August 24, 1982. Applicant: R.G.B. TRANSPORTATION COMPANY, INC.; 1034 Humble, El Paso, TX 79926. Representative: Rufus G. Brijalba (same address as applicant), (915) 778-0699. Transportation *food and related products*, between points in AL, AZ, CA, CO, FL, GA, ID, IL, IA, KS, KY, LA, MN, MO, MS, NE, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI and WY.

MC 150960 (Sub-5), filed August 23, 1982. Applicant: DAVE STRICKLER, INC., 97 Anita Place, Mableton, GA 30059. Representative: James M. Parrish, P.O. Box 1365, Marietta, GA 30061, (404) 424-8132. Transporting *fabricated fused silica shapes, lumber and wood products, chemicals and related products, clay, concrete glass or stone products, lubricating oils, pulp, paper and related products, and metal products*, between those points in the U.S. in and east of MN, IA, MO, AR and TX.

MC 151570 (Sub-3), filed August 25, 1982. Applicant: CLEARWATER TRUCKING, INC., P.O. Box 87, Salt Lake City, UT 84110. Representative: Robert L. Cope, 1730 M Street, NW., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) between points in the U.S. (except AK and HI.

MC 152621 (Sub-7), filed August 19, 1982. Applicant: RUSH TRANSPORT, INC., 163 Main St., Route 131, Sturbridge, MA 01566. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152621 (Sub-8), filed August 24, 1982. Applicant: RUSH TRANSPORT, INC., 163 Main St., Sturbridge, MA 01566. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152640 (Sub-8), filed August 26, 1982. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Highway, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296-3555. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI, under continuing contract(s) with International Platex, Inc., of Dover, DE.

MC 153051 (Sub-2), filed August 23, 1982. Applicant: ATS TRANSPORT, INC., 34439 Mills Rd., North Ridgeville, OH 44039. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting *general commodities* (except classes A and B explosives and household goods), between Cincinnati, OH, on the one hand, and, on the other, points in MI, IL, and those points in IN and OH, on and north of Interstate Hwy 70.

MC 156820 (Sub-2), filed August 19, 1982. Applicant: SOUTHEASTERN MICHIGAN BROKERAGE COMPANY, P.O. Box 56, Imlay City, MI 48444. Representative: James T. Darby, 1021 Irving Avenue, Colonial Beach, VA 22443, (804) 224-0773. Transporting *juices*, between points in CA, DE, FL, IL, LA, ME, MI, NY, RI, SC and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159171, filed August 19, 1982. Applicant: HIGHWAY TRANSPORT, INC., 4154 S. 300 West, Salt Lake City, UT 84107. Representative: M. Lynn Johnson (same address as applicant), (801) 266-8905. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Highway Freight Service, Inc., of Portland, OR.

MC 160321 (Sub-2), filed August 19, 1982. Applicant: SHAWNEE EXPRESS, INC., P.O. Box 486, Herrin, IL 62948. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting (1) *refrigeration equipment, and (2) playground and exercise equipment, portable grills and heaters, and bar stools*, between points in the U.S. (except AK and HI), under continuing contract(s) with Peerless of America, Inc., of Effingham, IL in (1) above, and Turco Manufacturing Company, of DuQuoin, IL in (2) above.

MC 162061, filed August 17, 1982. Applicant: H. A. RICKERT LTD., 22 Red Ridge Road, Levittown, PA 19056. Representative: Wayne N. Cordes, 27

South State Street, Newtown, PA 18940, (215) 968–2248. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, limited to the tranpsortation of not more than 6 passengers in any one vehicle (not including the driver), between points in NY, NJ, and PA.

MC 162830, filed August 20, 1982. Applicant: DAKOTA BLOCK CO., P.O. Box 2920, Rapid City, SD 57709. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701, (605) 343–4036. Transporting *metal products, clay, concrete, glass or stone products, and rubber and plastic products,* between points in CO, MT, NE, ND, SD, and WY. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 162901, filed July 11, 1982, previously noticed in the **Federal Register** issues of July 28 and August 24, 1982. Applicant: ROYAL LIVERY, INC., 272 Fillow St., West Norwalk, CT 06850. Representative: L. C. Major, Jr., P.O. Box 11278, Suite 304, Overlook Building, 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 6 passengers in any one vehicle, not including the driver, between points in NY, NJ, PA, MA, RI, DE and DC and points in Hartford, New Haven, Fairfield and Litchfield Counties, CT.

Note.—The purpose of this republication is to reflect the correct scope of the application and authority as originally proposed.

MC 163451, filed August 18, 1982. Applicant: PAUL J. SCALORA, d.b.a. SCALORA TRUCKING, 37 Michael Drive, Southington, CT 06489. Representative: Paul J. Scalora (same address as applicant), (203) 628–2280. Transporting (1) *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with J Metals, Inc., of Forestville, CT; and (2) *metal products and hand tools,* between points in the U.S. (except AK and HI), under continuing contract(s) with New Britain Tool, Division of Litton Industrial Products, Inc., of Research Triangle Park, NC.

MC 163521, filed August 23, 1982. Applicant: MORSE BROS. INC., P.O. Box 7, Lebanon, OR 97355. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *cement and fly ash,* between points in Clark and Lewis Counties, WA, on the one hand, and, on the other, points in OR.

MC 163520, filed August 23, 1982. Applicant: K D DELIVERY SYSTEM, 1725 West 1500 South, Salt Lake City, UT 84104. Representative: Eldon E. Bresee, 2881 East 3400 South, Salt Lake City, UT 84109, (801) 485–5154. Transporting *household products, food and related products, paper products, printed matter and such commodities as are dealt in or used by wholesale or retail food business houses,* between points in UT.

MC 163560, filed August 25, 1982. Applicant: MAY TRUCKING CORPORATION, Route 2, Box 344, Giddings, TX 78942. Representative: Robert J. Birnbaum, 3636 Executive Center Drive, Suite 151, Austin, TX 78731, (512) 346–4800. Transporting *Mercer commodities,* between points in TX, LA, MS, OK, NM, CO, WY and MT.

Volume No. OP1-150

Decided: September 1, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 85770 (Sub-59), filed August 30, 1982. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Warren A. Goff, 109 Madison Ave., Memphis, TN 38103, (901) 526–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 87511 (Sub-32), filed August 26, 1982. Applicant: SAIA MOTOR FREIGHT LINE, INC., P.O. Box A, Station One, Houma, LA 70360. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 113041 (Sub-18), filed August 25, 1982. Applicant: AC-BERWICK TRANSPORTERS, INC., 155 Smith St., Keasbey, NJ 08832. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Road, Roseland, NJ 07068, (201) 992–2200. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Ziegler Chemical & Mineral Corp., of Great Neck, NY, Exxon Company, U.S.A., of Houston, TX, and Kay-Fries Inc., of Stony Point, NY.

MC 121671 (Sub-2), filed August 5, 1982. Applicant: J. D. DRAYAGE CO., 2955 Third St., San Francisco, CA 94518. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518, (415) 825–1774. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Los Angeles, CA and Crescent City, CA, over U.S. Hwy 101, (2) between San Ysidro, CA and Los Angeles, CA, over Interstate Hwy 5, (3) between Carlsbad, CA and Santa Ysabel, CA, over CA Hwy 78, (4) between Los Angeles, CA and Sacramento, CA, over U.S. Hwy 99, (5) between Los Angeles, CA and junction Interstate Hwy 5 and Interstate Hwy 580 near Tracy, CA, over Interstate Hwy 5, (6) between Maricopa, CA and junction U.S. Hwy 99 and CA Hwy I66, over CA Hwy 166, (7) between Los Hills, CA and junction U.S. Hwy 99 and CA Hwy 46, over CA Hwy 46, (8) between Pomona, CA and junction CA Hwy 91 and CA Hwy 71, over CA Hwy 71, (9) between Watsonville, CA and junction U.S. Hwy 99 and CA Hwy 152, over CA Hwy 152, (10) between Castroville, CA and junction CA Hwy 152 and CA Hwy 156, over CA Hwy 156, (11) between Oxnard, CA and Capistrano Beach, CA, over CA Hwy 1, (12) between Las Cruces, CA and Santa Maria, CA, over CA Hwys 1 and 135, (13) between Orcutt, CA and Pismo Beach, CA, over CA Hwy 1, (14) between Corona, CA and Murrieta Hot Springs, CA, over CA Hwy 71, (15) between San Juan Capistrano, CA and Hemet, CA, over CA Hwy 74, (16) between Ventura, CA and San Fernando, CA, over CA Hwy 118, (17) between Ventura, CA and junction Interstate Hwy 5 and CA Hwy 126, over CA Hwy 126, (18) between Santa Paula, CA and junction U.S. Hwy 101 and CA Hwy 150, over CA Hwy 150, (19) between San Bernardino, CA and Hermosa Beach, CA, over CA Hwy 91, (20) between junction CA Hwys 79 and 60 near Beaumont, CA and Los Angeles, CA, over CA Hwy 60, (21) between San Bernardino, CA and Glendale, CA, over U.S. Hwy 66, (22) between Pasadena, CA and San Pedro, CA, over CA Hwy 11, (23) between Pasadena, CA and Long Beach, CA, over CA Hwy 7, (24) between Long Beach, CA and junction U.S. Hwy 66 and CA Hwy 19, over CA Hwy, (25) between San Fernando, CA and junction Interstate Hwy 5 and Interstate Hwy 405, over Interstate Hwy 405, (26) between Newport Beach, CA and junction CA Hwy 91 and CA Hwy

55, over CA Hwy 55, (27) between junction CA Hwys 1 and 39 and Whittier, CA, over CA Hwy 39, (28) between Inglewood, CA, and Norwalk, CA, over CA Hwy 42, (29) between Maricopa, CA and junction CA Hwy 152 and CA Hwy 33, over CA Hwy 33, (30) between Los Banos, CA and junction U.S. Hwy 50 and CA Hwy 33, over CA Hwy 33, (31) between Taft, CA and junction U.S. Hwy 99 and CA Hwy 119, over CA Hwy 119, (32) between McKittrick, CA and Bakersfield, CA, over CA Hwy 58, (33) between Selma, CA and junction CA Hwy 119 and CA Hwy 43, over CA Hwy 43, (34) between Woodlake, CA and junction U.S. Hwy 99 and CA Hwy 65, over CA Hwy 65, (35) between Coalinga, CA and Three Rivers, CA, over CA Hwy 198, (36) between Visalia, CA and junction CA Hwy 198 and CA Hwy 216, over CA Hwy 216, (37) between Corcoran, CA and Lindsay, CA, over CA Hwy 137, (38) between Porterville, CA and junction CA Hwy 43 and CA Hwy 190, over CA Hwy 190, (39) between Orosi, CA and Woodland, CA, over CA Hwy 69, (40) between Kingsburg, CA and junction CA Hwy 69 and CA Hwy 201, over CA Hwy 201, (41) between Tulare, CA and junction CA Hwy 180 and CA Hwy 63, over CA Hwy 63, (42) between Fresno, CA and junction CA Hwy 63 and CA Hwy 180, over CA Hwy 180, (43) between Fresno, CA and Mendota, CA, over CA Hwy 180, (44) between Kerman, CA and Madera, CA, over CA Hwy 145, (45) between Delano, CA and Woody, CA, over CA Hwy 155, (46) between junction CA Hwy 180 and CA Hwy 168 and junction CA Hwy 145 and CA Hwy 168, over CA Hwy 168, (47) between Madera, CA and junction CA Hwy 168 and CA Hwy 145, over CA Hwy 145, (48) between Cholame, CA and Oakhurst, CA, over CA Hwy 41, (49) between Madera, CA and Coarsegold, CA, over unnumbered county Hwy, (50) between Firebaugh, CA and Madera, CA, over CA Hwy 145, (51) between Madera, CA and Avenal, CA, over unnumbered county Hwy, (52) between Merced, CA and Red Top, CA, over CA Hwy 59, (53) between Merced, CA and Gustine, CA, over CA Hwy 140, (54) between Geyserville, CA and Davis, CA, over CA Hwy 128, (55) between Merced, CA and Mariposa, CA, over CA Hwy 140, (56) between Los Banos, CA and Turlock, CA, over unnumbered county Hwy, (57) between Pacific Grove, CA and and Salinas, CA, over CA Hwy 68, (58) Davenport, CA and Carmel, CA, over CA Hwy 1, (59) between Santa Cruz, CA and San Rafael, CA, over Hwy 17, (60) between Castroville, CA and Salinas, CA, over CA Hwy 183, (61) between Los Gatos, CA and junction Interstate Hwy 280 and CA Hwy 85, over CA Hwy 85, (62) between San Jose, CA and San Francisco, CA, over Interstate Hwy 280, (63) between Menlo Park, CA and junction U.S. Hwy 50 and CA Hwy 84, over CA Hwy 84, (64) between San Mateo, CA and Hayward, CA, over CA Hwy 92, (65) between San Jose, CA and Vallejo, CA, over Interstate Hwy 680, (66) between Vernalis, CA and Coulterville, CA, over CA Hwy 132, (67) between Pinole, CA and junction County Hwy J14 and CA Hwy 4, over CA Hwy 4, (68) between San Francisco, CA and Auburn, CA, over Interstate Hwy 80, (69) between Sacramento, CA and junction CA Hwy 4 and CA Hwy 160, over CA Hwy 160, (70) between Dixon, CA and Collinsville, CA, over CA Hwy 113, (71) between Stockton, CA and Jenny Lind, CA, over CA Hwy 26 and County Hwy J14, (72) between Concord, CA and Byron, CA, over unnumbered county Hwy, (73) between San Francisco, CA and San Jose, CA, over CA Hwy 82, (74) between Oakland, CA and Walnut Creek, CA, over CA Hwy 24, (75) between Oakland, CA and junction Interstate Hwy 5 and Interstate Hwy 580, over Interstate Hwy 580, (76) between San Lorenzo, CA and Stockton, CA, over U.S. Hwy 50, (77) between Hayward, CA and Fremont, CA, over CA Hwy 238, (78) between Vallejo, CA and Upper Lake, CA, over CA Hwy 29, (79) between Hopland, CA and Middletown, CA, over CA Hwy 175, (80) between calpella, CA and junction CA Hwy 53 and CA Hwy 20, over CA Hwy 20, (81) between junction CA Hwy 20 and CA Hwy 53 and Lower Lake, CA, over CA Hwy 53, (82) between Potter Valley, CA and junction CA Hwy 20 and unnumbered county hwy, over unnumbered county hwy, (83) between Jenner, CA and Cotati, CA, over unnumbered county hwy and CA Hwy 116, (84) between Guerneville, CA and Calistoga, CA, over unnumbered county hwy, (85) between Jenner, CA and San Francisco, CA, over CA Hwy I, (86) between Vallejo, CA and junction U.S. Hwy 101 and CA Hwy 37, over CA Hwy 37, (87) between Bodega Bay, CA and Sebastopol, CA, over unnumbered county hwy, (88) between Monte Rio, CA and Valley Ford, CA, over unnumbered county hwy, (89) between Valley Ford, CA and Petaluma, CA, over unnumbered county hwy, (90) between Tomales, CA and Petaluma, CA, over unnumbered county hwy, (91) between Point Reyes Station, CA and Petaluma, CA, over unnumbered county hwy, (92) between Olema, CA and San Rafael, CA, over unnumbered county hwy, (93) between Sacramento, CA and Shingle Springs, CA, over U.S. Hwy 50, (94) between Sacramento, CA and junction Latrobe Road and CA Hwy 16, over CA Hwy 16, (95) between Stockton, CA and Ione, CA, over CA Hwy 88 and CA Hwy 124, (96) between Ione, CA and junction U.S. Hwy 99 and CA Hwy 104, over CA Hwy 104, (97) between Napa, CA and junction CA Hwy 128 and CA Hwy 121, over CA Hwy 121, (98) between Manteca, CA and Knights Ferry, CA, over CA Hwys 108 and 120, (99) between Salida, CA and Oakdale, CA, over CA Hwy 219, (100) between Roseville, CA and Wheatland, CA, over CA Hwy 65, (101) between Sacramento, CA and Rio Oso, CA, over CA Hwy 70 (102) between Nicolaus, CA and junction CA Hwy 70 and U.S. Hwy 99, over U.S. Hwy 99, (103) between Nicolaus, CA and Lincoln, CA, over unnumbered county hwy, (104) between Nicolaus, CA and Verona, CA, over unnumbered county hwy, (105) between Verona, CA and Roseville, CA, over unnumbered county hwy, (106) between Sacramento, CA and Capay, CA, over CA Hwy 16, (107) between Vacaville, CA and junction Interstate Hwy 5 and Interstate Hwy 505, over Interstate Hwy 505, (108) between junction Interstate Hwy 80 and Interstate Hwy 5 and junction Interstate Hwy 505 and Interstate Hwy 5, over Interstate Hwy 5, (109) between Robbins, CA and junction CA Hwy 128 and CA Hwy 113, over CA Hwy 113, (110) between Roseville, CA and Rancho Cordova, CA, over unnumbered county hwy, (111) between Lincoln, CA and Auburn, CA, over CA Hwy 65, (112) between San Fernando, CA and Pasadena, CA, over CA Hwy 118, (113) between Corona, CA and junction CA Hwy 60 and CA Hwy 31, over CA Hwy 31, (114) between Santa Monica, CA and Calimesa, CA, over Interstate Hwy 10, (115) between Redlands, CA and Calimesa, CA, from Redlands over CA Hwy 38 to junction unnumbered county hwy, then over unnumbered county hwy to Calimesa, CA, and return over the same route, (116) between Hemet, CA and junction CA Hwy 60 and CA Hwy 79, over CA Hwy 79, (117) between Temecula, CA and Aguanga, CA, over CA Hwys 71 and 79, (118) between Hemet, CA and junction CA Hwys 71 and 79, over unnumbered county hwy, (119) between Valley Center, CA and junction CA Hwy 76 and unnumbered county hwy, over unnumbered county hwy, (120) between Escondido, CA and junction CA Hwy 76 and unnumbered county hwy, over unnumbered county hwy, (121) between Escondido, CA and Solano Beach, CA, over unnumbered county hwy, (122) between Ramona, CA

and El Cajon, CA, over CA Hwy 67, (123) between San Diego, CA and Chula Visa, CA, from San Diego over Interstate Hwy 8 to junction San Diego County Road S17, then over San Diego County Road S17 to Chula Visa, and return over the same route, (124) between San Diego, CA and junction Interstate Hwy 8 and CA Hwy 94, over CA Hwy 94, (125) between San Diego, CA and Palm City, CA, over CA Hwy 75, (126) between San Diego, CA and Riverside, CA, over U.S. Hwy 395, (127) between National City, CA and junction U.S. Hwy 395 and CA Hwy 103, over CA Hwy 103, (128) between Jenny Lind, CA and Burson, CA, over county Hwy J14, (129) between junction CA Hwy 16 and Latrobe Road and junction U.S. Hwy 50 and Latrobe Road, over Latrobe Road, (130) between Cholame, CA and Lost Hills, CA, over CA Hwy 46, (131) between Kettleman City, CA and CA Hot Springs, CA, over unnumbered county hwy, (132) between Porterville, CA and Glennville, CA, over unnumbered county hwy, (133) between Glennville, CA and Oildale, CA, over CA Hwy 155, (134) between Cuyama, CA and Maricopa, CA, over CA Hwys 133 and 166, (135) between Merced, CA and LaGrange, CA, over CA Hwy 59, (136) between Corcoran, CA and junction CA Hwy 46 and unnumbered county hwy, over unnumbered county road, (137) between Bakersfield, CA and Lamont, CA, over CA Hwys 58 and 184, (138) between Lamont, CA and junction U.S. Hwy 99 and CA Hwy 184, over CA Hwy 184, (139) between Merced, CA and Escalon, CA, over county Road J7, (140) between Ventura, CA and junction CA Hwy 166 and CA Hwy 33, over CA Hwy 33, (141) between Sacramento, CA and Auburn, CA, over Interstate Hwy 80, (142) between Auburn, CA and Colfax, CA, from Auburn over CA Hwy 49 to junction Magnolia Road to Higgins Corner, then over Magnolia Road, Dog Bar Road and Tokayana Way to Colfax, and return over the same route, (143) between Auburn, CA and Colfax, CA, over Interstate Hwy 80, (144) between junction Placer Hills Road and Interstate Hwy 80 and Colfax, CA, over Placer Hills Road and Tokayana Way, (145) between junction Meadow Vista Road and CA Hwy 49 and Applegate, CA, over Meadow Vista Road, (146) between Weimar, CA and Auburn, CA, from Weimar over Ponderosa Way to junction Auburn-Forest Hill Road, then over Auburn-Forest Hill Road to Auburn, and return over the same route, (147) between Colfax, CA and Truckee, CA, over Interstate Hwy 80, (148) between Truckee, CA and Brockway, CA, over CA Hwy 267, (149) between Monte Vista, CA and Baxter, CA, over unnumbered county road, (150) between Brockway, CA and Tahoe City, CA, over CA Hwy 28, (also CA Hwy 267), (151) between Truckee, CA and Tahoe City, CA, over CA Hwy 89, (152) between Tahoe City, CA and South Lake Tahoe, CA, from Tahoe City over CA Hwy 89 to junction U.S. Hwy 50, then over U.S. Hwy 50 to South Lake Tahoe, and return over the same route, (153) between South Lake Tahoe, CA and Meyers, CA, over U.S. Hwy 50, (154) between Camp Richardson, CA and Fallen Leaf Lodge, CA, over unnumbered county road, (155) between Meyers, CA and South Lake Tahoe, CA, over Pioneer Trail, (156) between South Lake Tahoe, CA and Tahoe Keys, CA, over U.S. Hwy 50 (also over unnumbered county road), (157) between Meyers, CA and junction CA Hwy 88 and CA Hwy 89, over CA Hwy 89, (158) between South Lake Tahoe, CA and Heavenly Valley, CA, over U.S. Hwy 50 (also over unnumbered county road), (159) between Tahoe Valley, CA and junction U.S. Hwy 50 and Upper Truckee Road, over Lake Tahoe Boulevard and Upper Truckee Road, (160) between Meyers, CA and Pollock Pines, CA, over U.S. Hwy 50, (161) between Pollock Pines, CA and junction U.S. Hwy 50 and unnumbered county road, from Pollock Pines over Park Creek Road and Iron Mountain Road to junction unnumbered county road, then over unnumbered county road to junction U.S. Hwy 50 and return over the same route, (162) between junction Park Creek Road and Sly Park Road and junction North Shingle Road and U.S. Hwy 50, over Sly Road and U.S. Hwy 50, (163) between Pacific House and Ice House Reservoir, over Peavine Ridge Road, (164) between Kyburz, CA and Caples Creek, CA, over unnumbered county road, (165) between junction unnumbered county road and U.S. Hwy 50 and Wrights Lake, CA, over unnumbered county road, (166) between Pollock Pines, CA and Sly Park Dam, over Sly Park Road, (167) between junction unnumbered county road and U.S. Hwy 50, and Echo Lake, over unnumbered county road, (168) between junction unnumbered county road and CA Hwy 89 and Echo Summit, CA, over unnumbered county road, (169) between junction Dry Creek Road and CA Hwy 49, and junction Interstate Hwy 80 and Dry Creek Road, over Dry Creek Road, (170) between Auburn, CA and Pollock Pines, CA, from Auburn over CA Hwy 49 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Pollock Pines and return over the same route, (171) between Sacramento, CA and Pollock Pines, CA, over U.S. Hwy 50, (172) between Truckee, CA and South Lake Tahoe, CA, from Truckee over Interstate Hwy 80 to junction U.S. Hwy 395, then over U.S. Hwy 395 to junction U.S. Hwy 50, then over U.S. Hwy 50 to South Lake Tahoe, and return over the same route.

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC-121671 to a Certificate of Public Convenience and Necessity and to extend its operating rights. CONDITION: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation by applicant's written request of its Certificate of Registration MC-121671.

MC 124090 (Sub-7), filed August 26, 1982. Applicant: TRANSPORTES AZTECA, a corporation, 425 East Blackwell Street, Dover, NJ 07801. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322-5030. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between ports of entry on the international boundary line between the United States and Mexico, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 128521 (Sub-12), filed August 20, 1982. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., 715 Poplar Ave., P.O. Box 100417, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, 315 Union St., Nashville, TN 37201, (615) 255-9911. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Robertson County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

Note.—Applicant intends to tack the authority sought with its existing regular-route authority in No. MC-128521 and Subs thereunder.

MC 145830 (Sub-2), filed July 1, 1982, and previously noticed in **Federal Register** issue of July 21, 1982. Applicant: ATCO, INCORPORATED P.O. Box Box 7111, Pine Bluff, AR 71611. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375-9151. Transporting *general commodities* (except classes A and B explosives and household goods as

defined by the Commission), between points in AR, on the one hand, and, on the other, points in AL, AR, IL, IN, KS, IA, LA, MS, MO, NE, OK, TN, TX, and KY.

Note.—This republication shows the correct commodity description.

MC 145960 (Sub-3), filed August 27, 1982. Applicant: RONALD COOPER, d.b.a. CIRCLE "C" FARMS, Route 2, Colby, WI 54421. Representative: Joseph E. Ludden, P.O. Box 1567, 2707 South Ave., La Crosse, WI 54601, (608) 788-2000. Transporting *food and related products,* between points in WI, on the one hand, and, on the other, points in FL, GA, SC, NC, VA, PA, NY, NJ, MD, MS, TN, TX, CO, CA, OR, and WA, under continuing contract(s) with Associated Milk Producers, Inc., of Madison, WI.

MC 150511 (Sub-4), filed August 20, 1982. Applicant: BETTER HOME DELIVERIES, INC., 3700 Part East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with Sealy Mattress Company of Northern California, Inc., of Richmond, CA.

MC 151190 (Sub-2), filed August 26, 1982. Applicant: QUICK-WAY CARRIERS, INC., P.O. Box 600, LaVergne, TN 37086. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004, (202) 347-8862. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Davidson Country, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151401 (Sub-4), filed August 16, 1982. Applicant: TRI-SERVICE, INC., PO Box 1419, West Chester, PA 19380. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814, (301) 654-2240. Transporting (1) *petroleum and coal products,* and (2) *synthetic fuels,* between Dallas, TX, and points in Gloucester County, NJ and Northampton County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team 1, room 6354.

MC 152620 (Sub-10), filed August 25, 1982. Applicant: CUSTOMIZED TRANSPORTATION, INC., P.O. Box 40083, Jacksonville, FL 32203. Representative: John Carter (same address as applicant) (904) 733-6011. Transporting *tires, tubes and automotive products,* between points in AR, CO, IL, IA, KY, KS, MO, NE, NM, OK, TN and TX, under continuing contract(s) with Firestone Tire & Rubber Company, of Akron, OH.

MC 152840 (Sub-2), filed August 27, 1982. Applicant: PATRICIA AND JAMES KEELER, a partnership, d.b.a. P & J TRANSPORTATION CO., Route 295, Berkey, OH 43504. Representative: John Diel (same address as applicant), (419) 829-5011. Transporting *food and related products,* between those points in the U.S. on and east of MT, WY, CO and NM.

MC 154621 (Sub-3), filed August 23, 1982. Applicant: MONROE WAREHOUSE COMPANY, INC., P.O. Box 2525, Monroe, LA 71207. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948-8820. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Angus Chemical Company, of Northbrook, IL.

MC 158860 (Sub-1), filed August 25, 1982. Applicant: CAVALIER FREIGHT, INC., 5741 Bayside Road, Suite 106, Virginia Beach, VA 23455. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282-3809. Transporting *food and related products, and pulp, paper and related products,* between Atlanta, GA, Chicago, IL, Philadelphia, PA, Houston, TX, Richmond, VA, and points in Cook County, IL, Bergen County, NJ, and Brown County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162380 (Sub-2), filed August 19, 1982. Applicant: CMM TRANSPORTATION, INC., Abbott Park, North Chicago, IL 60064. Representative: Edward G. Bazelon, 29 South LaSalle St., Suite 905, Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with National Carrier Service of Anaheim, CA, and International Freight Brokers, Inc., of Charlotte, NC.

MC 162811, filed August 23, 1982. Applicant: HARLOW'S BUS SERVICE, INC., Rolette, ND 58366. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223-5300. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in ND, on the one hand, and, on the other, points in the U.S. (except HI).

MC 163221, filed August 3, 1982 and previously noticed in the **Federal Register** issue of August 23, 1982. Applicant: COOLIDGE GRAIN AND PRODUCE, INC., 3112 Stratford St., Pearland, TX 77581. Representative: David H. Baker, 600 Maryland Ave., S.W., Washington, DC 20024, (202) 484-9090. Transporting *chemicals and related products,* and *rubber and plastic products,* between points in LA and TX, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, ID, MS, NM, NV, OK, OR, UT and WA.

Note.—This republication shows the correct commodity description.

MC 163530 (Sub-1), filed August 27, 1982. Applicant: JOHN SMYTH, d.b.a. J & J SMYTH TRUCKING, 74 Raffia Road, Enfield, CT 06082. Representative: James M. Burns, 1383 Main Street, Ste. 413, Springfield, MA 01103, (413) 781-8205. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Total Distribution Services, Inc., of West Hartford, CT.

MC 163570, filed August 26, 1982. Applicant: CHARLES R. ALFORD, d.b.a. ALFORD TRUCK LINES, P.O. Box 732, Bridge City, TX 77611. Representative: C. W. Ferebee, 3910 FM 1960 W., Suite 106, Huston, TX 77068, (713) 537-8156. Transporting *petroleum products,* between points in Jefferson County, TX, on the one hand, and, on the other, points in AR, LA, and MS.

MC 163611, filed August 30, 1982. Applicant: DIRECT SERVICE TRANSPORT, INC., 451 East Montana Ave., St. Paul, MN 55101. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MN, Henry County, IA, and Barron County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2-206

Decided: August 30, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 126542 (Sub-22), filed August 20, 1982. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, P.O. Box 162, Mentone, AL 35984, (205) 634–4885. Transporting *plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Filam National Plastics, Inc., of Paramount, CA.

MC 129712 (Sub-77), filed August 20, 1982. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 237–6472. Transporting *metal and metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with J. M. Tull Metals Company Division J. M. Tull Industries, Inc., of Norcross, GA.

MC 140373 (Sub-5), filed August 17, 1982. Applicant: COOK TRUCKING SERVICE, INC., 305 S. Harbor Blvd., Fullerton, CA 92632. Representative: W. G. Reese III, P.O. Box 7000–438, Redondo Beach, CA 90277, 213–538–3622. Transporting *general commodities* (except class A and B explosives, household goods, and commodities in bulk), between points in CA, on the one hand, and, on the other, Laramie, WY, points in AZ, NV, WA, OR, UT, CO, and NM.

MC 147392 (Sub-3), filed August 20, 1982. Applicant: NOTTINGHAM COMPANY, 1303 Boyd Ave., Atlanta, GA 30318. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *chemicals,* between points in Clayton County, GA, on the one hand, and, on the other, points in AL, CT, DE, FL, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OK, PA, RI, SC, TN, TX, VT, and VA.

MC 161312, filed August 17, 1982. Applicant: HIMCO TRUCKING SERVICE, INC., 891 E. Oak Rd., Vineland, NJ 08360. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., N.W., Suite 500, Washington, DC 20006, (202) 828–5015. Transporting *printed matter,* and *pulp, paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Judd's Incorporated of Washington, DC, and (b) Halco Mailing Service, Inc., of Vineland, NJ.

MC 161553, filed August 17, 1982. Applicant: JOHN L. SHADD TRUCKING, INC., 220 West Main St., Lake Butler, FL 32054. Representative: Felix A. Johnston, Jr., 1030 East Lafayette St., Suite 112, Tallahassee, FL 32301, (904) 877–7191. Transporting *railroad car parts,* between Jacksonville, FL, and Alexandria, VA, Chicago, IL, and Stockton, CA.

Volume No. OP2–208

Decided: August 31, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 87113 (Sub-24), filed August 20, 1982: Applicant: WHEATON VAN LINES, INC., 8010 Castleton Rd., Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006, (202) 833–8884. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Employee Transfer Corporation, of Chicago, IL.

MC 129702 (Sub-11), filed August 25, 1982. Applicant: CARPET TRANSPORT, INC., Route 5, Lovers Lane Rd., Calhoun, GA 30701. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *textiles, textile products and floor coverings,* between points in AR, DE, MD, and DC, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 150982 (Sub-1), filed August 26, 1982. Applicant: DUTRA TRUCKING CO., INC., 5005 Boyd Rd., Arcata, CA 95221. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579, (415) 357–6236. Transporting (1) *mobile homes, trailers and materials, equipment and supplies* used in connection with mobile homes and trailers, between CA, OR, and NV, under continuing contract(s) with S & S Mobile Home Sales, Inc., of McKinleyville, CA, and W & W Mobile Home Sales, Inc., of Eureka, CA, (2) *machinery, equipment, materials and supplies used in logging, mining, road building and construction work,* between points in CA, AZ, ID, NV, OR, TX, and WA, under continuing contract(s) with George's Equipment Co., of Eureka, CA, R. D. Watson, Inc., of San Jose, CA, and Peterson Tractor Co., of Eureka, CA, (3) *lumber and wood products,* between CA, OR, and WA, under continuing contract(s) with Miller Redwood Company of Crescent City, CA, and (4) *such commodities as are dealt in, used and sold by food processing companies,* between CA, NV, OR, and WA, under continuing contract(s) with Bien Padre, of Eureka, CA.

MC 151193 (Sub-29), filed August 29, 1982. Applicant: PAULS TRUCKING CORPORATION 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as applicant), (201) 499–3869. Transporting *such commodities as are dealt in or used by chain grocery stores, discount department stores and drug stores,* between points in the U.S. (except AK and HI), under continuing contract(s) with Allied Shippers and Receiver Association, of Chicago, IL.

MC 155022 (Sub-2), filed August 25, 1982. Applicant: PROCHNOW FARMS, INC., Route 2, Medford, WI 54451. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *paper and related products,* between points in Price County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156152 (Sub-1), filed August 23, 1982. Applicant: IMPERIAL ENTERPRISES CORPORATION, P.O. Box 6009, Lafayette, IN 47903. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–655. As a *broker,* at Lafayette, West Lafayette, and Monticello, IN, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, between points in the U.S.

MC 157942 (Sub-1), filed August 25, 1982. Applicant: TRUMAN BARKS, d.b.a. BARKS TRUCKING CO., Greenville, MO 63944. Representative: Stephen G. Newman, P.O. Box 456, Jefferson City, MO 65102, (314) 635–7166. Transporting *lumber and wood products and building materials,* between points in AL, AR, GA, IL, IN, KS, KY, MI, MS, MN, NE, OH, OK, and TX.

MC 161012, filed August 24, 1982. Applicant: OSCAR MELVIN EMFINGER, SR. and OSCAR MELVIN EMFINGER, JR. d.b.a. EMFINGER'S MOBILE HOME MOVERS, Rt. 4, Box 96, Shreveport, LA 71107. Representative: Ilene Emfinger (same address as applicant), (318) 929–4241. Transporting *mobile homes,* between points in LA, TX, AR, and MS.

MC 161083 (Sub-1), filed August 23, 1982. Applicant: H & H TRUCKING, P.O. Box 191, Okolona, MS 38860. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with (a) Bunker Hill Co., Inc., of Pontotoc, MS, (b) The Rose Hill Company, Inc., of Okolona, MS, and (c) Unique Chairs, Inc., of Okolona, MS.

MC 163533, filed August 24, 1982. Applicant: R & K TRUCKING (a California corporation), 134 Redondo Beach Blvd., Gardena, CA 90247.

Representative: John C. Russell, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017, (231) 483–4700. Transporting *building materials, and fly ash,* between points in AZ, CA, NV, UT, and NM.

MC 163543, filed August 24, 1982. Applicant: ALPHA M. PASSINO, trustee of the Passino family trust, d.b.a. C & M TRANSPORTATION CO., 1515 West Mission Rd., Alhambra, CA 91803. Representative: Marc A. Bronstein, 10517 Santa Monica Blvd., Los Angeles, CA 90025, 213–474–6504. Transporting *food and related products and machinery,* between points in the U.S., under continuing contract(s) with (a) Westside Distributing Co., and (b) Community Beverage, both of Los Angeles, CA.

MC 163553, filed August 24, 1982. Applicant: BURTCH TRUCKING, INC., 900 Petrol Rd., Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *petroleum, natural gas and their products,* between points in AZ, CA, NV, and UT.

Volume No. OP3–133

Decided: August 27, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 42604 (Sub-10), filed August 11, 1982. Applicant: GEORGE HUSACK, INC., 167 Locust Dr., Schnecksville, PA 18078. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting (1) *such commodities* as are dealt in or used by retail building material houses, between points in Lehigh County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *construction materials and supplies,* and (3) *such commodities* as are dealt in or used by bee supply houses, between points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, and (4) *metal products,* between points in Northampton County, PA, on the one hand, and, on the other, points as described in (2) and (3) above.

MC 111504 (Sub-13), filed August 12, 1982. Applicant: STARR TRANSIT CO., INC., 2531 E. State St., Trenton, NJ 08619. Representative: Alan R. Squires, 818 Widener Bldg., 1339 Chestnut St., Philadelphia, PA 19107, (215) 564–3880. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in the U.S., under continuing contract(s) with Samtours, Inc., of Newtown, PA.

MC 115694 (Sub-5), filed August 11, 1982. Applicant: J. BALLEW & SONS, INC., P.O. Box 47, Stuarts Draft, VA 24477. Representative: James W. Patterson, 1200 Ave. of the Arts Bldg., Philadelphia, PA 19107, (215) 735–3090. Transporting (1) *metal products,* (2) *rubber and plastic products,* and (3) *such commodities* as are dealt in or used in the manufacture of plumbing equipment, between points in the U.S. (except AK and HI).

MC 116725 (Sub-31), filed August 13, 1982. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Ave., Harleysville, PA 19438. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011, (717) 232–8324. Transporting (1) *paper and paper products,* and (2) *plastic and plastic products,* between points in the U.S. (except AK and HI).

MC 121324 (Sub-3), filed August 16, 1982. Applicant: I-H-S TRANSPORT, INC., P.O. Box 62, Millstadt, IL 62260. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421–0845. Transporting *dry bulk commodities,* between Atlanta, GA, Minneapolis, MN, and Winston-Salem, NC, and points in Montgomery County, KS, MO, and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 121775 (Sub-4), filed August 11, 1982. Applicant: WINDFALL, INC., 1340 E. Glendale Ave., Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882–5649. Transporting *Mercer commodities,* between points in NV, CA, OR, WA, ID, WY, MT, CO, UT, NM, AZ, SD, OK, and TX.

MC 124025 (Sub-20), filed August 16, 1982. Applicant: GLASS TRUCKING COMPANY, P.O. Box 447, 200 Chestnut St., Newkirk, OK 74647. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting *glass,* and *materials, equipment, and supplies* used in the installation of glass, between points in Salt Lake, Davis and Morgan Counties, UT, Sedgwick and Butler Counties, KS, Halifax and Nash Counties, NC, and Du Page and Cook Counties, IL, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Lear Siegler, Inc., of Wichita, KS.

MC 136595 (Sub-13), filed August 4, 1982. Applicant: EASTSIDE ENTERPRISES, INC., d.b.a. Eastside Mobile Home Transporting, Inc., 1440 South A St., Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *buildings and mobile homes,* between points in the U.S. (except AK and HI).

MC 138574 (Sub-5), filed August 12, 1982. Applicant: NORTHERN EXPRESS, INC., 31 Virginia Ave., Carteret, NJ 07008. Representatve: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Hartford County, CT, and Lancaster County, PA, on the one hand, and, on the other, New York, NY, and points in Dutchess, Nassau, Orange, Rockland, Ulster, and Westchester Counties, NY, and Bergen, Essex, Hudson, Mercer, Middlesex, Morris, Monmouth, Ocean, Passaic, Somerset, Sussex, and Union Counties, NJ.

MC 146514 (Sub-5), filed August 6, 1982. Applicant: CLANCY CARTING & STORAGE CO., INC., 795 Behan Rd., Rochester, NY 14624. Representative: Jack H. Blanshan, 205 W. Touchy Ave., Suite 102, Park Ridge, IL 60668, (312) 698–2237. Transporting *general commodities* (except classes A and B explosives, households goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mobile Chemical Co., Plastics Division, of Pittsford, NY.

MC 149244 (Sub-7), filed August 13, 1982. Applicant: PEAKE, INC., 2022 Avenue "A" Kearney, NE 68847. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304, (515) 245–2725. Transporting *petroleum and petroleum products,* between points in CO, MN, NE, OK, and WY.

MC 150185 (Sub-6), filed August 18, 1982. Applicant: STAM-WIN, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Crucible, Inc., of Syracuse, NY.

MC 151534 (Sub-8), filed August 16, 1982. Applicant: R & D TRANSPORTATION CORPORATION, P.O. Box 1908, Des Moines, IA 50306. Representative: Donald B. Strater, 1350 Financial Center, Des Moines, IA 50309, (515) 283–2411. Transporting *clay, concrete, glass, and stone products,* between points in the U.S. (except AK and HI).

MC 160974, filed August 18, 1982. Applicant: GEORGE D. LITCHFIELD, 1216 Jackson St., Decatur, IN 46733. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting (1) *motor homes*, between points in Adams County, IN, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and TX; and (2) *trailers*, between points in Montgomery County, IN, and Knox County, TN, on the one hand, and, on the other, points in MN, IA, MO, AR, TX, LA, MS, TN, WV, KY, OH, IN, MI, IL, and WI.

MC 161384, filed August 5, 1982. Applicant: S & S TRANSPORTATION, INC., 1231 Blue Gum, Anaheim, CA 92806. Representative: John C. Russell, 1545 Wilshire Blvd., Suit 606, Los Angeles, CA 90017, (213) 483-4700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Los Angeles, Orange, Riverside, San Diego, San Bernardino, Alameda, Santa Clara, Solano, Contra Costa, San Mateo, and San Francisco Counties, CA, on the one hand, and, on the other, points in AZ, NV, NM, TX, CO, UT, OR, WA, and ID.

MC 161795 (Sub-1), filed August 3, 1982. Applicant: VANTAGE TRANSPORT, INC., 6810 Fleetwood Rd., McLean, VA 22101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. Transporting *food and related products*, between points in New Haven and Hartford Counties, CT, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and VT.

MC 161835, filed August 16, 1982. Applicant: LISBOA TRANSPORTATION COMPANY, INC., 1520 Easton Rd., Roslyn, PA 19001. Representative: Michael H. Applebaum, 2307 Briston Pike, Cornwells Heights, PA 19020, (215) 245-8222. Transporting *passengers and their baggage*, in speical and charter operations, limited to transportation of not more than sixteen passengers (excluding the driver), in one vehicle at one time, beginning and ending at points in PA, and extending to points in NY.

MC 162104 (Sub-3), filed August 12, 1982. Applicant: PETERSON EXPRESS, INC., P.O. Box 41770, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 162894, filed August 17, 1982. Applicant: U.S. CARPET CARRIERS, INC., P.O. Box 904, Calhoun, GA 30701. Representative: Edward A. Gowens (same address as applicant), (404) 277-3352. Transporting (1) *floor coverings*, and (2) *materials and supplies* used in the installation of floor coverings, between points in GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163324, filed August 9, 1982. Applicant: DOROTHY H. MOTT, d.b.a. DOROTHY DEE CHARTERS, 23792 Via El Rocio, Mission Viejo, CA 92691. Representative: Dorothy H. Mott (same address as applicant), (714) 837-8744. As a *broker*, at Mission Viejo, CA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in the U.S.

MC 163374 (Sub-1), filed August 12, 1982. Applicant: PEMBERTON TRUCK LINES, INC., 4801 Rutledge Pike, Knoxville, TN 37914. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 347-8862. Transporting *general commodities* (except classes a and B explosives, household goods and commodities in bulk), between Knoxville, TN, Cincinnati, OH, Louisville, KY, and points in Oldham County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163375, filed August 12, 1982. Applicant: MI & MY VARIETY, INC., 1117 Nostrand Ave., Brooklyn, NY 11225. Representative: Wilfred A. Callender, 50 Court St., Suite 1205, Brooklyn, NY 11201, (212) 596-8610. Transporting *passengers*, in charter operations, between points in NY, NJ, CT, PA, MD, and DC.

MC 163384, filed August 13, 1982. Applicant: E-Z SERVE OF CALIFORNIA, INC., d.b.a. AMBER TRANSPORTATION, 316 S. Bon View Ave., P.O. Box 3550, Ontario, CA 91761. Representative: Milton W. Flack, 8484 Wilshire Blvd., Suite 840, Beverly Hills, CA 90211 (213) 655-3573. Transporting *petroleum, natural gas and their products*, between points in AZ, CA, NV, and UT.

MC 163445, filed August 16, 1982. Applicant: JOSEPH ARANOWSKI TRUCKING, 11549 S. Joalyce Dr., Alsip, IL 60658. Representative: (Same as applicant) (312) 597-3419. Transporting *steel and steel products*, between points in Porter and Lake Counties, IN, and points in Kankakee, Will, Cook, DuPage, Lake, McHenry, Kane, Kendall and Grundy Counties, IL.

MC 54855 (Sub-6), filed August 2, 1982, previously published in the **Federal Register** issue of August 19, 1982. Applicant: LOUISVILLE, NEW ALBANY & CORYDON RAILROAD COMPANY, d.b.a. LOUISVILLE AND CORYDON TRANSFER, 210 Walnut Street, Corydon, IN 47112. Representative: Norman A Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

Note.—This republication corrects the docket number.

Volume No. OP3-135

Decided: August 30, 1982.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

W 1355, filed August 17, 1982. Applicant: NORTHLAND SERVICES, INC., 6425 N.E. 175th St., Seattle, WA 98155. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055-3273, (206) 235-1111. As a *water carrier*, transporting *general commodities* (except classes A and B explosives), between point, and ports on the west coast of the U.S.

MC 2245 (Sub-20), filed August 9, 1982. Applicant: THE O. K. TRUCKING CO., 3000 E. Crescentville Road, Cincinnati, OH 45241. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602, (502) 223-8244. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk) (1) between Jacksonville, FL and Lordsburg, NM, over Interstate Hwy 10, (2) between Vicksburg, MS and junction Interstate Hwy 20 and Interstate Hwy 10, over Interstate Hwy 20, (3) between Fort Smith, AR and Gallup, NM, over Interstate Hwy 40, (4) between Kansas City, MO and Grand Junction, CO, over Interstate Hwy 70, (5) between Chicago, IL and Evanston, WY, from Chicago over Interstate Hwy 55 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Evanston, and return over the same route, (6) between Madison, WI and junction Interstate Hwy 90 and the MT-ID State line, over Interstate Hwy 90, (7) between ports of entry on the International boundary line between the United States and Canada at or near Port Huron, MI and junction Interstate Hwy 94 and Interstate Hwy 90 at or near Billings, MT, over Interstate Hwy 94, (8) between junction Interstate Hwy 25 and Interstate Hwy 10, at or near Las Cruces, NM, and junction Interstate Hwy 25 and

Interstate Hwy 90, at or near Buffalo, WY, over Interstate Hwy 25, (9) between Duluth, MN and Brownsville, TX, from Duluth over Interstate Hwy 35 to Laredo, TX, then over U.S. Hwy 83 to Brownsville, and return over the same route; (10) between Kansas City, MO and the port of entry on the International Boundary line between the United States and Canada at or near Pembina, ND, over Interstate Hwy 29, (11) between Joplin, MO and Wichita Falls, TX, from Joplin over Interstate Hwy 44 to junction U.S. Hwy 66, then over U.S. Hwy 66 to junction U.S. Hwy 81, then over U.S. Hwy 81 to junction U.S. Hwy 277, then over U.S. Hwy 277 to Wichita Falls, and return over the same route, (12) between Denver, CO and Ft. Worth, TX, over U.S. Hwy 287, (13) between Walsenburg, CO and Cortez, CO over U.S. Hwy 160, (14) between San Antonio, TX and Brownsville, TX, from San Antonio over Interstate Hwy 37 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Brownsville, and return over the same route, (15) between Faldosta, GA and Miami, FL, from Valdosta over (A) Interstate Hwy 75 to Tampa, FL, then over U.S. Hwy 41 to Miami, and (B) Interstate Hwy 75 to junction Florida's Turnpike, then over Florida's Turnpike to Miami, and return over the same routes, (16) between Miami, FL and Brunswick, GA, over Interstate Hwy 95, (17) between Arlington, VA and the port of entry on the International Boundary line between the United States and Canada at or near Houlton, ME, over Interstate Hwy 95, (18) between Cleveland, OH and Youngstown, NY, from Cleveland over Interstate Hwy 90 to junction Interstate Hwy 190, then over Interstate Hwy 190 to junction New York Hwy 384, then over New York Hwy 384 to junction the Robert Moses Parkway, then over the Robert Moses Parkway to Youngstown, and return over the same route, (19) between Buffalo, NY and Boston, MA, from Buffalo over Interstate Hwy 190 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 490, then over Interstate Hwy 490 to Rochester, NY, then over Interstate Hwy 490 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Boston, and return over the same route, (20) between Akron, OH and New York, NY, from Akron over Interstate Hwy 76 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, NY, and return over the same route, (21) between Pittsburgh, PA and New York, NY, from Pittsburgh over Interstate Hwy 376 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction New Jersey Turnpike, then over New Jersey Turnpike to (A) junction Interstate Hwy 278, then over Interstate Hwy 278 to New York, NY and (B) junction Interstate Hwy 495, then over Interstate Hwy 495 to New York, NY, and return over the same routes, (22) between New York, NY, and ports of entry on the International Boundary line between the United States and Canada at or near Champaign, NY, over Interstate Hwy 87; (23) between Winchester, VA, and the port of entry on the International Boundary line between the United States and Canada, at or near Omar, NY, over Interstate Hwy 81, (24) between Pittsburgh, PA, and Erie, PA, from Pittsburgh over Interstate Hwy 279 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Erie, and return over the same route, (25) between New Haven, CT and the port of entry on the International Boundary line between the United States and Canada at or near Derby Line, VT, over Interstate Hwy 91, (26) between Boston, MA and St. Johnsbury, VT, from Boston over Interstate Hwy 93 to Littleton, NH, then over NH/VT Hwy 18 to St. Johnsburg, and return over the same route, (27) between Concord, NH and the port of entry on the International Boundary line between the United States and Canada at or near Highgate Springs, VT, over Interstate Hwy 89, (28) between Meridian, MS and Baton Rouge, LA, from Meridian over Interstate Hwy 59 to junction Interstate Hwy 12, then over Interstate Hwy 12 to Baton Rouge, and return over the same route, (29) between Jackson, MS and junction Interstate Hwys 55 and 12, over Interstate Hwy 55, (30) between Texarkana, AR and Galveston, TX, from Texarkana over Interstate Hwy 30 to Dallas, TX, then over Interstate Hwy 45 to Galveston, and return over the same route, (31) between Texarkana, AR and Houston, TX, over U.S. Hwy 59, (32) between Lima, OH and the port of entry on the International Boundary line between the United States and Canada at or near Sault Ste. Marie, MI, over Interstate Hwy 75, (33) between Ft. Wayne, IN and junction Interstate Hwy 75 and U.S. Hwy 27 near Grayling, MI, from Ft. Wayne over Interstate Hwy 69 to Lansing, MI, then over U.S. Hwy 27 to junction Interstate Hwy 75, and return over the same route, (34) between Toledo, OH and Flint, MI, over U.S. Hwy 23, (35) between Detroit, MI and Ludington, MI, from Detroit over Interstate Hwy 96 to Muskegon, MI, then over U.S. Hwy 31 to Ludington, and return over the same route, (36) between Muskegon, MI and junction Interstate Hwys 196 and 94, from Muskegon over U.S. Hwy 31 to junction Interstate Hwy 196, then over Interstate Hwy 196 to junction Interstate Hwy 94, and return over the same route, (37) between Grand Rapids, MI and Kalamazoo, MI, over U.S. Hwy 131, serving all intermediate points in routes (1) thru (37) and serving all points in CO, CT, DE, FL, IA, KS, LA, MA, MD, ME, MI, MN, MT, ND, NE, NH, NJ, NM, NY, OK, PA, RI, SD, TX, VT, WI, WY and DC as off-route points.

Note.—Applicant intends to tack this authority with its existing authority and to interchange with connecting carriers at authorized points.

MC 126555 (Sub-93), filed August 6, 1982. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: M. A. Andrade, 770 Grant St., Suite 228, Denver, CO 80203, (303) 861-4273. Transporting (1) *dry commodities in bulk,* between those points in the U.S. in and west of MI, OH, IN, IL, MO, AR, and LA (except AK and HI); and (2) *ores and minerals,* between points in CO and WY, on the one hand, and, on the other, points in the U.S. (except AK, HI, CT, RI, MA, NH, VT, and ME).

MC 136275 (Sub-34), filed August 13, 1982. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Blvd., El Paso, TX 79922. Representative: Dann L. Drewry (same address as applicant), (915) 532-2691. Transporting *coal products, sand, gravel and related products,* between points in Las Animas County, CO, on the one hand, and, on the other, points in Potter and Randall Counties, TX.

MC 143894 (Sub-4), filed August 13, 1982. Applicant: JEROLD J. BUCHAN, JR., d.b.a. BUCHAN TRUCKING COMPANY, P.O. Box 315, 2787 East Main St., East Troy, WI 53120. Representative: Jack Meyer, 1330 Marine Plaza, 111 East Wisconsin Ave., Milwaukee, WI 53202, (414) 272-8550. Transporting *food and related products, and restaurant supplies,* between Washington, DC and Richmond, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 144535 (Sub-2), filed August 16, 1982. Applicant: ROBERT P. PEDIGO, INC., Rural Route 1, Box 399A, Plainfield, IN 46168. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *fertilizer and fertilizer ingredients,* between points in IL, IN, IA, KY, NE, and OH.

MC 144945 (Sub-3), filed August 16, 1982. Applicant: A & L TRANSPORT, INC., 11800 S. Halsted St., Chicago, IL 60628. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602,

(312) 726–6525. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 146494 (Sub-3), filed August 12, 1982. Applicant: BILL JACKSON RIG COMPANY, INC., P.O. Box 94033, Oklahoma City, OK 73143. Representative: Randall W. Rueb (same address as applicant), (405) 670–2891. Transporting *Mercer commodities*, between those points in the U.S. in and west of MN, IA, MO, AR, and MS.

MC 147874 (Sub-4), filed August 13, 1982. Applicant: ZILK ENTERPRISES, INC., 2807 S. Maple, Brookfield, IL 60513. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602, (312) 726–6525. Transporting *general commodities* (except commodities in bulk, classes A and B explosives and household goods), betwen points in IL, IN, IA, MI, MN, MO, KS, KY, OH, PA and WI.

MC 148335 (Sub-4), filed August 20, 1982. Applicant: RAIL FLITE TRANSPORTATION, INC., 7718 Stevens Rd., Darien, IL 60559. Representative: Alex J. Miller, 555 S. Woodward Ave., Suite 512, Birmingham, MI 48011, (313) 647–3350. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Alliance Shippers, Inc. of West New York, NJ.

MC 150255 (Sub-8), filed August 13, 1982. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone St., Denver, CO 80211. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–6700, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 153525 (Sub-2), filed August 17, 1982. Applicant: THE GEORGE RIMES TRUCKING COMPANY, INC., 404 Washington St., Chardon, OH 44024. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (216) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (A) over irregular routes, between points in Geauga, Trumbull, Ashtabula, Lake, Portage, Cuyahoga and Summit Counties, OH, on the one hand, and, on the other, points in OH; (B) over regular routes, (1) Between Cleveland, OH and Thompson, OH: from Cleveland over U.S. Hwy 322 to junction OH Hwy 44, then over OH Hwy 44 to Chardon, then over U.S. Hwy 6 to Hambden, then over OH Hwy 166 to junction OH Hwy 528, and then over OH Hwy 528 to Thompson, and return over the same route; (2) Between junction U.S. Hwy 322 and OH Hwy 44 and junction OH Hwy 44 and junction OH Hwy 528 and OH Hwy 166: from junction U.S. Hwy 322 and OH Hwy 44 over U.S. Hwy 322 to Huntsburg, OH, then over OH Hwy 528 to junction OH Hwy 166, and return over the same route; (3) Between junction U.S. Hwy 322 and OH Hwy 44 and Burton, OH: from junction U.S. Hwy 322 and OH Hwy 44 over OH Hwy 44 to junction OH Hwy 87, the over OH Hwy 87 to Burton, and return over the same route; (4) Between Huntsburg, OH and Cleveland, OH, over U.S. Hwy 322; (5) Between junction U.S. Hwy 322 and OH Hwy 608 and Hambden, OH, over OH Hwy 608; (6) Between junction Stillwell Rd. and OH Hwy 608, and junction Stillwell Rd. and Kile Rd., over Stillwell Rd.; (7) Between junction Geauga County Hwys 13 and 3, and Burton, OH, over Geauga County Hwy 3; (8) Between junction U.S. Hwy 322 and Geauga County Hwy 28 and Burton, Oh, over Geauga County Hwy 28; (9) Between Chardon, OH and junction OH Hwys 166 and 528: From Chardon over U.S. Hwy 6 to junction OH Hwy 166, then over OH Hwy 166 to junction OH Hwy 528, and return over the same route; (10) Between Thompson OH and Huntsburg, OH, over OH Hwy 528; (11) Between Burton, and Chardon, OH: From Burton over OH Hwy 87 to junction OH Hwy 44, then over OH Hwy 44 to Chardon, OH, and return over the same route; (12) Between Thompson, OH and junction Claridon-Troy Rd. and OH Hwy 608: From Thompson over OH Hwy 528 to junction OH Hwy 307, then over OH Hwy 307 to Austinburg, OH, then over OH Hwy 45 to Bristolville, OH, then over OH Hwy 88 to unnumbered hwy, then over unnumbered hwy to junction OH Hwy 87, then over OH Hwy 87 to Burton, OH, then over Claridon-Troy Rd. to junction OH Hwy 608, and return over the same route; (13) Between junction U.S. Hwy 322 and OH Hwy 528, and junction OH Hwy 528 and unnumbered hwy, over OH Hwy 528; (14) Between junction OH Hwys 307 and 534, and junction OH Hwys 88 and 534, over Oh Hwy 534; (15) Between junction unnumbered hwy and OH Hwy 534, and junction unnumbered hwy and OH Hwy 45, over unnumbered hwy; (16) Between junction unnumbered hwy and OH Hwy 528, and junction unnumbered hwy and junction OH Hwy 534 and unnumbered hwy, over unnumbered hwy; (17) Between junction OH Hwy 166 and OH Hwy 528 and Rock Creek, OH: From junction OH Hwy 166 and OH Hwy 528 over OH Hwy 166 to junction unnumbered hwy, the over unnumbered hwy to Rock Creek, OH, and return over the same route; (18) Between Cleveland, OH, and Chardon, OH, over U.S. Hwy 6; (19) Between junction OH Hwy 528 and U.S. Hwy 6, and junction OH Hwy 45 and U.S. Hwy 6, over U.S. Hwy 6; (20) Between junction OH Hwy 528 and U.S. Hwy 322, and junction OH Hwy 45 and U.S. Hwy 322, over U.S. Hwy 322; (21) Between Middlefield, OH, and junction Hwy 87 and OH Hwy 45, over OH Hwy 87; (22) Between junction OH Hwys 306 and 87, and junction OH Hwys 44 and 87, over OH Hwy 87; (23) Between junction unnumbered hwy and Chardon-Windsor Rd., and junction OH Hwy 86 and Chardon-Windsor Rd, over Chardon-Windsor Rd.; (24) Between junction U.S. Hwy 6 and OH Hwy 306, and junction U.S. Hwy 422 and OH Hwy 306, over OH Hwy 306; (25) Between junction OH Hwy 306 and U.S. Hwy 422, and junction OH Hwy 44 and U.S. Hwy 422, over U.S. Hwy 422; (26) Between junction U.S. Hwy 422 and OH Hwy 44 and junction OH Hwys 87 and 44, over OH Hwy 44; (27) Between junction U.S. Hwy 6 and Auburn Rd., and junction U.S. Hwy 422 and Auburn Rd, over Auburn Rd.; (28) Between junction U.S. Hwy 422 and Brown and Munn Rds, and junction OH Hwy 87 and Brown and Munn Rds., over Brown and Munn Rds.; (29) Between junction Munn and Brown Rds. and Stafford Rd., and junction OH Hwy 44 and Stafford Rd., over Stafford Rd.; (30) Between junction OH Hwy 45 and unnumbered hwy, and junction unnumbered hwy and OH Hwy 88, over unnumbered hwy; (31) Between junction OH Hwy 45 and OH Hwy 307, and Padanaram, OH: From junction OH Hwy 45 and OH Hwy 307 over OH Hwy 307 to junction unnumbered hwy, then over unnumbered hwy to Padanaram, OH, and return over the same route; (32) Between junction OH Hwy 46 and unnumbered hwy, and junction OH Hwy 7 and unnumbered hwy, over unnumbered hwy; (33) Between Jefferson OH, and junction OH Hwy 45 and unnumbered hwy, over unnumbered hwy; (34) Between junction OH Hwy 45 and unnumbered hwy, and junction OH Hwy 46 and unnumbered hwy, over unnumbered hwy; (35) Between junction OH Hwy 46 and OH Hwy 167, and junction OH Hwy 167 and the PA–OH State line, over OH Hwy 167; (36) Between junction OH Hwys 7 and 5, and junction OH Hwy 5 and the PA–OH State line, over OH Hwy 5; (37) Between junction OH Hwy 45 and U.S. Hwy 6, and junction U.S. Hwy 6 and the PA – OH State line, over U.S Hwy 6; (38)

Between junction OH Hwy 45 and U.S. Hwy 322, and junction U.S. Hwy 322 and the OH–PA State line, over U.S. Hwy 322; (39) Between junction OH Hwys 45 and 87, and junction OH Hwys 5 and 87, over OH Hwy 87; (40) Between junction OH Hwys 45 and 88, and junction OH Hwys 90 and 88, over OH Hwy 88; (41) Between junction U.S. Hwy 422 and OH Hwy 88, and junction OH Hwys 606 and 88, over OH Hwy 88; (42) Between junction OH Hwy 44 and U.S. Hwy 422, and Parkman, OH, over OH Hwy 44; (43) Between junction OH Hwys 91 and 87, and junction OH Hwys 306 and 87, over Hwy 87; (44) Between Jefferson, OH and junction OH Hwys 88 and 46, over OH Hwy 46; (45) Between junction OH Hwys 83 and 90, and junction OH Hwys 88 and 90, over OH Hwy 90; (46 Between junction OH Hwys 83 and 7, and junction OH Hwys 87 and 7, over OH Hwy 7; (47) Between Burton, OH, and junction U.S. Hwy 422 and OH Hwy 168, over OH Hwy 168; (48) Between junction OH Hwys 608 and 528, and junction OH Hwys 528 and 88, over OH 528; (49) Between Burton, OH, and junction U.S. Hwy 422 and OH Hwy 700, over OH Hwy 700; (50) Between junction OH Hwys 84 and 306, and junction U.S. Hwy 6 and OH Hwy 306, over OH Hwy 306; (51) Between junction U.S Hwy 6 and OH Hwy 174, and junction OH Hwys 174 and 87, over Hwy 174; (52) Between junction U.S. Hwy 6 and OH Hwy 91, and junction OH Hwys 87 and 91, over OH Hwy 91; (53) Between Gould, OH, and junction OH Hwy 87 and unnumbered hwy, over unnumbered hwy; (54) Between Cleveland, OH and Painesville, OH, over OH Hwy 283; (55) Between junction U.S. Hwy 422 and OH Hwy 305, and junction OH Hwy 305 and the OH–PA State line, over OH Hwy 305; (56) Between junction OH Hwy 88 and U.S. Hwy 422, and junction OH Hwy 305 and U.S. 422, over U.S. Hwy 422; (57) Between junction OH Hwys 7 and 609, and junction OH Hwy 609 and the OH–PA State line, over OH Hwy 609; (58) Between junction OH Hwys 88 and 534, and junction OH Hwys 534 and 305, over OH Hwy 534; (59) Between junction OH Hwys 88 and 45, and junction OH Hwys 45 and 305, over OH Hwy 45; (60) Between junction OH Hwys 88 and 46, and junction OH Hwys 46 and 305, over OH Hwy 46; (61) Between junction OH Hwys 88 and 90, and junction OH Hwys 305 and 90, over OH Hwy 90; (62) Between junction OH Hwys 87 and 7, and junction OH Hwys 7 and 305, over OH Hwy 7; (63) Between junction OH Hwys 7 and 5, and junction OH Hwys 305 and 5, over OH Hwy 5; (64) Between junction OH Hwys 6 and 44, and Painesville, OH, over OH Hwy 44; (65) Between Chardon, OH, and junction OH Hwy 84 and Kings Memorial Hwy, over Kings Memorial Hwy; (66) Between junction Kings Memorial Hwy and Little Mountain Rd., and junction OH Hwys 84 and Little Mountain Rd., over Little Mountain Rd.; (67) Between junction OH Hwys 306 and 615, and junction OH Hwys 283 and 615, over OH Hwy 615; (68) Between junction U.S. Hwy 422 and OH Hwy 282, and junction OH Hwys 282 and 305, over OH Hwy 282; (69) Between junction OH Hwys 282 and 305, and junction U.S. Hwy 422 and OH Hwy 305, over OH Hwy 305; (70) Between Auburn Corners, OH and junction Portage County, OH Hwy 265 and OH Hwy 82: From Auburn Corners, over OH Hwy 44 to junction OH Hwy 82, then over OH Hwy 82 to junction Portage County Hwy 265, and return over the same route; (71) Between junction OH Hwy 82 and Portage County Hwy 265, and the facilities of Carlon Products Corporation, located on OH Hwy 82, over OH Hwy 82; (72) Between junction the Portage-Geauga County, OH line and OH Hwy 306, and junction Portage County Hwy 265 and OH Hwy 82: From junction the Portage-Geauga County, OH line and OH Hwy 306, over OH Hwy 306 to junction OH Hwy 82, then over OH Hwy 82 to junction Portage County 265; (73) Between junction OH Hwys 528 and 307, and junction Narrows Rd. and South Ridge Rd.: From junction OH Hwys 528 and 307 over OH Hwy 307 to junction Lane Rd., then over lane Rd. to junction Narrows Rd., then over Narrows Rd. to junction South Ridge Rd., and return over the same route; (74) Between junction Lane Rd. and Shepherd Rd., and junction Shepherd Rd. and South Ridge Rd., over Shepherd Rd.; (75) Between junction Narrows Rd. and Center Rd., and junction Parmley Rd. and Perry Park Rd.: From junction Narrows Rd. and Center Rd., over Center Rd. to Parmley Rd., then over Parmley Rd. to junction Perry Park Rd., and return over the same route; (76) Between junction U.S. Hwy 6 and OH Hwy 608, and junction OH Hwys 44 and 608, over OH Hwy 608; (77) Between junction Kings Memorial Hwy and Auburn Center Rd., and junction OH Hwy 44 and Auburn Center Rd., over Auburn Center Rd.; (78) Between junction Auburn Center Rd. and OH Hwy 44, and junction OH Hwys 84 and 44, over OH Hwy 44; (79) Between Cleveland, OH, and Junction OH Hwy 18 and U.S. Hwy 21, over U.S. Hwy 21; (80) Between junction U.S. Hwy 22 and OH 306, and junction OH Hwys 82 and 306, over OH HWwy 306; (81) Between junction OH Hwys 306 and 82, and junction OH Hwy 82 and U.S. Hwy 21, over OH Hwy 82; (82) Between Cleveland, OH and junction OH Hwys 303 and OH Hwy 8, over OH Hwy 8; (83) Between Chardon, OH and Cleveland, OH: From Chardon over OH Hwy 44 to junction U.S. Hwy 322, then over U.S. Hwy 322 to Cleveland, and return over the same route; Serving all intermediate points in (1) through (83) above, and serving Highland Heights, Mayfield and Richmond Heights, OH, and points in Chester, Munson, Chardon, Hambden and Thompson Townships, (Geauga County) OH as off-route points in (1) through (3) above; and serving points in Ashtabula, Geauga, Lake, and Trumbull Counties as off-route points in (4) through (78) above.

Note.—Applicant states that this application seeks to convert Certificate or Registration No. MC 5914 and a part of Certificate of Registration MC 5914 Sub 9 to a Certificate.

MC 154795 (Sub-1), filed August 16, 1982. Applicant: MMR, INC., 3528 Whippoorwill Rd., Louisville, KY 40213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contracts(s) with Automotive and Consumer Group, Licktite Corporation, of Louisville, KY.

MC 157595 (Sub-2), filed August 13, 1982. Applicant: PM TRANSPORT, INC., 2459 Campbell Avenue, Lynchburg, VA 24501. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives and household goods), between points in VA and WV, on the one hand, and, on the other, points in GA, MD, NC, NJ, PA, OH, SC, VA and WV.

MC 158885 (Sub-2), filed August 20, 1982. Applicant: GEORGE MOVING & STORAGE, INC., P.O. Box 427, Warrendale, PA 15086. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *household goods, furniture and fixtures,* and *carpeting*, between points in PA, OH and WV, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, CO, OK and TX.

MC 161795 (Sub-2), filed August 20, 1982. Applicant: VANTAGE TRANSPORT, INC., 6810 Fleetwood Rd., McLean, VA 22101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101,

(703) 893-3050. Transporting *food and related products,* between points in NY, NJ, MD, MA, PA, OH and IL.

MC 162094 (Sub-1), filed August 9, 1982. Applicant: WILCZEK TRUCKING COMPANY, a corporation, 4242 S. Knox, Chicago, IL 60632. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515, (312) 953-0330. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Envirite Corporation, of Blue Bell, PA.

MC 163364, filed August 13, 1982. Applicant: INTERNATIONAL ICE CREAM CORP., 492 Rutherford Ave., Charlestown, MA 02129. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108 (617) 742-3530. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Almacs, Inc., of East Providence, RI.

MC 163404, filed August 16, 1982. Applicant: GIBBS & GIBBS, INC., 824 Huron Drive, Claremont, CA 91711. Representative: Willie Gibbs (same address as applicant), (714) 621-0687. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Fund Raiser Products, of Palasades, NJ, Tarazi Specialty Foods, of Chino, CA, and Hassan Imports, Inc., of Maplewood, NJ.

MC 163405, filed August 16, 1982. Applicant: O TEXAS ANTIQUES, INC., 3814 Woodbury St., Austin, TX 78704. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 476-8066. Transporting *collectibles and antiques,* between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163424, filed August 16, 1982. Applicant: CHARLES R. HALLS, d.b.a. HALL'S WRECKER SERVICE, 412 Teagarden Rd., Gulfport, MS 39501. Representative: Charles R. Hall (same address as applicant), (601) 863-4999. Transporting *wrecked and disabled motor vehicles,* between points in Harrison County, MS, on the one hand, and, on the other, points in MS, LA, TX, TN, GA, AL, and FL.

MC 163454, filed August 16, 1982. Applicant: DOT TRANSPORT, INC., 5299 Roswell Road, NE., Suite 212, Atlanta, GA 30342. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256-4320. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 163474, filed August 19, 1982. Applicant: EXPEDITED AIR SERVICE, INC., P.O. Box 40, Cudahy, WI 53110. Representative: Richard C. Alexander, 710 No. Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Milwaukee, WI and Chicago, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-24685 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-246)]

Railroads; Burlington Northern Railroad Co.; Exemption for Contract Tariff ICC-BN-C-0132 (Canned Goods)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: August 31, 1982.

By the Commission, Division 2, Commissioners Andre, 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. 82-24677 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-245)]

Railroads; Burlington Northern Railroad Co.; Exemption for Contract Tariff ICC-BN-C-0127 (Canned Foodstuffs)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison. Commissioner Gradison did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-24678 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-244)]

Railroads; Burlington Northern Railroad Co.; Exemption for Contract Tariff ICC-BN-C-0126 (Canned Goods)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: August 31, 1982.

By the Commission, Division 2, Commissioners Andre, 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. 82-24680 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-243)]

Railroads; Rail Corp.; Exemption for Contract Tariff ICC-CR-C-0160 (Motor Vehicles)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: August 31, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison. Commissioner Gradison did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-24679 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29998]

Railroads; Continental Information Systems Corp.; Purchase; Illinois Central Gulf Railroad Co. Between Dixon and Oglesby, IL; Intent To Purchase

On August 20, 1982, the Continental Information Systems Corporation (CIS) filed a notice of its intent to request the Commission to require the sale of trackage. CIS seeks to acquire the track of the Illinois Central Gulf Railroad Company (ICG) between Dixon, IL (milepost 900.11) and Oglesby, IL (milepost 851.00), a distance of 49.11 miles, pursuant to the feeder line development provisions of 49 U.S.C. 10910.

CIS's application may be filed after November 18, 1982 (90 days after its notice). When an application is filed, any interested party may submit comments or recommendations to the Commission within 30 days and any financially responsible person may propose to acquire the property through a competing application, also within 30 days. All pleadings should refer to Finance Docket No. 29998 and should be submitted, with 10 copies to the Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423. A copy should also be sent to Stanley E. Hilton, La Roe, Winn & Moerman, Suite 800, 1120 G Street, NW., Washington, DC 20005, (202) 628-2788.

For further information contact Wayne A. Michel (202) 275-7657 or Louis E. Gitomer (202) 275-7245 at the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-24682 Filed 9-8-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-184 (Preliminary)]

Frozen Concentrated Orange Juice From Brazil

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from Brazil of frozen concentrated orange juice, provided for in item 165.35 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Government of Brazil.

Background

On July 14, 1982, a petition was filed with the Commission and the Department of Commerce by Florida Citrus Mutual alleging that imports of

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioners Calhoun and Haggart did not participate. Commissioner Stern found only a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Brazil of frozen concentrated orange juice.

frozen concentrated orange juice from Brazil are being subsidized by the Government of Brazil within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671). Accordingly, effective July 14, 1982, the Commission instituted a preliminary countervailing duty investigation under section 703(a) of the Act (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigation and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on July 28, 1982 (47 FR 32666). The conference was held in Washington, D.C., on August 10, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

The record of this investigation provides a reasonable indication that an industry in the United States is materially injured or threatened with material injury [3] by reason of imports from Brazil of frozen concentrated orange juice which are allegedly being subsidized by the Government of Brazil.

Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." [4] "Like product" is defined as a product which is like, or in the absence of like, most similar in characteristics and uses with, the article under investigation.[5]

The imported product under investigation is frozen concentrated orange juice (FCOJ) from Brazil.[6] FCOJ is produced by extracting the juice from fresh oranges, evaporating natural moisture from the juice until a desired level of concentration is achieved, and then freezing the concentrate.[7] Oranges used in the production of orange juice are called "round oranges" and can be distinguished from eating oranges. FCOJ can be distinguished from fresh or canned orange juice, neither of which is imported from Brazil.

Domestic FCOJ is virtually the same as the imported product. Although differences in quality were alleged,[8] these differences do not appear such as to render domestic orange juice a different product. For the purposes of this preliminary investigation, we therefore find the like product to be FCOJ.

Determining the appropriate industry against which the impact of allegedly subsidized imports is to be measured presents a special problem in this case as it does in many agricultural product cases. These problems were foreseen by Congress and discussed in the Senate Finance Committee report on the Trade Agreements Act of 1979:

> Because of the special nature of agriculture, * * * special problems exist in determining whether an agricultural industry is materially injured. For example, in the livestock sector, certain factors relating to the state of a particular industry within that sector may appear to indicate a favorable situation for that industry when in fact the opposite is true. Thus, gross sales and employment in the industry producing beef could be increasing at a time when economic loss is occurring, i.e., cattle herds are being liquidated because prices make the maintenance of the herds unprofitable.[9]

In the discussion cited above, it is clear that Congress contemplated that the producers of beef and the cattle growers be included in one industry for purposes of analyzing the effect of subsidized or dumped meat imports on that sector of the economy. The passage refers to the "industry producing beef," clearly implying meat processors, and "cattle herds," and clearly involving ranchers and feeders, in the context of analyzing material injury to *an* industry by reason of subsidized imports. Thus, Congress recognized the difficulty of analyzing injury to agricultural industries. Moreover, by the assumptions made in the above example, it is clear that Congress recognized the highly interdependent nature of the livestock sectors of the economy, and did not intend the statutory definition of industry to preclude an assessment of material injury to an adversely impacted sector of a meat producing industry.

It does not necessarily follow that in all agricultural commodity cases the domestic industry should be defined to include both processors and growers. For example, the Commission has distinguished between those agricultural cases in which there is a highly integrated structure with all parts contributing to one end product [10] and those in which the growers are selling their product to different processors or various end markets.[11] [12] In *Lamb Meat*, we found the growers to be part of the domestic industry since they formed part of the "continuous line of production" for one primary product.[13]

Our respective "like product" and "industry" analyses in this investigation closely correspond with those undertaken in the *Lamb Meat* investigation. The highly integrated and interdependent economic structure of the FCOJ industry is evident in the unique pricing systems for oranges used in the domestic production of FCOJ. Eighty percent of all oranges are handled on a non-priced basis; only 20 percent is purchased outright for a specified price on a spot or contract basis. Non-priced fruit is processed by either grower-owned, non-profit cooperatives or independent, privately-owned processing plants under what is known as a "participation plan." [14]

Specific contractual arrangements vary with participation plans. Under some plans, the grower's price for the fruit is figured on the profit remaining after subtracting either the actual cost of processing the fruit or a specified

[3] Commissioner Stern found only a reasonable indication of threat of material injury. Commissioners Calhoun and Haggart did not participate in this determination.

[4] 19 U.S.C. 1677(4)(A).

[5] 19 U.S.C. 1677(10).

[6] The term FCOJ is sometimes used interchangeably with FCOJM, frozen concentrated orange juice for manufacturing. The distinction between FCOJ and FCOJM is the degree of concentration. FCOJ requires a 3 to 1 dilution with water to reach single strength for human consumption; FCOJM requires a 7-1 dilution with water. Report at A-2-3.

[7] Report at A-2-5.

[8] *Id.* at A-3.

[9] S. Rep. No. 96-249, 96th Cong., 1st sess. 88 (1979).

[10] Lamb Meat from New Zealand, Inv. No. 701-TA-80 (Preliminary), USITC Pub. No. 1191 (1981). Certain Fish and Certain Shellfish from Canada, Inv. No. 303-TA-9, USITC Pub. No. 966 (1979). Fish, Fresh, Chilled or Frozen, Whether or Not Whole, but Not Otherwise Prepared or Preserved from Canada, Inv. No. 701-TA-40 (Final), USITC Pub. No. 1066 (1980). Sugar from the European Community, Inv. No. 104-TAA-7, USITC Pub. No. 1247 (1982).

[11] Frozen French Fried Potatoes from Canada, Inv. No. 731-TA-93 (Preliminary), USITC Pub. No 1259 (1982). Instant Potato Granules from Canada, Inv. No. AA1921-97, USITC Pub. No. 509 (1972). Canned Hams and Shoulders from Belgium, Denmark, the Federal Republic of Germany France, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom, Inv. No. 701-TA-31-39 (Final), USTIC Pub. No. 1082 (1980). Mushrooms, Inv. No. TA-201-43, USITC Pub. No. 1089 (1980).

[12] Commisioner Frank notes he relies on a different view than the Commission with regard to Frozen French Fried Potatoes from Canada, Inv. No. 731-TA-93 (Preliminary), USITC Pub. No. 1259 (1982). *See* Views of Commissioner Eugene J. Frank at 12-22.

[13] Lamb Meat, *supra* note 8, Views of Vice Chairman Calhoun and Commissioners Bedell, Eckes, and Frank at 7 and Views of Chariman Alberger and Commissioners Stern at 19.

[14] Report at A-8.

amount (sometimes known as a "toll charge") previously arranged for in the contract for processing the fruit. Under other participation plans, the grower's return is determined by an agreed-upon formula based on the final selling price of the FCOJ.[15]

Under either the cooperative or the participation plan, at the time the fruit is delivered to the processing plant, the grower neither receives immediate cash nor a guarantee of a specified price to be paid at a later date. Only after the fruit is processed and sold is an allocation made to the grower from the net return of the processed product. This allocation is based on the quantity of fruit, as measured by the pounds of orange solids contained in the produce delivered by the grower for processing.[16] The operation of these plans is such that growers and processors share the risk in the marketplace.

Domestic FCOJ growers and processors also have a high level of interlocking ownership.[17] Many of the processors own orange groves and approximately 30 percent of the grove owners also own cooperatives. This means that around half the domestic FCOJ production involves interlocking ownership.[18]

For the above reasons, we find the domestic industry to include both growers of "round oranges" and processors involved in the production of FCOJ.[19]

Since the record indicates that domestic processors import Brazilian FCOJ, we have considered the related parties provision of the statute, which states:

> When some producers are related to the exporters or importers, or are themselves importers of the allegedly subsidized or dumped merchandise, the term "industry" may be applied in appropriate circumstances by excluding such producers from those included in that industry.[20]

Consideration of this question involves two steps. The first step is to determine whether the domestic producers are importers of the allegedly dumped articles or are related to exporters or importers of the merchandise. The second step is to determine whether appropriate circumstances exist for excluding the related parties from the domestic industry.

We determine that the record in this preliminary investigation is insufficient to determine the nature and extent of any "relationship" between processors and any exporters or importers, and we do not reach any further issue of whether appropriate circumstances exist for excluding any related parties.[21] [22]

Reasonable Indication of Material Injury or Threat of Material Injury by Reason of Subsidized Imports

FCOJ imports from Brazil have increased in terms of absolute volume from 152 million gallons in 1979 and 98 million gallons in 1980 to 203 million gallons in 1981.[23] This trend has continued through the first half of 1982 to reach 165 million gallons compared with 98 million gallons for the period of January through June 1981, an increase of 69 percent.[24]

An analysis of market penetration by comparison of the absolute increase in imports with apparent consumption is not possible. Given the fact that unknown quantities of imported orange juice are subsequently exported by U.S. producers, we are unable to arrive at an apparent consumption figure.[25] Therefore, we have compared imports with total available FCOJ rather than apparent domestic consumption. Comparisons of imports from Brazil with either total available FCOJ in the United States, or with production from the Florida crop, show that the penetration of Brazilian FCOJ has increased in 1980–81: the percentage that imports from Brazil represent of total available FCOJ went from 14.1 percent in 1978–79 to 7.2 percent in 1979–80 and to 16.6 percent in 1980–81;[26] the percentage that imports from Brazil represent to production from the Florida orange crop went from 20.1 percent in 1978–79 to 9.6 percent in 1979–80 and to 27.7 percent in 1980–81.[27] This increase is even more significant in view of the fact that U.S. exports of FCOJ declined by 13 percent from the January through June 1981 level of 39.2 million gallons to the January through June 1982 level of 34.3 million gallons,[28] indicating that imports are remaining in the U.S. market in increasing amounts.

Available profit-and-loss data for processors show that profits have decreased in the first six months of 1982. The nine U.S. producers providing data account for approximately 47 percent of total U.S. FCOJ production.[29] [30] The five reporting corporate firms showed aggregate net pre-tax losses exceeding $3.3 million in January through June 1982 compared to a net pre-tax profit of almost $3.4 million for the corresponding period of 1981.[31] The aggregate operating profit during this period of January through June 1982 was $101,000, compared with almost $7.3 million in January through June 1981.[32] Operating profit as a percent of net sales and net profit as a percent of net sales, of original cost, of fixed assets, and of book value of fixed assets have all radically decreased in the first half of 1982 in comparison with the same 1981 period.[33] Four out of the five reporting corporations show net losses for the January through June period of 1982 compared to none reporting net losses for that period in 1981 and only 1 in the whole year of 1981.[34]

Net profits before taxes for cooperatives supplying data were also down during this time period. Pre-tax net proceeds from member and non-member sales went from over $195.4 million in January through June 1981 to $190.6 million in January through June

[15] *Id.*

[16] *Id.*

[17] Report at A-8-9. *See* Lamb Meat, *supra* note 8, Views of Vice Chairman Calhoun and Commissioners Bedell, Eckes, and Frank at 8 and Views of Chairman Alberger and Commissioner Stern at 19.

[18] Report at A-8-9.

[19] Growers of "round" oranges in all states, including Florida, California, Texas, and Arizona, are considered a part of the domestic industry.

[20] Section 771(4)(B); 19 U.S.C. 1677(4)(B).

[21] Commissioner Stern notes that it is established that the domestic producers are the importers of the allegedly dumped FCOJ. In fact, the largest importers of FCOJ from Brazil are the major producers of FCOJ in Florida (Report at A-10). However, the record is insufficient to determine whether the appropriate circumstances exist for excluding related parties. While it is possible to identify those processors who the petitioner argues should be considered related and those who the petitioner argues should not be considered related, it is not possible, on the basis of the record, to distinguish between them for purposes of applying "appropriate circumstances". While some processors import large quantities to lower their cost, they also do so to supplement their supply or to hedge against crop-damaging freezes in Florida or elsewhere. Other processors import smaller quantities but for many of the same reasons as the larger importers. In any case, the preliminary record indicates that the importer status of domestic producers does not appear to isolate any particular segment of the domestic industry from potential injury due to the allegedly dumped FCOJ. *See* note 51 *infra*.

[22] Commissioner Frank notes that his recent views on the related parties provision are found in his views in Prestressed Concrete Steel Wire Strand from Brazil, France, and the United Kingdom, Inv. Nos. 701-TA-152-153 and 731-TA-89 (Preliminary), USITC Pub. No. 1240 at 13-28 (1982) and in Prestressed Concrete Steel Wire Strand from Spain, Inv. No. 701-TA-164 (Final), USITC Pub. No. 1281 at 13-20 (1982).

[23] Report at A-20-21.

[24] *Id.*

[25] *Id.* at A-22.

[26] *Id.* at A-23, Table 10.

[27] *Id.* at A-23, Table 11.

[28] *Id.* at A-14 and A-15, Table 6.

[29] Id. at A-16. Five of the nine processors are corporations; four are cooperatives.

[30] Commissioner Stern notes that because the large, independent producers did not provide profit and loss data, this information presents the best case for the petitioner as it does not include those parties which the petitioner argues should be excluded as "related" parties.

[31] *Id.* at A-16 and A-17, Table 7.

[32] *Id.* at A-17, Table 7.

[33] *Id.*

[34] *Id.* at A-18 and A-17, Table 7.

1982.[35] Non-members showed a loss of $490,000 dollars for the January through June 1982 period compared to a profit of $3.9 million in the previous January through June period.[36] The percent that pre-tax net proceeds represent of members' and non-members' net sales dropped from 62.3 percent in the first half of 1981 to 55.5 percent in first half of 1982.[37] [38]

It is expected that prices at both the grower and processor level will rise after a freeze. The extent of a given price increase will depend on the relationship among many factors in the market, including the severity of freeze damage and the existence of carry-over stock. This historical pattern has been followed in all of the previous freezes in the last two decades. Freezes occurred during the 1962–63, 1970–71, 1976–77, 1980–81, and 1981–82 seasons. Accordingly, the average spot and contract grower prices for 90-pound boxes of oranges for the season went from $2.71 to $5.25 after the 1962–63 freeze; from $2.07 to $2.91 after the 1970–71 freeze; from $2.59 to $5.42 after the 1976–77 freeze; and from $5.55 to $6.49 after the 1980–81 freeze.[39] The increase after the 1980–81 freeze was the lowest increase on a percentage basis. There is no information on the record indicating that following the second successive freeze, 1981–82, that prices will correspond with the historical pattern of increases.

Average prices received by processors per dozen 6-ounce cans are also expected to rise, although not as much, following a freeze.[40] Prices following the 1980–81 freeze have only risen 2 percent from $3.91 [41] to $4.00. In fact, during the last 3 months, the prices have returned to the prefreeze level.[42] There are indications that prices are not rising as the historical pattern would suggest should be the case. Between the 1978–79 season and the first 8 months of the 1981–82 season, the average price of FCOJ rose by 14 percent while the consumer price index for other canned fruit juices, nectars and concentrate increased by 22 percent.[43] Although the current recession may account for some flatness in the price, expectation based on historical trends in this market would be for higher prices after two seasons of freezes and increased costs of production.

In addition to the less than expected increases in the price of round oranges and FCOJ, preliminary data indicate that imports of FCOJM from Brazil have consistently undersold domestically-produced FCOJM from 1978–79 through June 1982.[44] The margin of underselling increased from 10 percent during December through June 1980–81 to 14 percent during December through June 1981–82, at the same time that imports from Brazil increased from 98 million gallons to 166 million gallons during the comparable period.[45] Although a number of factors influence price movement in an agricultural commodity market, the dramatic increase in imports and the sustained and increasing margin of underselling contributed to the apparent price suppression exhibited in 1981–82.

Brazil has the ability to further expand its exports of FCOJ. The Brazilians have already shown their ability to increase substantially exports to the United States on a short-term basis by increasing exports from 97.3 million gallons in 1980 to 218.5 million gallons in 1981.[46] The United States Department of Agriculture estimates that a record orange crop in Brazil combined with large current inventories will make 852 million gallons of FCOJ available in the 1982–83 season, the highest volume to date.[47] This is based on a production forecast of over 250 million boxes of oranges, 10 percent above the 1981 level.[48] The capacity of Brazilian processors is 1.0 billion gallons of orange juice per season.[49] Historically, ninety-five percent of this Brazilian production of FCOJ is exported.[50]

The United States is Brazil's largest export market. Current world demand, particularly in Western Europe, is somewhat softer this year because of increased inventories there and because of a general weakness in the European economies.[51] It is likely that the largest percentage of any increased exports will be directed toward the United States.[52]

Conclusion

For the above reasons, we have determined that there is a reasonable indication that the domestic FCOJ industry is being materially injured [53] or is threatened with material injury by reason of allegedly subsidized imports from Brazil.

By Order of the Commission.

Issued: August 30, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-24759 Filed 9-8-82; 8:45 am]

BILLING CODE 7020-02-M

[35] *Id.* at A-17, Table 7.

[36] *Id.*

[37] *Id.*

[38] There is no financial information for the individual "round" orange growers.

[39] *Id.* at A-26, Table 12. This price reflects 20 percent of total grower's oranges.

[40] *Id.* at A-27, Table 13.

[41] The $3.91 is probably slightly depressed because in the previous year, 1979–80, growers had a high-yield crop and processors were selling off carry-over stock.

[42] Report at A-28.

[43] *Id.* at A-27.

[44] *Id.* At A-24. The figure for the domestic FCOJ is a reflection of a blend, in unknown quantities, of domestically produced and lower-priced Brazilian FCOJ.

[45] Report at A-24 and 28.

[46] *Id.* at A-30, Table 15.

[47] *Id.* at A-29.

[48] *Id.*

[49] *Id.* at A-30.

[50] *See Id.* at A-10.

[51] *Id.* at A-30.

[52] The Government of Brazil sets a global export quota. For the year beginning June 1, 1982, it is set in the 557–613 million gallon range, but will be subject to periodic adjustments as the year progresses and is expected to be readjusted upwards to 723 million gallons. Report at A-10 and A-29–30.

[53] Commissioner Stern found only a reasonable indication of a threat of material injury. She notes that in light of the recent freezes many of the traditional indicators of injury look good for this industry through the period of investigation. She further notes that the negative trends in profit and loss data for processors in the first six months of 1982 is an indication that threat may be imminent, but does not support a finding of a reasonable indication of present injury. This data reflects the conditions of domestic processors which account for approximately 40 percent of FCOJ production and notably excludes the three largest processors which did not respond to the Commission's request for information on financial performance. Moreover, this data excludes the financial performance of round orange growers. Because of the time lag in return to growers for fruit provided to processors under cooperative or participation plans, it is apparent that the growers financial performance does not yet fully reflect conditions at the processor level. If the data indicating a decline in profitability at the processor level proves applicable to that entire segment of this industry, it eventually will be reflected in the future financial performance of the growers.

[Investigation No. 337-TA-112]

Certain Cube Puzzles; Request for Comments Regarding Proposed Termination of Respondent Based on a Settlement Agreement

AGENCY: U.S. International Trade Commission

ACTION: Request for public comment on the proposed termination of a respondent based on a settlement agreement.

SUMMARY: The settlement agreement would result in the termination of this investigation as to respondent Chadwick-Miller, Inc. This notice requests comments from the public on the proposed termination.

DATES: Comments will be considered if received by October 12, 1982. They should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain

cube puzzles. Notice of the institution of the investigation was published in the **Federal Register** of December 29, 1981 (46 FR 62964). Complainant Ideal Toy Corp. (Ideal) and respondent Chadwick-Miller, Inc. (Chadwick-Miller) have moved jointly for termination of this investigation as to Chadwick-Miller. The Commission investigative attorney has filed a public interest statement stating that there are no public interest factors that warrant denying the motion to terminate. On July 28, 1982, the presiding officer recommended that the joint motion be granted (Order No. 29).

Settlement Agreement

The settlement agreement is summarized as follows:

1. Chadwick-Miller agrees to pay a certain sum to Ideal.
2. Chadwick-Miller agrees to the entry of a judgment by consent in a related Federal court action.
3. Chadwick-Miller agrees to provide Ideal with copies of all purchase documents involving cube puzzles.
4. If, in any other litigation involving Ideal and a third party, a final unappealed decision on the merits is rendered against Ideal with respect to its claims described as "trade dress infringement" of its "Rubik's Cube" puzzle, and the third party is thus entitled to manufacture or sell cube puzzles, then Chadwick-Miller will be in the same position as the third party.
5. Ideal will terminate litigation and not insitute further litigation against customers of Chadwick-Miller who have previously purchased cube puzzles from Chadwick-Miller.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effect that the proposed termination of respondent Chadwick-Miller based on the settlement agreement may have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than October 12, 1982. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information

The original and 14 copies of all written submissions must be filed with the Secretary to the Commission, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0499.

By order of the Commission.

Issued: August 23, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-24757 Filed 9-8-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 104-TAA-10]

Certain Dairy Products From the European Community

AGENCY: United States International Trade Commission.

ACTION: Institution of a countervailing duty investigation.

SUMMARY: On May 19, 1975, the Department of the Treasury (Treasury) in T.D. 75-113 imposed countervailing duties, under section 303 of the Tariff Act of 1930, 19 U.S.C. 1303, on certain dairy products imported from the European Community (EC) and, concurrently, issued a waiver of countervailing duties for those dairy products in T.D. 75-114, under authority of section 303(d) of the Tariff Act of 1930.

On January 1, 1980, the provisions of the Trade Agreements Act of 1979 became effective, and on January 2, 1980, the authority for administering the countervailing duty statute was transferred from Treasury to the Department of Commerce (Commerce). Section 104(a) provides that Commerce was to notify the U.S. International Trade Commission (Commission) by January 7, 1980, of any waived countervailing duty orders in effect on January 1, 1980, which apply to merchandise other than quota cheese (which is defined in section 701(c)(1) of the Trade Agreements Act of 1979, 19 U.S.C. 1671) and to furnish the Commission the most current information it has with respect to the net subsidy benefiting the merchandise subject to the countervailing duty order.

On January 4, 1980, the Commission received notification from Commerce of the waived countervailing duty order on certain dairy products (other than quota cheeses) from the EC. On February 5, 1980, the Commission received Commerce's most current information available on EC export restitution payments made to exporters of dairy products; Commerce reported payments to EC exporters of certain nonquota cheeses and no payments being made on EC exports of all other dairy products to the United States. The Commission, in investigation Nos. 701-TA-52-60 (Final) determined that there was no material injury or threat thereof regarding imports of the certain nonquota cheese from the EC. The Commission made no determination regarding imports of the other dairy products from the EC which are subject to the waived countervailing duty order.

In a June 10, 1982 letter from Commerce, the Commission received the most current information regarding subsidies bestowed by the EC on nonfat dry milk and butter. On August 13, 1982, the Commission received a letter from Commerce amending its June 10, 1982 letter, to include the most current information on all the products in the waived countervailing duty order except quota cheese and the certain nonquota cheese for which the Commission had previously determined that there was no material injury or threat thereof. On the basis of this information, the U.S. International Trade Commission, pursuant to section 104(a) of the Trade Agreements Act of 1979, is instituting this countervailing duty investigation to determine whether an industry in the United States is being materially injured, or is being threatened with material injury, or the establishment of an industry in the United States is being materially retarded by reason of imports from the EC of certain dairy products which are subject to the waived countervailing duty order. The dairy products included in the investigation are:

1. Milk and cream, fluid, condensed, evaporated, or dried; butter and butter substitutes; and cheese except quota cheeses [1] and certain nonquota cheeses made from goat's or sheep's milk [2] (all

[1] The term "quota cheese" is defined in section 701(c)(1) of the Trade Agreements Act of 1970 to mean the articles provided for in the following TSUS items: 117.00 (except Stilton produced in the United Kingdom); 117.05 (except Stilton produced in the United Kingdom); 117.15; 117.20; 117.25; 117.40 (except Goya in original loaves); 117.55; 117.60 (except Gammelost and Nokkelost); 117.75 (except goat's milk cheeses and soft-ripened cow's milk cheeses); 117.81; and 117.85 (except goat's milk cheeses and soft-ripened cow's milk cheeses).

[2] Fiore Sardo and Pecorino cheeses, made from sheep's milk, not grated or powdered, of a fat content, by weight, not exceeding 40 percent, and a

the foregoing provided for in subparts A, B, and C, part 4, schedule 1, of the TSUS).

2. Whey and yoghurt and other fermented milk (provided for in TSUS items 118.00–.10, inclusive).

3. Animal oils, fats, and greases, all the foregoing derived from milk[1] (provided for in TSUS item 177.67).

4. Animal feeds containing milk or milk derivatives (provided for in TSUS items 184.70 and 184.80).

EFFECTIVE DATE: August 27, 1982.

FOR FURTHER INFORMATION CONTACT: Lowell C. Grant, Commodity-Industry Analyst, U.S. International Trade Commission, Washington, D.C. 20436 (202–724–0099).

SUPPLEMENTARY INFORMATION: Public hearing.—The Commission will hold a public hearing in connection with this investigation on October 21, 1982, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10 a.m. Requests to appear at the hearing should be filed with the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. 20436, not later than the close of business (5:15 p.m.) on October 8, 1982. All persons desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 10 a.m., on October 14, 1982, in room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed with the Commission on or before October 15, 1982.

A staff report containing preliminary findings of fact in this investigation will be available to all interested parties on October 5, 1982.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing statements and to new information. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing statements in accordance with rule § 207.22. Posthearing briefs should be filed with the Commission no later than the close of business, October 28, 1982.

Service of documents.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than September 30, 1982. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

The Secretary will compile a service list from the entries of appearance filed in this investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's Rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of the investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before October 28, 1982, written statements of information pertinent to the subject matter of the investigation. a signed original and fourteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's Rules of Practice and Procedure, 19 CFR 201.8 (1980). All written submissions, except confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Rules of Practice and Procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207, 47 FR 6182, February 10, 1982) and part 201, subparts A through E (19 CFR part 201, 47 FR 6182, February 10, 1982).

This notice is published pursuant to § 207.30 of the Commission's Rules of Practice and Procedure (19 CFR 203.20.)

By order of the Commission.

Issued: September 30, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–24754 Filed 9–8–82; 8:45 am]

BILLING CODE 7020–02–M

[1] water content, by weight, of the non-fatty matter not exceeding 47 percent, provided for in TSUS items 117.65, 117.67, or 117.70; and Feta cheese, made from goat's or sheep's milk, not grated or powdered, of a fat content, by weight, not exceeding 40 percent, a water content, by weight, of the non-fatty matter exceeding 62 percent but not exceeding 72 percent, and with a fat content, by weight, of the dry matter of 39 percent or more, all the foregoing in containers holding brine, provided for in TSUS items 117.70, 117.75, or 117.88.

[Investigation 337–TA–110]

Certain Methods for Extruding Plastic Tubing; Issuance of Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Issuance of exclusion order.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation to determine whether there is a violation of section 337 of the Tariff Act of 1337 in connection with the importation or sale of certain extruded plastic tubing and reclosable plastic bags, and published notice thereof in the **Federal Register** of November 12, 1981 (46 FR 55797).

On August 3, 1982, the Commission unanimously determined that there is a violation of section 337 in the unauthorized importation and sale of certain extruded plastic tubing and reclosable plastic bags which are the product of a process which, if practiced in the United States, would infringe certain claims of U.S. Letters Patents Re. 26,991, Re. 28,950, and/or Re. 29,208. The Commission further determined that the appropriate remedy is an order directing that the articles in question be excluded from entry into the United States.

Copies of the Commission's Action and Order, the Commission's opinion and all other public documents on the record of the investigation are available for inspection by the public during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Eliza Patterson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

Issued: September 2, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–24753 Filed 9–8–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337-TA-114]

Certain Miniature Plug-In Blade Fuses; Hearing; Schedule for Filing Appearances, Briefs, and Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: The scheduling of (1) a public hearing before the Commission for oral arguments on the presiding officer's recommendation and oral presentations on the issues of relief, the public interest, and the bond, and (2) deadlines for filing appearances, briefs,and written submissions.

Notice is hereby given that the presiding officer in investigation No. 337-TA-114, *Certain Miniature Plug-In Blade Fuses,* has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the unauthorized importation into the United States and in the sale of the fuses that are the subject of the investigation. Accordingly, the presiding officer's recommendation and the record have been certified to the Commission for review and for a final determination of (1) whether there is a violation of section 337, and, if so, (2) whether any relief should be granted, (3) the impact that such relief would have upon the public interest, and (4) the amount of the bond to be imposed during the Presidential review period. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (as well as any other public documents on the record of the investigation) by contacting the office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0176.

Commission Hearing

On October 13, 1982, the Commission will hold a public hearing on the issues unumerated above. It will be held in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, and will commence at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that a violation of section 337 exists. Second, the Commission will hear presentations concerning the appropriate form of relief, the effect that such relief would have upon the public interest, and the amount of the bond, if any, to be imposed during the 60-day period for the President to review the Commission's determination and order. Presentation on these matters will be heard on the same day in order to fascilitate the completion of this investigation within time limits established by law and to minimize the burden upon the parties.

Oral Arguments

Parties to the investigation and interested Government agencies may present oral arguments concerning the presiding officer's recommended determination. That portion of a party's or an agency's total time allocated to such argument may be used in any way the party or agency sees fit, e.g., a portion of the time may be reserved for rebuttal or devoted to summation. The arguments will be heard in the following order: Complainant, Respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be heard in this order: Respondents, Complainant, Government agencies, and the Commission investigative attorney. Persons making oral arguments are reminded that such arguments must be based upon the evidentiary record certified to the Commission by the presiding officer.

Oral Presentations on Relief, the Public Interest, and the Bond

Following the oral arguments on the presiding officer's recommendation, the parties to the investigation, Government agencies, public-interest groups, and interested members of the public will be permitted to make oral presentations concerning relief, the public interest, and the bond. This portion of the hearing is quasi-legislative in nature; therefore, the presentations need not be confined to the evidentiary record, and they may inlcude the testimony of witnesses. The oral presentations will be heard in this order: Complainant, Respondents, Government agencies, the Commission investigative attorney, public-interest groups, and interested members of the public.

If the Commission determines, as a result of the investigation, that there is a violation of section 337, it shall direct that the articles concerned be excluded from entry into the United States, unless, after considering the effect that such exclusion would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers, it finds that such articles should not be excluded. 19 U.S.C. 1337(d). In lieu of issuing an exclusion order, the Commission may issue and serve upon any person violating section 337 an order directing that person to cease and desist from engaging in the unfair methods or acts involved, unless after considering the effect that such an order would have upon the same public interest factors that are considered in connection with an exclusion order, it finds that a cease and desist order should not be issued. 19 U.S.C. 1337(f)(1). The Commission is therefore interested in hearing oral presentations (and receiving written submissions—see below) concerning the form of relief, if any, which should be ordered and the impact that such relief would have upon the public-interest factors enumerated above.

If the Commission determines that there is a violation of section 337, its determination will be published in the **Federal Register.** Additionally, the Commission's determination and order shall be transmitted to the President, who will then have 60 days in which to approve or disapprove such determination. 19 U.S.C. 1337(g)(1). During that period, the articles directed to be excluded and/or subject to a cease and desist order shall be entitled to entry under a bond determined by the Commission and prescribed by the Secretary of the Treasury until the Commission's determination becomes final. 19 U.S.C. 1337(g)(3) and (4). The Commission is therefore interested in hearing oral presentations (and receiving written submissions—see below) concerning the amount of the bond, if any, which should be prescribed.

Time Limits for Oral Arguments and Oral Presentations

The parties and Government agencies will be limited to a total of 30 minutes for making oral arguments on violation of section 337 and for making oral presentations on relief, the public interest, and the bond. (This allotment does not include the time consumed by questions from the Commission or its staff.) Persons who will be making oral presentations only will be limited to 10 minutes for such presentations. (This allotment does not include the time consumed by questions from the Commission and its staff). The Commission may in its discretion expand the aforementioned time limits, upon receipt of a timely request to do so.

Written Submissions

In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file (1) briefs addressing the violation of section 337 (to the extent they have not alredy briefed that issue in their written exceptions to the presiding officer's recommended

determination), and (2) written submissions concerning relief, the public interest, and the bond. Additionally, the complainant and the Commission investigative attorney are requested to submit a proposed exclusion order and/or proposed cease and desist orders for the Commission's consideration. Persons other than the parties and Government agencies also may file written submissions discussing the issues of relief, the public interst, and the bond. Briefs on the question of violation must be filed not later than the close of business on Thursday, September 23, 1982. The written submissions on the issues of relief, the public interest, and the bond must be filed not later than the close of business on Thursday, September 30, 1982. At the hearing, the parties also may be asked to file posthearing briefs.

Notices of Appearance

Any person desiring to appear at the hearing must file a written request with the Office of the Secretary not later than Thursday, October 7, 1982.

Additional Information

Persons submitting briefs and/or written submissions must file the original document and 14 true copies thereof in the Office of the Secretary on or before the deadlines stated above. Any person who wishes to discuss confidential information at the hearing, or to submit a document (or a portion thereof) containing such information, must request that the information in question be granted confidential treatment, unless such treatment has already been granted by the presiding officer. All such requests should be directed to the Secretary and must include a detailed statement of the reasons why such treatment should granted. Any discussions or documents containing confidential information that has been approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

The notice instituting this investigation and defining its scope was published in the **Federal Register** on January 13, 1982, 47 FR 1448.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

Issued: August 31, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-24755 Filed 9-8-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-37]

Certain Skateboards and Platforms Therefor; Dissolution of Exclusion Order

AGENCY: International Trade Commission.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to dissolve the exclusion order issued in October 1980 in connection with the above-captioned investigation.

SUPPLEMENTARY INFORMATION: On October 9, 1980, the Commission issued an order excluding the importation into the United States of skateboards and platforms therefor which infringe claims 1, 2, 7, or 8 of U.S. Letters Patent 3,565,454 (hereinafter the '454 patent) for the remaining term of the patent except under license.

On July 27, 1981, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision holding the '454 patent invalid as obvious under 35 U.S.C. 103. *Stevenson v. Grentec, Inc.*, 652 F.2d 20 (9th Cir. 1981). On April 26, 1982, the U.S. Supreme Court denied a petition for review of the Grentec decision. *Stevenson v. Grentec, Inc.*, No. 81-1185, cert. denied April 26, 1982 (50 U.S.L.W. 3854, Apr. 27 1982). As a result of these decisions, the '454 patent is invalid and unenforceable.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: N. Tim Yaworski, Assistant General Counsel, Office of the General Counsel, U.S. International Trade Commission, 701 E. Street NW., Washington, D.C. 20436; telephone 202-523-0311.

Issued: August 27, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-24758 Filed 9-8-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-124]

Certain Textile Spinning Frames and Automatic Doffers Therefor; Scheduling of Briefs on Presiding Officer's Recommendation That Counsel Be Disqualified

AGENCY: International Trade Commission.

ACTION: Scheduling of briefs regarding presiding officer's recommendation.

Notice is hereby given that on August 30, 1982, the presiding officer recommended that the Commission grant complainant's motion (Motion No. 124-3) to disqualify counsel for respondents Machinefabrik Rieter, A.G. and American Rieter Company, Inc. in investigation No. 337-TA-124, Certain Textile Spinning Frames and Automatic Doffers Therefor. The presiding officer's recommendation (Order No. 2) has been certified to the Commission for review. Interested persons may obtain copies of the presiding officer's recommendation (and all other public documents on the record of this investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Room 161, Washington, D.C. 20436; telephone: 202-523-0161.

BRIEFS: The Commission requests that the parties file briefs concerning the disqualification issue. Such briefs should be directed at the presiding offcer's findings and recommendation. The parties are encouraged to address the following issues: (1) What is the relationship between the issues in the "Rockford" litigation and those of the present case? The brief should discuss with specificity how the patents, prior art, alleged anticompetitive conduct, etc., relate to the patent and injury issues of the Commission's investigation. (2) What is the relevance of the material allegedly reviewed by Rieter's counsel in the two earlier matters to the patent and injury issues of the present case? The brief should discuss, how, if at all, the categories of confidential information allegedly reviewed (e.g. sales figures, licensing policy, etc.) relate to the Commission's proceeding?

The original and 14 copies of all briefs shall be filed with the Commission's Office of the Secretary not later than September 8, 1982. The briefs shall be double-spaced and shall not exceed 20 pages in length. The record is limited to that compiled before the presiding officer and no additional evidence will be received.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of

the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

Issued: September 3, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-24752 Filed 9-8-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-124]

Certain Textile Spinning Frames and Automatic Doffers Therefor; Concerning Procedure for Submission of Information on Public Interest Factors

Notice is hereby given that oral presentations concerning remedy, bonding, and the public interest considerations, factors the Commission is to consider in the event it determines relief should be granted, will be heard beginning at 9:00 a.m. on September 30, 1982, in Room 201, Waterfront Center, 1010 Wisconsin Avenue, N.W., Washington, D.C. 20007. Written submissions on these questions may be submitted at any time until that date.

If oral presentations are made, participants will have the option of presenting the statement of a witness under oath, subject to cross-examination, or making an oral statement of position, not under oath, and not subject to cross-examination.

In the oral presentations all parties, interested persons, and government agencies will be limited in their presentations to no more than 15 minutes, not including cross-examination. Each participant will be permitted an additional 5 minutes for closing arguments after all oral presentations have been concluded. Requests for permission to make oral presentations of positions should be filed, in writing, with the Secretary of the Commission at his office in Washington no later than close of business, September 23, 1982.

The Secretary shall publish this notice in the **Federal Register.**

Issued: August 26, 1982.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 82-24756 Filed 9-8-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-145 (Final)]

Certain Steel Wire Nails From Korea; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of final countervailing duty investigation and cancellation of hearing.

FOR FURTHER INFORMATION CONTACT: Judith Zeck, Office of Investigations, U.S. International Trade Commission (202-523-0339).

SUPPLEMENTARY INFORMATION: On June 22, 1982, following receipt of a notice of a preliminary determination by the Department of Commerce, that there is a reasonable basis to believe or suspect that benefits are granted by the Government of Korea with respect to the manufacture production or exportation of certain steel wire nails which constitute a subsidy within the meaning of the countervailing duty law, the United States International Trade Commission (Commission) instituted investigation No. 701-TA-145 (Final) to determine whether an industry in the United States is materially injured or is threatened with material injury or the establishment of an industry is materially retarded by reason of imports of such merchandise.

On September 2, 1982, the Commission was notified that the Department of Commerce had made a final determination that the manufacturers, producers or exporters of certain steel wire nails are not receiving benefits that constitute subsidies within the meaning of the countervailing duty law. Although the Korean nail industry did receive benefits under several programs, the aggregate net benefit received amounted to 0.43 percent of the f.o.b. value of the imported merchandise which Commerce has determined is *de minimis.*

Therefore the Commission is terminating its final countervailing duty investigation concerning certain steel wire nails from Korea and the hearing which had been scheduled for September 14, 1982 is cancelled.

By order of the Commission.

Issued: September 3, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-24814 Filed 9-8-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

Final Judgement; U.S. V. Motor Vehicle Manufacturer Association of the United States, Inc., et al.

Pursuant to orders dated November 17, 1981, and January 14, 1982, the Court directed the parties to comply with the provisions of the Antitrust Procedures and Penalties Act 15 U.S.C. Sec. 16 in connection with: (1) The parties' joint motion for the entry of a proposed Modified Final Judgment and (2) the United States' withdrawal of its motion to extend two expired provisions of the Final Judgment in *U.S. v. Motor Vehicle Manufacturers Association of the United States, Inc., et al.* Civil Action No. 69-75-JWC (C.D. Cal.)

Accordingly, the United States publishes, below, comments which it received on the proposed action together with its responses to such comments.

Joseph H. Widmar,

Director of Operations.

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United States District Court—Central District of California

United States of America, Plaintiff, v. Motor Vehicle Manufacturers Association of the United States, Inc.; General motors Corporation; Ford Motor Company; Chrysler Corporation; and Amerian Motors Corporation, Defendants. Civil Action No. 69-75-JWC, Notice of hearing on Joint Motion to modify the final judgment.

Date of hearing: September 27, 1982.

Time of Hearing: 10 a.m.

Filed: August 30, 1982.

Please take notice that the joint motion of plaintiff and defendants, which was filed on November 9, 1981, to modify the Final Judgment in this action, is scheduled to be heard by the Court on September 27, 1982, at 10 a.m., or as soon thereafter as counsel may be heard, in the courtroom of the Honorable Jesse W. Curtis, Senior United States District Judge, 312 North Spring Street, Los Angeles, California 90012.

In support of this motion, plaintiff relies upon all the prior filings and proceedings herein, including, in particular:

1. Memorandum of the United States in Support of Modification of the Final Judgment, filed November 9, 1981;

2. Competitive Impact Statement, filed February 12, 1982; and

3. Response of the United States to the Comments Submitted by Nonparties, filed herewith.

Dated: August 30, 1982.

Respectfully submitted,
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Anthony E. Harris,
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United States District Court—Central District of California

United States of America, Plaintiff v. Motor Vehicle Manufacturers Association of the United States, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, Defendants. Civil Action No. 69-75-JWC, Response of the United States to the comments submitted by nonparties.

Date of hearing: September 27, 1982.
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4. Letter from Clarence M. Ditlow III, Director, Center for Auto Safety, to Bernard M. Hollander, Chief, Judgment Enforcement Section, Antitrust Division, United States Department of Justice (Apr. 20, 1982).

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Introduction

By orders dated November 17, 1981, and January 14, 1982, the Court directed the parties to comply with the provisions of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. Sec. 16(b)-(h) (1976), in connection with: (1) the parties' joint motion, filed November 9, 1981, for the entry of a proposed Modified Final Judgment, and (2) the United States' withdrawal of its motion to extend two expired provisions of the Final Judgment, sections IV(A)(2)(a) and (g). The United States continues to maintain, with respect to both of these matters, that it is not necessary or appropriate for the Court to require the parties to undertake the steps mandated by the APPA, which is applicable only when the United States submits a proposed initial consent decree in an antitrust proceeding. Nonetheless, the requirements of the Court's orders have been satisfied:

1. On January 8, 1982, the defendants filed with the Court statements identifying their communications with officers and employees of the United States (other than communications made by counsel of record alone with the Attorney General or employees of the Department of Justice alone).

2. The Government filed a "Competitive Impact Statement" with the Court on February 12, 1982, and published it in the **Federal Register**, together with the proposed Modified Final Judgment, on February 19, 1982 (47 FR 7529).

3. Summaries of the proposed modification and the Competitive Impact Statement were published on February 20-26, 1982 in *The Washington Post*, a newspaper of general circulation in the District of Columbia, and on February 19-25, 1982, in the *Los Angeles Herald Examiner*, a newspaper of general circulation in this district.

4. The United States is filing with the Court and publishing in the **Federal Register** (a) all written comments received before, or during the sixty days following, February 20, 1982, and (b) this Response to those comments.

Even before the Court directed compliance with the APPA, the parties had agreed to take a number of steps to ensure public notice of, and opportunity to comment upon, the proposed modification. This agreement was reflected in the stipulation that was filed with the Court on November 9, 1981, together with the joint motion. In accordance with this agreement, the defendants caused notice of the proposed modification to be published in three consecutive issues of *Automotive News*, a widely read trade publication, and in four consecutive issues of the national edition of *The Wall Street Journal*. The Department of

Justice also issued a press release on November 9, which summarized the terms of the proposed modification and solicited written public comments.[1] Largely as a result of these efforts to publicize the proceedings, articles describing the terms and rationale of the proposed modification appeared in the *Detroit Free Press*, the *Los Angeles Times*, *The Wall Street Journal*, *The Washington Post* and other publications. In sum, notice of the proposed modification, in one form or another, has appeared in newspapers and periodicals having a combined circulation of over 40 million copies.

These extensive efforts to publicize the proceedings have garnered only four comments.[2] AutoTech Strategies, Inc., a management consulting firm, favors the Government's decisions to withdraw its motion to extend the two expired provisions and to seek the proposed modification. The three others who submitted comments—the Honorable Kenneth Hahn, a member of the Board of Supervisors of Los Angeles County; the California Air Resources Board; and the Center for Auto Safety—urge the Government to abandon the proposed modification and to seek an extension of the expired provisions.

Having considered carefully each of these comments, the Department of Justice remains convinced that entry of the proposed Modified Final Judgment is in the public interest. The three critical comments share a fundamental flaw: an assumption that modification of the Final Judgment will permit anticompetitive agreements and joint behavior. This assumption is totally incorrect. Anticompetitive agreements and behavior would be barred by the Modified Final Judgment, and would in any event be illegal and actionable under the Sherman Act. The proposed modification will only remove the Final Judgment's restrictions on potentially procompetitive arrangements. Accordingly, the Department of Justice respectfully renews its request that the Court enter the proposed Modified Final Judgment.[3]

I. The Role of the Court With Respect to the Proposed Modification and the Government's Withdrawal of its Motion for an Extension of the Expired Provisions

A. The Proposed Modification

Where, as here, the United States consents to a proposed modification of the final judgment in a Government antitrust case, the issue before the Court is whether entry of the proposed modification is "in the public interest." *United States v. Swift & Co.*, 1975–1 Trade Cas. ¶60,201 at 65,702 (N.D. Ill 1975); *see also United States v. General Electric Co.*, 1977–2 Trade Cas. ¶61,659 at 72,717 (E.D. Pa. 1977).[4] This is the same standard that a district court applies in deciding whether to enter an initial consent decree submitted by the Government in an antitrust proceeding. *See* 15 U.S.C. ¶16(e); *United States v. Radio Corp. of America*, 46 F. Supp. 654, 656 (D. Del. 1942), *appeal dismissed*, 318 U.S. 796 (1943) ("modification or vacation of a consent decree * * * involves the same duty of the court independently to determine that the action is equitable and in the public interest" as does the entry of a consent decree initially).

The words "public interest" take their meaning "from the purposes of the regulatory legislation" underlying this action, *i.e.*, the Sherman Act, *NACCP v. FPC*, 425 U.S. 662, 669 (1976), and "the policy unequivocally laid down by [that] Act is competition." *Northern Pacific Railway v. United States*, 356 U.S. 1, 4 (1958); *accord, e.g., National Society of Professional Engineers v. United States*, 435 U.S. 679, 692, 695 (1978).

Thus, the ultimate question before the Court at this time is whether the proposed Modified Final Judgment—by terminating some of the restraints and regulation that the Final Judgment imposes upon the defendants—would serve the public interest in "free and unfettered competition as the rule of trade." *Northern Pacific Railway v. United States, supra*, 356 U.S. at 4.

In answering this question, the Court should recognize that the Department of Justice has broad discretion in controlling Government antitrust litigation, including negotiating and agreeing to consent decrees and to modifications of consent decrees, and determining whether such settlements are in the public interest. *See Sam Fox Publishing Co. v. United States*, 366 U.S. 683, 689 (1961); *Swift & Co. v. United State*, 276 U.S. 311, 331–32 (1982); *cf. Control Data Corp. v. International Business Machines Corp.*, 306 F. Supp. 839, 845 (D. Minn. 1969), *aff'd sub nom. Data Processing Financial & General Corp. v. International Business Machines Corp.*, 430 F. 2d 1277 (8th Cir. 1970).

The court's conclusions of law in *United States v. Mid-America Dairymen, Inc.*, 1977–1 Trade Cas. ¶ 61, 508 at 71,980 (W.D. Mo. 1977), an initial consent decree proceeding under the APPA, accurately summarize the role of a reviewing court:

> Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances * * *
>
> This Court may not substitute its opinion or views concerning the prosecution of alleged violations of the antitrust laws or the determination of appropriate injunctive relief for the settlement of such cases absent proof of an abuse of discretion.

The same role is appropriate when the United States consents to the modification of a decree. *United States v. Swift & Co., supra*, 1975–1 Trade Cas. at 65,702–03 and 65,706 (consent modification). In short, where the Government has offered a reasoned and reasonable explanation of why a proposed decree modification embodies a satisfactory vindication of antitrust principles, and there is no "showing of corrupt failure of the government to discharge its duty," the Court should defer to the Government's conclusions concerning the appropriateness of the modification. *See also Sam Fox Publishing Co. v. United States, supra*, 366 U.S. at 689.

In the present case, the Government has provided an exhaustive explanation of why the proposed modification is in the public interest, and there has been no showing, or even claim, of a "corrupt failure of the government to discharge its duty." The Court should, therefore, enter the proposed Modified Final Judgement.

B. The Government's Withdrawal of its Motion for an Extension of the Expired Provisions

It is well established that a movant may unilaterally withdraw its motion. *See* 56 Am. Jur. 2d *Motions, Rules, and Orders* section 22 (1971); 60 C.J.S. *Motions & Orders* § 41 (1969); and the cases cited therein. Rule 3.12 of this Court codifies this principle, and establishes a formal procedure for withdrawal of a motion. The United States complied with Rule 3.12, and therefore its motion to extend sections IV(A)(2)(a) and (g) of the Final Judgment simply is not before the Court.

The Center for Auto Safety has argued, however, that the Government's motion to extend sections IV (A)(2)(a) and (g) was not really a motion, but rather "was tantamount to, or the functional equivalent of, the initiation of a new action, and hence any withdrawal of the motion requires the consent of the parties and the Court." Center for Auto Safety's Reply Memorandum, dated November 5, 1981, at 5. This argument should be rejected for two reasons. First, we are, in fact, dealing with a motion, not a complaint, and therefore the clear law and Rule applicable to the withdrawal of motions should be applied. Second, in any event, the dismissal of a complaint by stipulation of the parties is not subject to the APPA and does not require the consent of a court. This point has now been clearly established by decisions of the Second Circuit and of another district court in this circuit. *In re International Business Machines Corp.*, 43 Antitrust & Trade Reg. Rep. (BNA) 353 (2d Cir. Aug. 13, 1982); *United States v. Mercedes-Benz of North America, Inc.*, 43 Antitrust & Trade Reg. Rep. (BNA) 390 (N.D. Cal. Aug. 9, 1982.[5]

[1] The Department of Justice also filed with the Court on November 9, 1981, an extensive memorandum that fully described the terms of the proposed Modified Final Judgment, the Government's reasons for proposing the modification and the anticipated competitive impact of the modified judgment.

[2] The comments are attached hereto as Exhibits 1–4, *infra* pp. 37–83.

[3] Copies of this Response are being mailed to the four persons who submitted comments, to the Environmental Protection Agency and to the National Highway Traffic Safety Administration.

[4] This Court has jurisdiction to modify or terminate the Final Judgment pursuant to § X of that decree; Rule 60(b) (5) and (6) of the Federal Rules of Civil Procedure; and "principles inherent in the jurisdiction of the chancery." United States v. Swift & Co., 286 U.S. 106, 114 (1932).

[5] While the Government's withdrawal of its motion is not subject to review by the Court or open to challenge by others, we nevertheless discuss in Section II of this Response, *infra*, the arguments advanced in the comments for why the expired provisions of the Final Judgment should be extended, because the same arguments are advanced as reasons for denying the proposed modification of the existing decree.

As the Second Circuit held in *IBM*, "[n]owhere does the [APPA] indicate that its provisions also apply to stipulations of dismissal" and the Act's legislative history "totally contradicts" the claim that they do. 43 Antitrust & Trade Reg. Rep. (BNA) at 357. The court of appeals also observed that "[i]n addition to the clear and indisputable legislative history, which compels the conclusion that the Act was not intended to apply to stipulations of dismissal, we perceive possible constitutional issues . . . . The district court's involvement in the executive branch's decision to abandon litigation might impinge upon the doctrine of separation of powers." *Id.* at 358.[6]

Thus, whether the withdrawal of the Government's motion is analyzed under Rule 3.12 of the Local Rules and the general principle permitting a moving party to withdraw a motion, or is regarded as "tantamount to" the dismissal of a complaint pursuant to Fed. R. Civ. P. 41(a)(1), the conclusion is the same: the Court does not have jurisdiction to review the same: the Court does not have jurisdiction to review the Government's withdrawal of its motion for an extension of sections IV(A)(2)(a) and (g).

II. Response to the Critical Comments

As noted above (p. 3), the extensive publicity concerning the Government's actions in this case prompted only three critical comments. The Department of Justice has considered these comments carefully, and remains persuaded that entry of the modification which the parties proposed on November 9, 1981, is in the public interest.

Before addressing each of the critical comments, we wish to stress one key point that the authors of the comments tend to overlook: entry of the Modified Final Judgment will *not* permit the defendants to engage in anticompetitive conduct which violates the antitrust laws. The defendants will remain fully subject to the criminal and civil penalties of the Sherman Act, and the Department of Justice will not hesitate to prosecute them if they violate the Act. The proposed modification of the Final Judgment will only remove provisions that deter the defendants from engaging in potentially procompetitive conduct. Thus, entry of the Modified Final Judgment would serve the public interest in "free and unfettered competition."

[6] To be sure, the Second Circuit identified this case as one in which a court apparently had found the APPA applicable to a dismissal, but observed that this case involved the settlement of an antitrust action and "at least to some extent, entry of [a] consent decree." *IBM, supra*, 43 Antitrust & Trade Reg. Rep. (BNA) at 358. In fact, as the Department has repeatedly made clear throughout these proceedings, the Government's decision to withdraw its motion for an extension, unlike the proposed modification, was not the product of any settlement with the defendants, but an independent decision based upon the Department's assessment of the facts. *See* Competitive Impact Statement at 6–9, 18; Declaration of Bernard M. Hollander, ¶¶ 1–6, dated December 21, 1981, attached to the Government's Memorandum in Support of Motion for Clarification of Memorandum and Order of November 19, 1981. Thus, the Second Circuit's holding that voluntary dismissals of Government antitrust actions are not subject to the APPA is fully applicable here.

A. Comment of the Honorable Kenneth Hahn

In his comment, Mr. Hahn, a member of the Board of Supervisors of the County of Los Angeles, does not offer any specific criticism of the proposed Modified Final Judgment. Instead, he protests against it in general terms, asserting "that by allowing cooperation between the supposedly competitive automobile manufacturers [in the development of antipollution devices], we will only be allowing cooperation to delay, to obstruct and even to defy the law" (*infra* p. 41). This assertion simply is not correct. As we have explained at length before (Competitive Impact Statement at 12–14), as a matter of fact and law, cooperation between competitors with respect to research can be procompetitive. Cooperation of the type feared by Mr. Hahn—"to delay, to obstruct and even to defy the law"—would continue to be illegal under the Sherman Act, and would also violate section IV of the Modified Final Judgment. Thus, Mr. Hahn's concern is unfounded.

B. Comments of the California Air Resources Board ("CARB")

CARB complains generally that the proposed Modified Final Judgment "will interfere with the [C]ARB's ability to satisfy the mandates of California and federal air pollution control laws and to provide the people of California a healthy environment" (*infra* p. 44), and objects specifically to three aspects of the proposed Modified Final Judgment:

—The absence of provisions like the expired sections of the Final Judgment, and the inclusion of a provision (section VI(c) of the Modified Final Judgment) which expressly states that the filing of joint statements unaccompanied by individual statements is not prohibited by the Modified Final Judgment and need not be reported to the Department of Justice;

—The replacement of prohibitions against certain types of agreements (sections IV(A)(2)(b), (d), (e) and (f) of the Final Judgment) by a requirement (section V of the Modified Final Judgment) that the defendants file copies of any such agreements with the Department of Justice; and

—The inclusion of the Modified Final Judgement of a provision (section X) which will cause that decree to expire five years after it is entered.

CARB's objections reflect a misunderstanding both of what the Modified Final Judgment would permit and of the consequences of its eventual termination.

1. Exchanging "Restricted Information" and Filing Joint Statements with Government Agencies.

Section IV(A)(2)(a) of the Final Judgment, until it expired, enjoined each defendant from agreeing with any manufacturer of motor vehicles of air pollution emission control devices to exchange "restricted information", *i.e.*, company confidential information concerning applied research in, or the manufacture, use, sale or installation of, emission control devices. Section IV(A)(2)(g), subject to certain exceptions, proscribed any agreement between a defendant and another motor vehicle or emission control devices manufacturer to submit joint statements to government agencies charged with authority to issue motor vehicle emission control or safety standards or regulations, unless authorized by the agency. The Modified Final Judgment does not contain such prohibitions, and its section VI(C) explicitly provides that "[n]othing in this Modified Final Judgment shall . . . prohibit any defendant from . . . filing a joint statement, along with one or more other defendants, unaccompanied by its individual statement."

It is apparently CARB's understanding that by this change, all agreements to exchange "restricted information" and to file joint statements will be sanctioned, and CARB fears that it will not be able to continue its current procedure of conducting "individual workshops with each manufacturer where the manufacturer can privately disclose confidential cost information and emerging technological developments" (*infra* p. 48). CARB's understanding is mistaken, and its fears are without substance.

"Every contract, combination . . . or conspiracy, in restraint of trade" will continue to be a violation of section 1 of the Sherman Act, 15 U.S.C. Section 1 (1976). Moreover, section IV of the Modified Final Judgment would bar each defendant from "[c]ombining or conspiring to prevent, restrain or limit the development, manufacture, installation, distribution or sale" of emission control devices, and from agreeing "not to file individual statements with any governmental regulatory agency" authorized to issue motor vehicle emission or safety standards or regulations. Thus, in accordance with general antitrust law and under specific provisions of the Modified Final Judgment, anticompetitive agreements would continue to be barred.

CARB's own comments acknowledge that the absence of a ban on joint statements will not put an end to meaningful regulation of emission control devices. CARB correctly observes that an agency "may be more reluctant to grant . . . delays in the future if it suspects that the only information it has received has been edited and diluted to conform to an agreed-upon position" (*infra* p. 49). Thus, there is strong incentive for a defendant to supply an agency with accurate information, because providing misinformation "could work to the manufacturers' detriment" (*id.*). Indeed, as the Center for Auto Safety notes in its comments (*infra* p. 66), in 1959, "during the smog conspiracy," California adopted a stringent standard over the defendants' joint protests and the industry eventually met it.

Moreover, the proposed modification would not prevent CARB or any other regulatory authority from demanding and receiving an individual statement from each defendant. Indeed, section IV(B)(2) of the Modified Final Judgment would enjoin each defendant from agreeing not to submit a separate statement regarding its individual ability to comply with any standard or regulation. Thus, CARB's fear that entry of the Modified Final Judgment might disrupt its practice of conducting "individual workshops with each manufacturer" (*infra* p. 48) is unfounded.[7]

[7] CARB asserts that the Competitive Impact Statement "reflects a gross misunderstanding of

The scheme that expired barred potentially procompetitive, as well as anticompetitive, information exchanges and joint statements. CARB does not, and could not reasonably, argue that every joint filing and every exchange of "restricted information" is necessarily anticompetitive. CARB argues instead that there is a "particular danger of sharing restricted information in a joint venture concerning 'externalities' such as air pollution" (*infra* p. 47), citing U.S. Dep't of Justice, *Antitrust Guide Concerning Research Joint Ventures* 18–19 (1980). But the *Guide*, at the point cited by CARB, is not discussing an agreement confined to the sharing of research data, but rather an agreement that also includes restraints "collateral" to the data exchange, such as an agreement concerning product introduction dates. *Guide* at 18. Anticompetitive collateral restraints would be barred by section IV of the Modified Final Judgment and would be illegal under the Sherman Act. CARB simply ignores the fundamental point made in the *Guide* with respect to joint ventures of the type proscribed by the Final Judgment:

Because research dealing with externalities is often costly and risky, particularly in regard to technology-forcing standards, and because small firms in an industry may lack the resources to conduct research necessary to enable them to conform their conduct to government standards, joint projects involving large segments of the industry affected by the government regulation are a natural response to the industry's common problem.

If properly structured, joint projects for dealing with externalities ar usually consonant with the antitrust laws.

Guide at 12–13 (emphasis added).

The Modified Final Judgment avoids throwing out the baby with the bath water. Cooperative efforts that have the purpose or effect of retarding research, development or sale of motor vehicle emission control devices will continue to be unlawful and enjoined; but those joint ventures which offer the potential for achieving further and faster progress in this area through enhanced competition will be permitted.

2. *Other Types of Agreements.*

Sections IV(A) (2)(b),(d),(e) and (f) of the Final Judgment enjoin each defendant from agreeing with any other defendant, or with any other manufacturer of automobiles or emission control equipment: to include in cross-licenses for patents on such equipment provision for cross-licensing subsequently acquired patent rights; "to restrict publicity of research and development relating to" emission control equipment; to assess jointly the value of any third party's patent rights; or "to require that acquisition of patent rights . . . be conditioned upon availability of such rights to others upon a most-favored-purchaser basis." Section IV(B)(4) provides, however, that "[n]othing in the Final Judgment shall prohibit any defendant . . . from entering into . . . any agreement which is submitted in writing to the plaintiff and to which plaintiff consents in writing." The Modified Final Judgment, on the other hand, would not bar all such agreements absent Department of Justice approval, but would require (section V) that a copy of any such agreement be filed with the Assistant Attorney General in charge of the Antitrust Division.

The Competitive Impact Statement (at 12–14) demonstrated that agreements of the type now proscribed by sections IV(A)(2)(b),(d),(e) and (f) of the Final Judgment "are not unlawful in isolation" and that "[t]here are undoubtedly circumstances under which . . . [such agreements] might be reasonably ancillary to an otherwise procompetitive research joint venture, and thus offer offsetting economic efficiencies despite an incidental effect upon market competition." CARB does not dispute this analysis. It objects to this modification, however, because it "is not convinced of the [Department of Justice's] commitment to ensuring that no future agreement permit or contribute to a delay in the research, development, or installation of emission control devices" (*infra* p. 50). CARB asserts that if the Modified Final Judgment is entered, "there is no assurance to the public and to the regulators that [the Department of Justice] actually will conduct any review [of agreements submitted to it] or that it will take action if its review results in a finding that an agreement is anti-competitive" (*infra* p. 51).

The "assurance to the public and to the regulators" is in the oath or affirmation of office taken by the Attorney General, the Assistant Attorney General in charge of the Antitrust Division and every attorney in the Antitrust Division "well and faitfully [to] discharge the duties of [his] office." 5 U.S.C. § 3331 (1976). If the attorneys at the Department of Justice were to ignore this responsibility and commitment, the Department could as easily approve anti-competitive agreements under section IV(B)(4) of the Final Judgment as it could ignore anticompetitive agreements submitted to its pursuant to section V of the Modified Final Judgment. Contrary to CARB's suggestion, "[i]t must be assumed that should any violation of law occur, appropriate action will be taken by enforcement officials to protect and vindicate the public interest." *United States v. Greater Blouse, Skirt & Neckwear Contractors Association*, 228 F. Supp. 483, 490 (S.D.N.Y. 1964).

The procedure incorporated in the Modified Final Judgment would better serve the public interest than that favored by CARB. Advance approval of patent licensing agreements inherently delays and inhibits the development of otherwise lawful, procompetitive arrangements. Also, advance review and approval by the Department of a proposed cooperative venture, pursuant to a provision in a decree, arguably might provide the parties to the venture with a legal argument for claiming antitrust immunity even if the venture ultimately proved to be anticompetitive. *See United States v. Atlantic Refining Co.*, 360 U.S. 19, 23–24 (1959); *United States v. Associated Credit Bureaus, Inc.*, 345 F. Supp. 940, 946 (E.D. Mo. 1972). The Modified Final Judgment, however, precludes unnecessary delay in implementing procompetitive patent licensing arrangements and assures the Department of an opportunity to challenge anticompetitive arrangements at any time.

3. *Expiration in Five Years.*

The provisions of the Final Judgment that are in effect today have no expiration date, and will therefore remain in effect unless and until terminated by order of the Court. The Modified Final Judgment would expire five years after its entry. CARB protests the five-year limitation, arguing "that preservation of competition in the development and installation of emission control equipment, so long as competition is needed, was the primary objective of the Final Judgment," and concluding that "[i]t is wholly unrealistic to think that the need for competition in the development of emission control technology will disappear in five years or less" (*infra* p. 54).

In fact, there is no reason to believe that the need for competition in the development of emission control technology, or in any other segment of the American economy, will ever disappear. The fault in CARB's analysis is its assumption that competition will take place only if there exists a judgment barring anticompetitive behavior. To the contrary,

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both the [C]ARB's position and of emission control technology" (*infra* p. 45). But the position attributed to CARB accurately reflects not only its representations to the Department of Justice and the current state of motor vehicle emission control technology, but also recent testimony by its chief administrative officer. The Competitive Impact Statement (at 8) reported CARB's position to be:

That the ban on exchanges of restricted information had become an anachronism. . . . [M]otor vehicle emission control and fuel economy technology had become so intertwined that many devices now perform both functions. . . . [S]ince there are sufficient economic incentives for defendants to produce fuel efficient vehicles, a relaxation of the ban on exchanges of restricted information should not appreciably affect the the development of emission control devices.

In its comments, CARB essentially agrees that electronic ignition and fuel injection devices are examples of this interrelated technology (*infra* p. 46), and it identified other examples during recent Senate hearings. *Clear Air Act Oversight, Automobile Emission Standards: Hearings Before the Senate Comm. on Environment and Public Works, Part 4*, 97th Cong., 1st Sess. 19–21 (1981) (testimony of Tom Austin, Executive Officer of CARB) [hereinafter cited as *Senate Clean Air Act Hearings*]. Other advocates of strict emission controls testified that "low emission goals requir[e] the use of the same fuel economy features . . . needed to make fuel economy gains." *Id* at 31 (statement of Roger Ackerman on behalf of the Manufacturers of Emission Controls Ass'n.). And CARB agreed that "the debate between fuel economy and clean air is an anachronism." *Id.* at 20.

CARB's present contention that this new technology has not been widely applied (*infra* p. 46) is contradicted by the facts. As the Director of the Center for Auto Safety has testified, "[v]ehicles using more sophisticated [*i.e.*, fuel-efficient and producing a reduced level of emissions] technology are the higher quality automobiles that American consumers are demanding today." *Senate Clean Air Act Hearings* at 35 (statement of Clarence M. Ditlow III). Indeed, vehicles that incorporate interdependent fuel economy and emission control technology, such as General Motors' "J" cars, Chrysler's "K" cars and many imports, account for "virtually all" of the new cars sold in California, and 90% or more of the new cars sold in the United States. "Electronic Controls Installed in 90% of '81 Car," *Wards's Automotive Reports*, Jan. 4, 1982 (Insert).

competitive conditions in the automobile industry today make it unlikely that a similar conspiracy would succeed, and, in any event, the penalties of the Sherman Act should be sufficient to deter future unlawful behavior.

It would be impossible for the defendants simply to resurrect their old conspiracy. The 1955 cross-licensing agreement, the centerpiece of that conspiracy, was terminated by the Final Judgment, and the technology which was acquired and controlled under it has been made widely available.

Competition from the increasing number of foreign entrants makes it unlikely that any new conspiracy among the defendants to delay the development of emission control devices could be effective, or that it could for long avoid detection. A nondefendant manufacturer's ability to develop and market vehicles equipped with devices meeting a stringent emission control standard would cast considerable doubt upon any claim by the defendants that they could not develop devices complying with the same standard. As noted above (p. 16), over the long run, repeated claims by the defendants of inability to comply would be discounted by the responsible regulatory authority and might well trigger an antitrust investigation. Thus, competition is a significant check on any reinstatement of past collusive practices.

Moreover, even after the Modified Final Judgment expires, the defendants' activities will remain subject to sections 1 and 2 of the Sherman Act, 15 U.S.C. §§ 1 and 2. The Department does not believe that the injunctive provisions of this civil judgment are substantially more effective in deterring future anticompetitive activities than the stiff criminal fines and prison terms available today for any violation of the Sherman Act. In 1969, when the Final Judgment was entered, the maximum penalty for violation of the Sherman Act by a corporation was a $50,000 fine. It was therefore the policy of the Antitrust Division to seek perpetual decrees in cases challenging *per se* violations of the antitrust laws in order to provide a basis for seeking more substantial penalties through criminal contempt proceedings in the event of subsequent violations. In 1974, however, Sherman Act violations were made felony offenses and corporations can now be fined up to $1,000,000. *See* 15 U.S.C. §§ 1–3 (1976). On account of this change, and for other reasons,[8] over three years ago the Antitrust Division adopted a policy of generally limiting consent decrees to a term of ten years. The Modified Final Judgment, if entered this year, would terminate eighteen years after the Final Judgment was entered.

The fundamental flaw in CARB's comments is its failure to recognize that modification and ultimate termination of the judgment herein would *not* free the defendants to engage in anticompetitive behavior. Once this flaw is recognized, it becomes apparent that CARB has failed to establish any basis for concluding that entry of the Modified Final Judgment would not serve the public interest.

C. Comments of the Center for Auto Safety

The Center for Auto Safety "believes that the checks which are imposed on defendants by the decree are still needed to ensure competition in the development of pollution control devices and the effective functioning of our regulatory agencies" (*infra* p. 83), but its arguments do not justify any such belief. Like CARB, the Center simply ignores the fact that anticompetitive agreements will continue to be unlawful.

1. *The Center's "General Points".*

The Center opens its comments with "two general points which merit emphasis" (*infra* p. 61). The Center first complains that "there is absolutely nothing in the public record which adequately addresses the reasons for the abrupt about-face the government has made with respect to its position on whether there is a continuing need for this consent decree" (*id.*), and concludes "that the government has apparently let political considerations override its prior environmental and legal judgments" (*infra* p. 63). There simply is not anything more the Government could do to explain the reasons why it seeks a modification of the Final Judgment. We have previously set forth those reasons in the Memorandum that we filed together with the joint motion and in the Competitive Impact Statement. Briefly summarized, the Department of Justice believes that entry of the Modified Final Judgment would serve the public interest because it would remove certain provisions in the Final Judgment that now unnecessarily restrain potentially procompetitive joint research activities.

The problem is not that the Center does not know or understand the Government's reasons for seeking the modification, but rather that the Center disagrees with the Government's conclusion. Unable, however, to respond to our position on its merits, the Center alludes to "political considerations [that] have cast their shadow on this proceeding" (*infra* p. 82). While the Center probably meant this to have a pejorative ring about it, we note that an ordinary meaning of the term "political considerations" is considerations "relating to . . . the making . . . of governmental policy." *Webster's Third New International Dictionary* 1755 (1971). Such considerations are reflected in every Government decision to commence or not to commence an antitrust action, or to seek to modify or not to seek to modify an antitrust judgment. This truism does not cast a "shadow" on this or any other antitrust action. Indeed, it would be difficult to imagine a better illuminated proceeding than the one at bar, where the Government has clearly and unambiguously set forth the considerations which led it to conclude that entry of the Modified Final Judgment is in the public interest. Neither the Center's allusions nor its arguments suggest any sound basis upon which the Court might decide otherwise.

The Center's second "general point"—that we "gloss over the potential for harm to the environment inherent in weakening the decree" (*infra* p. 63)—is equally without merit. This action "is ultimately not a case about air pollution or the energy crisis, as largely as those issues might loom," *United States v. Motor Vehicle Manufacturers Association of the United States*, 643 F.2d 644, 647 (9th Cir. 1981), it is a case about a past conspiracy to restrain competition.

The Modified Final Judgment and the Sherman Act would continue to bar anticompetitive agreements—the type that the Center fears. To the extent, however, that the Final Judgment now also delays or deters the defendants from entering into potentially procompetitive agreements—with each other or with nonparties—it also impedes research, development and sale of more effective motor vehicle emission control devices. Thus, the Modified Final Judgment would both vindicate the policy favoring competition that underlies the Sherman Act and foster further development of emission control equipment by removing the current restrictions on potentially procompetitive research ventures.

Far from ignoring environmental concerns, the Government seeks the modification in part because it believes that "free and unfettered competition"—unfettered by anticompetitive agreements or by restrictive decree provisions that are no longer required—will stimulate the process of finding solutions to environmental problems.

2. The Anticipated Competitive Effect of the Proposed Modification.

The Center argues (*infra* p. 67) that the "primary purpose" of joint statements and exchanges of confidential information "is to resist technology-forcing regulations"; that restrictions on publicity about advances in emission control technology "can only work to hinder governmental bodies in setting pollution control requirements based on the most recent advances"; and that all joint research efforts and joint assessment of outside technology necessarily "will reduce competition and dilute the ability of outside firms to get their technology used by the domestic auto companies." These claims simply ignore the fact that while joint action can have anticompetitive effects, it can also have procompetitive effects. The Final Judgment now bars all joint action. If it is modified as the parties have proposed, joint action with anticompetitive effects would still be barred—by the terms of the Modified Final Judgment, as well as by the Sherman Act itself—but procompetitive joint behavior would not.

Contrary to the Center's suggestion (*infra* pp. 70–74), the Government recognizes that some technological advances in the motor vehicle emission control field can be made without cooperative research and development efforts. But removing the constraints on otherwise lawful joint research may enable the defendants to achieve economic efficiencies that would make their individual research efforts more productive. That some innovations can be made without cooperative efforts in no way undermines the Department's conclusion that otherwise lawful joint research should no longer be discouraged.[9]

[8] For example, perpetual decrees, through their "visitation" clauses, once provided the Government a means to obtain information that might not otherwise have been available to it. However, the Antitrust Civil Process Act, as amended, 15 U.S.C. §§ 1311–14 (Supp. IV 1980), authorizes the Department to issue civil investigative demands, and this has reduced the need for perpetual visitation clauses.

[9] Empirical evidence supports the Department's conclusion that some forms of cooperative research

The Center argues that "there is every reason to expect [anticompetitive] behavior from the defendants in the future" (*infra* p. 66). We disagree. As discussed above (pp. 24–26), the fact that these defendants engaged in anticompetitive activities over fifteen years ago should not give rise to any expectation of future illegal behavior on their part. To the contrary, we expect these parties to obey the law in the future—and we will invoke the Modified Final Judgment or the criminal and civil sanctions of the Sherman Act if they do not. The proposed modification will simply relieve the defendants of the possibility of punishment for undertaking potentially procompetitive activities.

Much of the conduct upon which the Center relies to demonstrate the defendants' inclination to engage in anti-competitive activities predates the Final Judgment by five years or more (*infra* pp. 65–66). Furthermore, the Center cities the fact that the defendants have applied for waivers or exemptions to current emission standards as proof of their anticompetitive proclivities (*infra* pp. 66–67, 69), but ignores the host of foreign and domestic competitiors who have engaged in similar lobbying efforts.[10] Indeed, the very fact that competitors who are in no way constrained by the Final Judgment can engage in such lobbying activities and still remain, in the Center's view, among the "more innovative" (*infra* p. 73), strongly confirms that such activities can be effectively addressed in a regulatory or legislative forum.

Finally, the Center argues at length that a "potential for anticompetitive conduct by the defendants persists" (*infra* pp. 75–80). But a "potential for anticompetitive conduct" nearly always exists. The question is whether the proposed modification of the Final Judgment would enable the defendants to realize any such anticompetitive "potential." As discussed, the answer is that it would not.

3. Determinative Documents.

The APPA, 15 U.S.C. § 16(b), requires that the Government make public "materials and documents which the United States considered determinative in formulating" a proposal for a consent judgment. As part of our implementation of the Court's orders directing us to comply with the APPA, we stated in our Competitive Impact Statement (at 18) that "[t]here were no materials or documents considered determinative in formulating the proposed modification." The Center finds this "wholly untenable" (*infra* p. 80), and urges us to disclose " 'any materials and documents' which played a significant role in the Division's decision-making process" (*infra* p. 81).

Whether the Center finds it tenable or not, the fact is that there are not here, in the words of the APPA, any "materials or documents which the United States considered determinative" in formulating the proposed Modified Final Judgment.

Moreover, we have already satisfied the Center's demand for a broader disclosure of materials and documents. Materials and documents that even remotely bore upon the Department's decision to seek modification of the Final Judgment were identified in, or even attached to, the Competitive Impact Statement. There is simply no basis for any claim that any relevant, nonprivileged document has not been publicly disclosed.

Thus, the comments of the Center for Auto Safety, like those of Mr. Hahn and CARB, utterly fail to offer any basis for concluding that entry of the Modified Final Judgment would not be in the public interest. Like the others, the Center simply ignores the fact that anticompetitive agreements and behavior would continue to be proscribed.

Conclusion

When rival firms agree covertly to restrain competition among themselves, there are usually elements of their agreed upon behavior that would not be unlawful if embarked upon independently by one or more of the firms. Where the Department of Justice is able to secure injunctive relief against the parties to such an unlawful agreement, it generally seeks to bar the continuation of all the practices that were part of the conspiracy, including those which would be unobjectionable if independently pursued. The purposes of enjoining behavoir that is not inherently anticompetitive are to make it impossible for the parties to continue their conspiracy through a tacit agreement to conduct their business as in the past, and to force them to become accustomed to thinking and acting independently. Prohibiting otherwise lawful competitive behavior may preclude the achievement of some efficiencies, but this loss is outweighed by the importance of ending the collusion.

With time, however, if the collusion ends, no benefit remains from the injunctive restraints upon otherwise legitimate conduct and relaxation of such restraints is appropriate. That time has arrived with respect to the Final Judgment. Entry of the proposed Modified Final Judgment will eliminate the now undesirable elements of the Final Judgment, while continuing the provisions that Final Judgment, while continuing the provisions that bar anticompetitive agreements. Therefore, and for the reasons stated in the Memorandum of the United States in Support of Modification of the Final Judgment and in the Competitive Impact Statement, the United States submits that entry of the Modified Final Judgment is in the public interest, and respectfully urges the Court to enter that judgment.

Dated: August 30, 1982.

Respectfully submitted,

Bernard M. Hollander,

Gregory B. Hovendon,

Anthony E. Harris,

Attorneys for the United States.

Exhibit 1

AutoTech Strategies, Inc., Management Consultants

November 13, 1981.

Assistant Attorney General,

Antitrust Division, United States Department of Justice, Washington, D.C.

Gentlemen: I am writing in regard to Civ. No. 69–75–JWC (C.D.Cal.) (the Smog Case) United States vs. Automobile Manufacturers Association and the parties' request for modification.

It is my firm belief and conviction that present antitrust laws must be modified and restructured enabling cooperation in design and manufacture between American companies. As a management consultant serving the auto industry, I have seen first hand the many problems facing vehicle manufacturers and the ripple effect upon America's heavy industry.

Gentlemen, *today* our country faces a crisis which has the potential to paralyze our strong economic base. In a May 1981 report submitted to the State of Ohio titled The Ohio Auto Industry: A Strategic Assessment, our firm identified a loss of 90,100 manufacturing jobs within auto related companies during the period 1978 to 1980. Study findings also indicated probable furture job loss.

With the creation of a true world market, domestic companies must compete with foreign firms that are partially owned or subsidized by local governments or unhampered by antitrust laws. If domestic companies are expected to continue to "play the game", they must be allowed to play by the same rules as foreign firms.

Cooperation in research, mergers and joint ventures between U.S. companies are required for the following reasons:

1. They will save domestic jobs.
2. They will provide economies of scale allowing dometic companies to compete in price.
3. They will allow financially troubled companies to rebuild and survive.
4. They will enhance the development of new products and technology.
5. They will sustain local, State and Federal tax bases.

The time is at hand when lawmakers must decide whether America is to continue its greatness or decline like ancient Rome or present day England. Your future, my future and our children's futures are at stake. Please realize the need for modification in present antitrust laws and rulings.

I thank you for giving me this opportunity to express my views.

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may be procompetitive. *See, e.g., Senate Clean Air Act Hearings* at 33–34 (statement of George McGuire) (joint research venture between a leading European vehicle manufacturer and one of the world's largest suppliers of automotive emission control catalysts led to the development of a revolutionary device to control diesel particulate emissions). This also refutes CARB's contention (*infra* pp. 52–53) that cooperative research would necessarily impede development of diesel particulate controls.

[10] *See, e.g., Senate Clean Air Act Hearings* at 155–57, 299–347 (Volkswagen); 402–23 (Mack Trucks, Cummins Engine, Caterpillar Tractor); 661–70 (International Harvester); 158–59, 671–758 (Mercedes-Benz); 654–60 (Alfa Romeo, BMW, Fiat, Honda, Isuzu, Jaguar, Lotus, Mazada, Mitsubishi, Nissan, Peugeot, Renault, Rolls-Royce, Rover, Saab-Scania, Subaru, Toyota, Triumph, Volvo).

Sincerely,

Dennis Virag,

President.

Exhibit 2

County of Los Angeles,

Board of Supervisors,

Los Angeles, Calif., November 19, 1981.

The Honorable William French Smith,
Attorney General, Washington, D.C.

Dear Mr. Attorney General: I was disturbed to read that the Justice Department has asked United States District Judge Jesse Curtis to revise the 1969 consent decree regarding the automobile industry so that it would allow cooperation between the auto makers in the development of anti-pollution devices.

It should be noted that the 1969 decree was already a compromise between the industry and anti-trust attorneys who wanted to proceed with the United States Grand Jury's recommendation to indict the automobile companies for violation of the Sherman Anti-Trust Act. It was true then and is still true today that by allowing cooperation between the supposedly competitive automobile manufacturers, we will only be allowing cooperation to delay, to obstruct and even to defy the law.

We must remember that it was competition that made America great. We have learned over the years that only through competition can superior products be developed. This is as true for smog devices as it is for the millions of other consumer products that have been developed and patented in this country.

And let the issue not be clouded by the current state of the domestic automobile industry's economy. The present slump was not caused by environmental and safety legislation. For proof we need only look at the robust health of the foreign auto makers who have to comply with the same rules and regulations in order to sell their products in this country.

Here in Los Angeles County we are making slow but steady progress in the fight against air pollution. Now is not the time to throw in the towel and, in effect, give the fox the key to the chicken coop. Nothing less than the health of present and future generations of Americans is at stake.

I urge you to reconsider the Justice Department's position and return to Judge Curtis to urge the retention of all provisions of the 1969 consent decree.

Sincerely yours,

Kenneth Hahn,

Supervisor, Second District County of Los Angeles.

Exhibit 3

Air Resources Board,

Sacramento, Calif., April 20, 1982.

Mr. Bernard M. Hollander,
Chief, Judgment Enforcement Section, Antitrust Division, U.S. Department of Justice, Washington, DC 20530

Re: *U.S.* V. *Motor Vehicle Manufactures Association, et al.*

Dear Mr. Hollander: The California Air Resources Board (ARB) is pleased to have this opportunity to comment on the proposed Modified Final Judgment (MFJ). The ARB is concerned that the proposed MFJ will interfere with the ARB's ability to satisfy the mandates of California and federal air pollution control laws and to provide the people of California a healthy environment.

The proposed MFJ threatens the ARB's ability to adopt or enforce controls on vehicular emissions which are more stringent than those currently in effect. Several regulations are currently under consideration or are planned for consideration by the Board. The degraded air quality resulting from failure to adopt such regulations would be damaging not only to the public health but to the economy of the state as well. Pollution causes direct damage to such industries as agriculture, forestry, and tourism. In addition, California is required to meet both state and federal ambient air quality standards; if the ARB cannot adequately control vehicular sources of emissions, then tighter controls would have to be placed on stationary sources of pollution. New development or expansion of existing facilities would have to be limited, and operators of existing facilities could be forced to retrofit their equipment. The ARB believes that, if the competitive climate fostered by the existing Final Judgment is allowed to continue, the ARB would be best able to evaluate all the control options and regulations that are most appropriate and cost-effective.

The ARB objects to the following provisions of the MFJ:

(1) elimination of the prohibitions found in Sections IV(A)(2)(a) and (g) against exchanging restricted information and filing joint statements with regulatory agencies and all references to those sections, and inclusions of proposed Section VI(C) which expressly states that the filing of joint statements, unaccompanied by individual statements, is not prohibited and does not require notification to the DOJ;

(2) elimination of the prohibitions found in Sections IV(A)(2)(b), (d), (e), and (f) and replacement of the prohibitions with the requirements that the manufacturers notify the DOJ when they enter into any of those agreements; and

(3) inclusion of Section X which states that the MFJ shall expire in five years.

The ARB does not object to the other proposed changes although it regards then as unnecessary.

1. *Sections IV(A)(2)(a) and (g).* The Competitive Impact Statement (CIS) states that the Department of Justice (DOJ) decided to withdraw its motion for extension of Sections IV(A)(2)(a) and (g) of the Final Judgment because of an "erosion of support" by the affected agencies. It is not entirely clear how the DOJ could reach this conclusion given the ARB's unwavering support for the Final Judgment.

As part of its review last year of the continuing need for the two provisions, the DOJ asked the ARB for its views. The ARB responded that it supported extension of the two provisions, that the restriction on joint statements was vitally important to the ARB, and that the ARB would be willing to provide witnesses to support extension of the provisions. The DOJ's characterization of the ARB's position, at CIS page 8, reflects a gross misunderstanding of both the ARB's position and of emission control technology.

The DOJ's confusion seems to have arisen from an informal conversation between an ARB staff attorney and a DOJ staff attorney concerning the advances in emission control technology that now link fuel economy with emission control technology on some vehicle models. The DOJ apparently got the impression that, because these two systems are now related, an improvement in one area, fuel economy or emission control, inevitably produces an improvement in the other. Therefore, because fuel economy is a very salable feature, the manufacturers should want to keep their progress secret in order to compete effectively, and the prohibition on exchange of information should no longer be necessary. Unfortunately for all of us, this *impression is incorrect.*

The most advanced electronic emission controls are able, through continual fine adjustments, to minimize, and in some cases, eliminate the trade-offs between emission control, fuel economy, and engine performance. The cruder mechanical controls have a much more limited range of control and are thus less efficient at balancing the many variables involved. The more sophisticated equipment is expensive, however, and is available only on certain gasoline-powered passenger cars. Other heavier vehicles and diesel-powered vehicles still rely on more primitive pneumatic or mechanical, as opposed to electronic, controls.

According to the DOJ's reasoning, one would expect the manufacturers to be enthusiastically competing to improve the newer equipment in order to get the competitive edge in fuel economy. Clearer exhaust would be an incidental by-product of the race to the top of the mileage charts. On the contrary, however, the manufacturers do not regard this equipment as a desirable component that helps sell cars. They wish to remove it in order to reduce the price of the vehicles. At the present, the manufacturers are strenuously lobbying Congress to amend the Clean Air Act to allow greater emissions from vehicles. This activity would certainly be self-defeating if control of emissions went hand-in-hand with a marketable increase in fuel economy. In actuality, the manufacturers are quite capable of improving fuel economy by other means, some of which produce an increase, not a decrease, in emissions.

The ARB has always understood that Sections IV(A)(2)(a) and (g) worked together and that the success of each depended on the existence of the other. The DOJ itself acknowledges in footnote 3 of the CIS that the restriction of joint statements is virtually worthless without its companion provision: "The two restraints are closely interrelated; the efficacy of each rests on the continued existence of the other. For example, an extension of the restriction on submission of joint statements would be meaningless if the defendants were permitted to tacitly coordinate their responses to regulatory initiatives by pooling restricted information * * *."

In the Reply Memorandum of the United States in Support of Its Motion to Continue

Sections IV(A)(2)(a) and IV(A)(2)(g) of the Final Judgment, dated January 19, 1979, the DOJ cogently argued at pages 18–19 that, given the disincentives to compete in the development of emission control technology, the sharing of restricted information would allow each manufacturer independently to decide to "downgrade his commitment toward the lowest common denominator." The DOJ concluded at footnote 11 that the decree would be inadequate, absent the expiring provisions, to protect against this danger: "For the reason of the decree's perpetual restraint against combining or conspiring to retard the development of Devices affords insufficient protection for as long as the pubic interest requires further development. Retardation may result from independent decisions by defendants not to compete, in the absence of any combination or conspiracy to achieve that result."

In its Antitrust Guide Concerning Research Joint Ventures (1980) (Antitrust Guide), at pages 18–19, the DOJ discussed the particular danger of sharing restricted information in a joint venture concerning "externalities" such as air pollution.

"* * * the pooling of confidential information, such as product introduction dates, while questionable even in an ordinary research joint venture, is especially suspect in a joint project dealing with externalities, for it can enable the venturers to prevent any of their number from picking up the pace of innovation by making available a production or process of which the other joint venturers are unaware. [Footnote omitted]."

In addition, Exhibit 2, the letter from the Administrator of the National Highway Traffic Safety Administration (NHTSA) to the President of the Motor Vehicle Manufacturers Association (MVMA), does not completely confirm the DOJ's statement of the NHTSA's position on page 7 of the CIS. Mr. Peck expressly requested "that any defendant joining in a joint statement on any rulemaking notice concerning a Federal motor vehicle safety standard or regulation also file an individual statement on that notice," as he had the right to request under the existing Final Judgment. Paragraph VI(C) of the proposed MFJ would relieve the defendants of that responsibility.

Moreover, the Environmental Protection Agency's (EPA) failure to take a position should not be interpreted as abandonment of its former support for the provisions. Its adoption of a liberal waiver policy merely shows that the Final Judgment currently allows any needed flexibility to respond to changed circumstances.

The record in this case is replete with discussions of why innovation in pollution control technology is not governed by the same market forces as other product improvements. Although everyone wants clean air, individual consumers are not willing, if they are given a choice, to pay extra for better emission controls if the vehicles would be less expensive without the controls. Moreover, the defendants historically have been bluntly uninterested in any vehicle modifications that would not either save them money or stimulate sales. Consequently the stick of legal force has had to replace the carrot of corporate profits.

Regulations must be reasonable, however; and the ARB cannot force the manufacturers to meet standards which are not economically and technologically feasible. The primary evidence of feasibility available to the ARB is the information provided by the parties developing emission controls, usually the manufacturers themselves. Clearly the ARB needs complete and accurate information from each of those parties in order to do its job.

The Final Judgment entered in 1969 has greatly enhanced the ARB's ability to obtain the information that it needs to adopt vehicle emission standards. The regulatory process that has evolved in the past several years now includes individual workshops with each manufacturer where the manufacturer can privately disclose confidential cost information and emerging technological developments. Obviously, this information is extremely valuable to the ARB in determining feasibility, necessary lead time, and cost-effectiveness. In a recent reconsideration by the ARB of the exhaust emissions standard for heavy-duty engines, the Board was able to determine, on the basis of testimony by individual manufacturers, that the existing standards were technologically feasible, despite an industry position that the standards were not feasible.

Although most of the manufacturers affected by that standard are not parties in this case, the example is nonetheless instructive. In fact, the ARB is concerned, since non-defendant manufacturers of heavy-duty engines and motorcycles currently participate in the same open and constructive process, that modification of the Final Judgment, as proposed, will serve as an invitation to all motor vehicle manufacturers to abandon the process that is now working in the public's interest and to engage in the type of agreements that the Final Judgment was intended to eliminate and prevent.

So long as California's air exceeds the health and welfare based ambient air quality standards, the ARB's task will be to adopt the strictest emission standards that are technologically and economically feasible. Consequently, in considering a proposed standard, the ARB is especially interested in the statements made by the most optimistic manufacturers, for these statements will indicate what degree of control the ARB can reasonably require at that particular time. A joint statement will never represent the position of the industry forerunner. It will inevitably reflect a median or lowest common denominator position, which is little help to the ARB in its efforts to combat a grave public health problem.

The ARB staff is currently preparing a diesel particulate standard to recommend to the Board. The staff has invited manufacturers to participate in individual workshops and has requested submittal of cost and technological information. If the manufacturers are permitted to submit only a joint statement or to coordinate their statements in advance, the ARB fears that the information it receives will be unduly pessimistic, and will result in an unnecessarily conservative standard.

Without the prohibitions, the ARB may question the sincerity of an industry-wide protest to a proposed or existing standard. The Board frequently decides to delay a standard when it learns that industry is not progressing as rapidly as it expected. The Board may be more reluctant to grant these delays in the future if it suspects that the only information it has received has been edited and diluted to conform to an agreed-upon position. In this manner, the proposed MFJ could work to the manufacturers' detriment.

A potential argument for why these provisions are less crucial now than they were in 1969 is the significant role that foreign cars have come to play in the U.S. market. A united and pessimistic statement by domestic manufacturers that a proposed standard is infeasible is certainly less credible if the foreign manufacturers testify that they can meet the standard at a reasonable cost. Nevertheless, the ARB would be extremely reluctant to adopt a standard which every major domestic manufacturer said it could not meet. For example, despite the expressed ability of several foreign manufacturers to meet the standard for oxides of nitrogen (NOx) emissions for 1983 and subsequent model years for passenger cars, light-duty trucks, and medium-duty vehicles, the ARB last year reduced the stringency of that standard in response to cost concerns of the domestic manufacturers. Hence, while the massive influx of imported cars has changed the situation, it has not eliminated the need for the ARB to receive independent and accurate information from each domestic manufacturer.

The ARB is troubled by the DOJ's failure to articulate any reason, other than the exaggerated "erosion of support", for its radical departure from its former position. In its Memorandum of the United States in Support of Motion to Continue Sections IV(A)(2)(a) and IV(A)(2)(g) of Final Judgment, dated October 27, 1978, the DOJ stated at page 8:

"The government's motion is based on its conclusion that there is a continuing need for the expiring provisions. Although substantial progress in auto emission technology research has been achieved since 1969, the solution to this urgent national problem is not yet at hand. The statutory mandates of the responsible regulatory agencies have not yet been discharged. Future emission control requirements remain to be promulgated. [See Exhibit 4 at 71–72] It is clear, therefore, that the provisions in question must be continued in order to protect the ability of the responsible agencies to find a solution to the automobile pollution problem. Those agencies are relying on the independent research and reports of the manufacturers to insure future progress in the development of auto emission technology, an area of the highest continuing public interest."

The DOJ's sudden reversal would seem to imply that the solution to the problem is now at hand, that the responsible regulatory agencies have now discharged their statutory mandates, and that no future control requirements remain to be promulgated. Yet the DOJ has cited no facts to support those implication; and indeed, no such facts exist.

When the DOJ was seeking to extend these two provisions, it submitted to the court as support a letter, dated August 21, 1978, from Kingsley Macomber to John H. Shenefield. That letter, which sets forth the ARB's views on Sections IV(A)(2) (a) and (g) is attached to these comments and incorporated herein.

2. *Sections IV(A)(2) (b), (d), (e), and (f).* The ARB objects to the modification of the existing prohibition on certain presumptively anti-competitive agreements, which modification would allow the agreements but would require notice to the DOJ. Despite the DOJ's assurances, at CIS p. 16, that "the United States would not hesitate to initiate a criminal action against any future agreement that significantly impedes progress in this area", the ARB is not convinced of the DOJ's commitment to ensuring that no future agreement permit or contribute to a delay in the research, development, or installation or emission control devices. If the DOJ declined to initiate criminal action in 1969 in the face of overwhelming evidence of widespread criminal activity and a strong desire by the public and members of Congress to bring the evidence into the light of a public trial, the ARB doubts that it would do so now when it is burdened by a mandate from the President to ease the load on the financially troubled vehicle manufacturers.

If, as the DOJ claims, the relaxation of the restraints could result in agreements with pro-competitive effects, the ARB fails to see why the existing Final Judgment could not achieve the same result. Paragraph IV(B)(4) currently allows the defendants to enter into any agreement to which the DOJ consents in writing, and this provision has, in fact, been used in the past. Thus, if certain defendants wished to enter into a pro-competitive but prohibited agreement, *they need only convince the DOJ that the agreement would be pro-competitive, and they would then be permitted to proceed.* The DOJ discussed the flexibility which this provision gives the Final Judgment in its memorandum of the United States in Opposition to Defendants' Joint Motion and Defendant Ford Motor Company's Separate Motion for Reconsideration of the Court's March 31, 1979 and April 24, 1979 Orders. Contrary to the DOJ's assertion, at CIS p. 14, the existing Final Judgment does not "deny the public the benefit of what might otherwise prove to be a pro-competitive arrangement." It merely places the burden on the defendants to show that the arrangement is pro-competitive and ensures that the DOJ, in deciding whether to consent, actually does review the proposed agreement. In addition, the ARB expects that the DOJ would give public notice and consider comments before consenting to any proposed agreement.

Under the proposed MFJ, the defendants may enter into the formerly prohibited agreements without any prior review or approval by DOJ. Although DOJ must be notified, there is no assurance to the public and to the regulators that it actually will conduct any review or that it will take action if its review results in a finding that an agreement is anti-competitive.

The DOJ concedes, in footnote 22 of the CIS, that it would be inclined to take action if General Motors and Ford entered into any arrangement to jointly assess the value of third-party patent rights, as "such an arrangement smacks of price-fixing". If it would regard such an arrangement as improper, without knowing any details or justification for the agreement, it seems senseless to discard the procedural advantage that the DOJ has under the present Final Judgment. The public interest is far better served by a procedure that requires DOJ review before the manufacturers enter into suspect agreements than by one which requires the full panoply of administrative decision-making and judicial action necessary to terminate an ongoing agreement. In addition, any decision to initiate legal action made by the DOJ under the proposed modification would be subject to its prosecutorial discretion, thereby deteriorating further the protections provided by the present Final Judgment.

The four types of prohibited agreements which would be allowed under the MFJ are agreements:

(1) to cross license patents or patent rights, including patents or patent rights acquired in the future;

(2) to restrict publicity concerning research and development of emission control equipment;

(3) to employ joint assessment of third-party patents or patent rights; and

(4) to require that acquisition of patent rights be conditioned upon availability of such rights to others on a most-favored-purchaser basis.

The DOJ makes it clear in its Antitrust Guide, at pages 29–30, that patent pools require "particular scrutiny under the antitrust laws." Those agreements which require transfer of subsequently obtained patents are especially likely to discourage independent research because the companies "would be aware that the fruits of their labors would be granted royalty-free to other participants."

On the subject of publicity, the Antitrust Guide states at page 18:

"Restraints on public knowledge concerning the subject matter of the joint venture on externalties research should seldom be permitted, for such restraints may prevent the regulators or the public from learning of substantial progress by one or more venturers toward attaining a regulatory goal, and thus inhibit adequate determination of the public interest."

Agreements to jointly assess third-party patents or to require that acquisition of patent rights be conditioned upon availability of such rights to others on a most-favored-purchaser basis would discourage third parties from engaging in research and development of emission control technology. Substantial progress is still needed in control of emissions of NO_x and particulate matter from light and heavy-duty diesel engines. Companies other than the vehicle manufacturers are currently working on development of diesel controls. It is in the best interests of the public to preserve maximum incentives for these companies to continue this research. An agreement among defendants, potential customers for these companies, to jointly assess patent rights or requiring that each defendant acquire patent rights only upon the condition that those rights be made available to the other defendants upon a most-favored-purchaser basis would severely threaten the flexibility of a successful producer of a device to conduct its business in the most profitable manner.

The nature of the automobile industry makes agreements between the defendant corporations concerning development or marketing of emission control equipment particularly suspect. The domestic automobile industry consists of a very few large corporations. Agreements which restrain competition between any of these corporations must be more closely scrutinized than would agreements between members of a less concentrated industry. The antitrust problems will only be exacerbated in the future by the trend toward mergers and stock acquisitions that will result in fewer but larger competitors. In addition, there is less justification for joint research in this industry because each major manufacturer has the resources to conduct independent research. The DOJ's Antiturst Guide discusses, at pages 11–12, the special problems of cooperation between the dominant members or all members of an industry:

"Industry-wide research projects that include many or all firms in a line of commerce, as well as projects involving the dominant firm or firms in an industry pose antiturst concerns. These are more likely to restrain competition in innovation than more limited projects involving a few firms with lesser market shares. A firm which knows that many or most of its competitors are not vigorously pursuing independent research because of a joint project may relax its own efforts and acquiesce in a slow-moving, passive, unimaginative joint research program. Hence, the danger arises that the joint project may become a device to retard rather than to stimulate innovative efforts. In these circumstances the pace of innovation pursued by the collective research project may be geared to that preferred by its least aggressive member. [Footnote omitted]. There is danger, also, that a single project will produce less innovation than will a variety of single and joint efforts employing alternative approaches."

The ARB certainly does not wish to stand in the way of any pro-competitive arrangements that truly serve the public good. Nevertheless, the DOJ obtained a consent judgment in 1969 which protects the public from the type of unlawful agreements that allegedly occurred in the past and which are described with warning language in the DOJ's own publication. The ARB opposes modification of this Final Judgment because modifiction exposes the public to unnecessary risks. Paragraph IV(B)(4) adequately ensures that the manufacturers may enter into lawful, pro-competitive agreements and guarantees to the public and to the regulators that the DOJ will indeed review any proposed agreements before they commence.

3. *Expiration in five years.* The DOJ has concluded, without indicating the basis for its conclusion, that five more years is enough time to achieve all the objectives of the Final

Judgment. So far as the ARB can tell, no agency with expertise in air pollution control was consulted by the DOJ in reaching this conclusion. It is the ARB's impression that preservation of competition in the development and installation of emission control equipment, so long as competition is needed, was the primary objective of the Final Judgment. Without denigrating the substantial progress that has been made in controlling emissions from gasoline-powered light-duty vehicles, the ARB wishes to note that diesel-powered vehicles, whose numbers are rapidly increasing, have not yet been adequately controlled. Moreover, tighter controls on all vehicles will undoubtedly be necessary to accommodate growth, both in the number of vehicles and the number and size of stationary sources of pollution such as power plants, refineries, factories, and offshore oil and gas exploration and production facilities. It is wholly unrealistic to think that the need for competition in the development of emission control technology will disappear in five years or less.

Conclusion. Active competition has proven successful in the development of pollution control technology. Just last month, I visited the research facilities at General Motors and Ford with Mary Nichols, ARB Chairperson; Dr. Laurence Caretto, ARB Vic-Chairperson; and K. D. Drachand, Chief of ARB's Mobile Source Control Division. We saw first hand that promising research on emission control technologies is still being conducted in an aggressive and competitive manner. A reduction in competition may reduce expenses for the automobile industry, but it may also stifle the progress that has marked the years since entry of the Final Judgment. The ARB wishes to emphasize that, if cooperative arrangements can be devised that cut costs without sacrificing innovation, the manufacturers remain free under the present Final Judgment to submit such arrangements to the DOJ for review. It is the ARB's goal to clean up the air, not to make the manufacturers suffer unnecessary economic hardship. Nevertheless, experience has shown that the manufacturers do not build clean cars unless they are required to do so, that the ARB cannot require them to do so: unless someone speaks up and says it can be done, and that no one will do that if it can be avoided. Certainly it saves the manufacturers money if none of them conduct research on emission controls. Without the threat, secured by the Final Judgment, that a competitor may be about to announce a breakthrough and inspire tougher standards, there is simply no incentive for a manufacturer to pursue improvements in emission control technology. This has been the argument of the DOJ since the 1960s, and it remains true today.

The California Legislature has expressly found and declared that the control and elimination of air pollutants from motor vehicles "is of prime importance for the protection and preservation of the public health and well-being, and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property"; and the Legislature has assigned responsibility for control of emissions from motor vehicles to the ARB. California Health and Safety Code Sections 43000, 39500. The ARB believes, and the DOJ has often stated its conviction, that the progress that has been made in controlling vehicular emissions is directly attributable to laws and regulations forcing manufacturers to develop and apply technologies which they refused to develop voluntarily. The ARB is concerned that the proposed modifications will result in agreements which could hamper the ARB's ability to adopt those regulations and which could discourage individual manufacturers, as well as third parties, from independent research into innovative or superior technologies, thereby undermining future progress in controlling vehicular emissions. The ARB urges that the DOJ and the Court not disregard the lessons of the past and not overestimate the progress that has been achieved. We respectfully request that the DOJ withdraw its motion for modifiction of the Final Judgment or that it amend the proposed MFJ to accommodate the concerns expressed in these comments.

Sincerely,

James D. Boyd,

Executive Officer.

Air Resources Board,

Sacramento, Calif., August 21, 1978.

Mr. John H. Shenefield,
Assistant Attorney General, Anti Trust Division, U.S. Department of Justice, Washington, D.C.

Dear Mr. Shenefield: The Office of the General Counsel at EPA has asked us to inform you of our view on renewal of the two provisions of the consent judgment against the domestic automobile manufacturers which will expire in October, 1979—Sections (IV)(A)(2)(a) and (V)(A)(2)(g). We urge that you seek renewal of these two provisions. Since their original adoption we have benefitted on several occasions from the diversity of the testimony received from the various manufacturers at our hearings and workshops; we believe that this diversity is due in large part to the prohibitions against the submittal of joint statements and the sharing of restricted information. This letter will describe three instances in which we have been able to adopt regulations which we regard as significant for our air pollution program, based on factual information received from one or more manufacturers, which contradicted the testimony of the others but which convinced us that the regulations were feasible for the industry as a whole.

I. *Emission Standards: 1980 and Later Model Year Light- and Medium-Duty Vehicles.* When these standards were adopted last year, the 1.0 gm/mi and 0.4 gm/mi oxides of nitrogen requirements received strong criticism from the domestic manufacturers. But although one manufacturer stated publicly that it was not possible to meet even the 1 gram standard, the three largest manufacturers—Ford, GM, and Chrysler—agreed that 1 gram was technologically feasible. No manufacturer, however, was willing to express this conclusion about the 0.4 gram standard. Thus, the actual research data, as well as the estimated cost and fuel economy penalties which the manufacturers stated would be associated with the 0.4 gram standard, were of greatest importance to us. The attached staff report (NO. 76-22-2(a), November 23, 1976; Tables at pp. 11 and 12) indicates the range of those estimates; for example, the initial cost increase per car associated with the 1980 standard ranged from zero to $275 among the American manufacturers. We believe that if the manufacturers had been able to exchange this information before supplying it to us, the range of estimates would have been narrowed considerably and would probably have reflected the worst case for the industry as a whole.

This experience illustrates the importance of ensuring that the information we receive is accurately and independently determind. Had several manufacturers submitted joint data or cost estimates which reasonably supported their opposition to the 0.4 gram standard, our staff would have been inclined to give far more credence to this opposition. Although it is still possible for a manufacturer to submit false data, where prior exchange of information is prohibited the false data will be more likely to stand out against the testimony of other manufacturers, as a reasonable range of cost and lead time estimates usually defines itself. Thus the inaccurate data will carry less weight, and the incentive to submit it is considerably reduced.

II. *Highway Cycle NO_x* Rule. Last winter the ARB adopted an amendment to its test procedures which limited allowable NO_x emissions during a highway cycle test to 1.33 times the applicable standard (2.0 times the standard for light duty trucks and medium duty vehicles).

This regulation was initially proposed because the staff learned that one manufacturer was using a system calibration which caused a substantial increase in NO_x emissions at highway driving speeds. In conference with this manufacturer, the staff learned that with a few calibration changes the manufacturer could meet the proposed regulation. In conference with another manufacturer, the staff found that it also planned to market vehicles incorporating a similar type of device calibration. At these conferences, each manufacturer supplied confidential information which was essential to our picture of the situation. We believe that this information might have been denied to us if the industry had been able to prepare a joint position. The Motor Vehicle Manufacturers' Association (MVMA) and both of the manufacturers we met with privately stated at the Board meeting that any action on the proposed regulations should be postponed pending an in-depth study on several items, including the effect of the regulation of all technologies planned for use in 1980. MVMA also recommended that alternative procedures be considered and that adoption of the regulations be deferred until after the conclusion of these studies.

At the Board meeting, the manufacturer which was already using a questionable calibration stated that, after discussion with the ARB staff, it has concluded that it could meet the proposed requirements, but it also suggested that the Board delay taking any

action until further studies could be performed. The other affected manufacturer stated that it was planning to use electronic control systems in the future, but it did not state at the public hearing that it planned to use a non-complying calibration. No other manufacturer came forward, either publicly or in private, with any other specific information beyond the request that action on the regulations be delayed.

This experience illustrates the importance of the prohibition against exchanging restricted information, as well as the prohibition against submitting joint statements. Much of the information on which we rely in developing rules comes from workshops and conferences with individual manufactures; these frequetly occur months in advance of any formal regulatory hearing. When manufacturers discuss issues with the ARB staff alone, they are more likely to reveal candidly their new development work, and also their real evaluation of the implications of proposed regulations. Thus we can learn at an early date which aspects of new regulations will be troublesome to the industry and which will not; we can form conclusions about this ourselves, with a higher degree of confidence than we could ever have if we had to rely on conclusory public statements of the manufacturers. Collective workshops, by contrast, where several manufacturers are present tend to produce far less useful information, and to support a "lowest common denominator" industry position.

III. *Allowable Maintenance Regulations.* These regulations, limiting allowable maintenance during certification testing, were vehemently opposed, both at the ARB hearings and at the EPA waiver hearings. The industry contended that they were neither economically nor technologically feasible. However, information which was supplied to us independently by each manufacturer showed that each could meet the allowable maintenance requirements for some of the items which we proposed to include. The ARB staff asked each manufacturer to show the maximum maintenance intervals for certain components which it recommended for 1977 vehicles, and the maximum potential maintenance intervals for these same components by 1980. The staff report on these regulations (NO. 77-9-2, April 28, 1977; copy attached) summarizes the results of this questionnaire. The ARB staff asked each manufacturer independently to show the maximum maintenance intervals for certain components which it recommended for 1977 vehicles, and the maximum potential maintenance intervals for these same vehicle components by 1980. Tables 4 and 5 (pp. 13-14) of the staff report show that, for each potential 1980 maintenance period, at least one domestic manufacturer predicted a 50,000 mile maintenance interval would be feasible for 17 out of the 19 components or systems surveyed. For the 1977 recommended maintenance intervals, at least one domestic manufacturer was already recommending 50,000 mile, intervals for 13 out of the 19 components. Nonetheless, most manufacturers concluded that the regulations were not technologically feasible. Had they been permitted to communicate with each other before submitting the data which contradicted these conditions, we think that Table 3 would have reflected a much lower level of predicted achievement.

As the deadline approaches for attainment of the ambient air quality standards, the ARB will need to consider measures to achieve even further reductions of automotive emissions. These may include, for example, further modifications to our assembly line test procedures. Before proposing any such modifications, we will of course need to have a fairly accurate idea of their potential cost. As described above, we feel that this information can best be obtained if the manufacturers do not exchange it with each other first.

Even with the prohibition against exchange of restricted information in effect, manufacturers will often withhold research data from us as long as possible. For example, when ARB staff proposed the allowable maintenance regulations, we believed that the technology existed to develop an oxygen sensor which would only have to be replaced at 30,000 mile intervals although manufacturers were recommending 15,000 mile replacement intervals for 1977 models. The manufacturers in fact argued that an interval of over 15,000 miles would not be feasible. Shortly after the allowable maintenance regulations were adopted, we received the 1978 Part I certification applications, and discovered that one manufacturer was recommending no oxygen sensor maintenance for 50,000 miles. The manufacturer had not informed us, during the allowable maintenance hearings, of the prospect of a 50,000 mile replacement interval for this part. We believe that withholding information in this manner would occur far more frequently if it were done by industry-wide agreement, since under those circumstances the withholding of information would be far more effective in preventing the adoption of a regulation.

We hope that these comments are useful. If your are in need of further assistance, please contact either myself or Kathleen Kahn of the Air Resources Board legal staff, at (916) 322-2884.

Sincerely,

Kingsley Macomber,

General Counsel.

Exhibit 4

April 20, 1982

Bernard N. Hollander,

Chief, Judgment Enforcement Section, Antitrust Division, Department of Justice, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530

Re: United States v. Motor Vehicle Manufacturers Association: Proposed Modified Final Judgment and Competitive Impact Statement (47 Fed. Reg. 7529).

Dear Mr. Hollander: These comments are filed on behalf of the Center for Auto Safety, which opposes the government's attempt to seriously erode the vitality of the "Smog Conspiracy" consent decree by eliminating two of its key provisions and weakening several others. Before turning to the Center's specific objections, however, there are two general points which merit emphasis.

First, there is absolutely nothing in the public record which adequately addresses the reasons for the abrupt about-face the government has made with respect to its position on whether there is a continuing need for this consent decree. Until mid-1981, the Antitrust Division vigorously advocated the necessity of an extension of two key provisions of the decree, and expressly recognized the vital role served by the decree as a whole. Thus, in its Memorandum in Support of the Extension of Sections IV(A)(2)(a) and IV(A)(2)(g) of the Final Judgment, the government warned that although the decree had prompted "substantial progress in auto emission technology research . . ., the solution to this urgent problem is not yet at hand." Govt. Br. at 8. The government went on to admonish, in language equally apt here, that "[e]limination of the provisions from the decree would cut off prematurely relief that has by all accounts been very effective in preserving competition, and the continuation of which is recognized by the responsible federal and state regulatory agencies as crucial to resolution of critical national public health problems." In support of its motion, the Antitrust Division attached memoranda prepared by the Environmental Protection Agency, the National Highway Traffic Safety Administration and the California Air Resources Board which set forth in detail the adverse environmental consequences which would likely result from a relaxation of the decree. Virtually all of the environment problems discussed in these memoranda remain unresolved to date. *See infra.*

In mid-1981, immediately following the change in Administrations, the government abandoned its long held position that the continued enforcement of this decree was a critical element both in preserving competition and protecting the environment. The government offers two reasons for this dramatic shift of policy: (1) that the purposes of the decree have essentially been accomplished; and (2) that many features of the decree are now anticompetitive in effect, given the decline of the economic position of the defendant auto manufacturers. Ironically, however, the government took the diametrically opposed position up until only nine months ago, and there have been no intervening events which explain the government's change of heart. To the contrary, the only intervening circumstance has been a shift in the politic climate—not in the law, the state of the environment, or the economic position of the defendants—and it is regrettable indeed that the government has apparently let political considerations override its prior environmental and legal judgments.

There is a second, although closely related, flaw permeating the justifications offered by the government. Although the government has long taken the position that the consent decree in this action has played a key role in the effective implementation of the Clean Air Act, the government's filings gloss over the potential for harm to the environment inherent in weakening the decree.[1]

[1] As the EPA noted in the memorandum it submitted to the Court, "[g]iven the discretionary

The government should not need to be reminded that it strenuously argued for an extension of Sections IV(A)(2)(a) and IV(A)(2)(g) on the ground that retention of these provisions was *essential* for the EPA to fully realize the goals of the Clean Air Act. Indeed, that point had been the focus of the government's and the EPA's argument to the Court. Yet in its current filings, there is virtually no discussion of the serious environmental concerns which inevitably are implicated by any tampering with the decree.

* * * * *

As discussed below, the Center has a number of specific objections to the government's proposed emasculation of this decree, but our most pervasive concern is that this decree is being jettisoned for reasons which simply bear no relation to the competitive and environmental problems which were intended to be remedied by the decree. No one disputes that the defendants in this action have been beset by economic problems for the past half-decade. Nor does the Center quarrel with the government's seeking to assist in the rejuvenation of the automobile industry. But the Center sees no justification whatsoever for, to paraphrase the government, the elimination of a decree that has been very effective in preserving competition and is crucial to resolving the serious public health problems posed by automobile-generated air pollution.

A. Effect on Competition of Relaxed Decree

The Justice Department alleges that the relaxed decree as proposed would increase competition by (a) permitting joint ventures between defendants that are now barred, (b) letting "less capable defendants" concentrate their lines of research rather than covering broad areas of research, and (c) reinvesting any savings from narrower research into new product development. The history of the smog conspiracy and developments in automotive technology since the 1969 decree went into effect show that these allegations are completely unfounded.

1. *History of Smog Conspiracy Shows Relevancy of Decree Today.*

For at least 16 years prior to the 1969 consent decree, the domestic auto manufacturers had conspired to restrain the development and marketing of auto exhaust control systems and technology. The basic elements of their concerted action were simple—shared knowledge and use of each other's technological developments, agreed upon positions to be taken before Federal and State agencies and legislatures seeking to regulate auto emissions, control of dissemination of public information on technological developments, and common assessment of inventions by third parties to discourage the adoption of outside technology. The modified decree proposed by the Justice Department would eliminate the checks on this system, thus raising the real possibility that the defendants will simply reinstate the anticompetitive practices now prohibited by the decree.

The adverse environmental effects of such behavior would be serious by any measure. By way of illustration, it should be noted that during the smog conspiracy, the only actual progress in reducing auto emissions came as a result of a 1959 California statute requiring that new cars sold in that state be equipped with exhaust controls one year after the state certified the effectiveness of at least two workable control devices.[2] The auto companies claimed that such controls could not be adopted until the 1967 model year. But when California certified the control devices of four non-automotive companies in 1964 and required the installation of those or equivalent devices on all new cars by the 1966 model year, General Motors, Ford and Chrysler suddenly announced that they could indeed install such devices in 1966 vehicles.[3] Their switch was clearly prompted by the risk of having to use the device of the non-industry certified companies and demonstrates their willingness to mislead regulatory authority when it served their interests.

If past experience is any guide, there is every reason to expect the same sort of behavior from the defendants in the future. Thus, for example, it is likely that with the large number of auto emission and safety regulations presently in force and under consideration by state and Federal agencies and legislatures, the auto manufacturers will again file jointly prepared statements. The primary purpose of these joint statements, as well as shared knowledge of the confidential research and development information—key features of the conspiracy—is to resist technology-forcing regulations, not to improve competition or the environment. Similarly, the newly created presumption of the proposed decree—that restrictions on the publicity of advances in emission control technology are legitimate—can only work to hinder governmental bodies in setting pollution control requirements based on the most recent advances. Finally, permitting the auto companies to combine research efforts, jointly assess outside technology and gain access to patent rights to new technology on both an automatic and most favored purchaser basis depending upon the situation, will reduce competition and dilute the ability of outside firms to get their technology used by the domestic auto companies.

2. *The Consent Decree Has and Will Stimulate Technological Development.*

The Justice Department's contention that cooperation will better improve technology has been proven wrong, ironically, by the success of the decree itself. Experience under the decree irrefutably demonstrates that when forced to operate independently and competitively, the auto manufacturers have made significant advances. In contrast, prior to the decree, the cooperative—*i.e.*, conspiratorial—atmosphere bred little more than stagnation. A few examples of the success of the decree illustrates this point.

In the field of emission control, the pressure of the emission standards in the 1970 Clean Air Amendments[4] and the more competitive atomsphere of the consent decree led to significantly improved technology. Under the 1970 Amendments, the National Academy of Sciences was required to make yearly reports on the progress of the auto companies in meeting the stringent statutory emission standards.[5] The tremendous strides of the auto industry since the consent decree and the 1970 Amendments were summed up by Dr. John A. Hutcheson of the National Academy of Sciences in testimony before the Environmental Protection Agency on the suspension of the then 1976 statutory standards for oxides of nitrogen emissions.

The automotive industry, in my opinion, has in the last three years or so learned more about the engine in the automobile they make than they ever knew before.[6]

In the closely related field of automotive fuel economy, there have been equally dramatic improvements since the imposition of the consent decree. The average 1958–1967 new car fleet fuel economy was 14.9 miles per gallon (MPG), and decreased to 14.7 MPG in 1968 and 1969. By the 1981 model year, the new car fleet fuel economy had increased to 25.1 MPG.[7]

In the field of automative safety, which is tangentially covered by the consent decree, there have also been significant improvements since entry of the decree. For example, passive restraints which have greater life saving potential than any other automative safety device have gone from consideration in an initial Department of Tranportation (DOT) public hearing in the summer of 1969 to a well-developed technology used on over 500,000 motor vehicles in the United States. Beginning with 1977 models, new cars provided protection against ruputure of gas tanks in severe rear end crashes. Bumpers protecting against damage in crashes up to 5 MPH were introduced from 1974 through 1980. Side impact protection was introducted in the early 1970's.

In all areas of government regulations of the automobile—safety, emission and fuel economy—the auto manufacturers have individually tried their hardest to obtain delays, relaxations and suspensions of

nature of much of the EPA's statutory authority and the fact that EPA relies to a great extent on information provided by the manufacturers, operation of the two expiring restraints has been and will continue to be important to the proper functioning of EPA's regulatory authority under the [Clean Air] Act." EPA Memorandum at 2.

[2] See D. Clarkson & J. Middleton, "The California Control Programs for Motor Vehicle Created Air Pollution" before the Air Pollution Control Association in New York City (June 11, 1961).

[3] See Memorandum from L. Lombardo, Mobile Source Pollution Control Program, Environmental Protection Agency, to Dr. H. Ritchin, Justice Department, reprinted in Hearings on Research in Ground Propulsion Systems Before the Subcomm. on Space Science and Applications of the House Comm. on Science and Astronautics, 93d Cong., 2d Sess. 132, 145–46 (1974).

[4] Clean Air Amendments of 1970, 42 U.S.C. §§ 1857, *et seq.*

[5] *Id.* at § 1856f-1(c).

[6] Testimony of Dr. John A. Hutcheson, Vice Chairman of the Committee on Motor Vehicle Emission, National Academy of Sciences, before the Environmental Protection Agency, Motor Vehicle Pollution Control Suspension Request 1299 (June 29, 1973).

[7] Environmental Protection Agency, "Light Duty Automotive Fuel Economy-Trends through 1981," SEA Paper No. 810386, Table C-1 at 3 (Feb. 23–27, 1981).

standards through Congress and the federal agencies. While the manufacturers have had some success, the very agencies which are the targets of their lobbying efforts, *i.e.*, the Environmental Protection Agency, National Highway Traffic Safety Administration and the California Air Resources Board, urged prior to the change in Administrations that these provisions be retained as a prophylactic measure. Nothing has changed in the past year which casts doubt on their unanimous view that the efforts of the auto companies to reduce environmental regulation would unquestionably have been easier if they had not been prevented from making jointly-prepared presentation in the safety and emissions area by § IV(A)(2)(g) of the consent decree.

3. *Small Companies Have Been the Most Innovative During the Decree.*

The Justice Department argues that the consent decree hinders the less advantaged defendants from making advances in emission control technology. This is blatantly wrong, for companies even smaller than the defendants have made the greatest advances in automotive emission control technology. These advances were made without cooperative research and development efforts and despite the fact that the companies had to meet other regulatory and market demands.

Perhaps the best example of an innovative small company is Volvo. This Swedish auto maker sells about 50,000 cars in the U.S., compared to GM's average of 5 million. Even AMC and Chrysler sell mutiples more. Yet Volvo has led the way in safety technology with the development of features such as the 3-point (combined shoulder harness and lap) belt, the integral head-restraint and the occupant compartment crash cage.

Volvo's accomplishments in the area of automobile emission controls are even more impressive. Volvo was the company that developed the 3-way catalyst that successfully enabled its cars to meet the original Clean Air Act statutory emission standards of 0.41 HC, 3.4 CO, and 0.4 NO_x. Volvo first did this for its cards sold in California in 1977 and later applied this technology to all cars sold in the United States.[8] Once Volvo showed the way, the far larger U.S. auto companies followed suit by putting the 3-way catalyst on their cars in California in 1980 and the rest of the U.S. in 1981.

Honda's Stratified Charge Engine

In 1970, Honda sold only motorcycles in the U.S. By 1980, Honda was the third largest car importer in the U.S. with sales of 375,388 ranking behind only Toyota and Nissan. Honda had even jumped ahead of American Motors whose total 1980 car sales were only 150,878.[9]

One of the principle instruments of Honda's accomplishments was technological innovation, particularly in the emission control area. As recognized by the Department of Transportation, Honda became the first auto company to develop and market the stratified charge engine in the CVCC Civic.[10] This engine is a clean burning alternative to the traditional internal combustion engine which had been known but not developed during the smog conspiracy. Indeed, the Justice Department itself cited the failure of the domestic auto companies to build this engine as part of the conspiracy:

[I]n the late 1950's Ralph Heintz, inventor, developed and patented a stratified charge engine . . . which reduced hydrocarbon, carbon monoxide and oxides of nitrogen emissions, while at the same time effecting a savings in gasoline consumption. . . . Moreover, the stratified charge engine would replace the conventional engine with little or no additional costs to the consumer. . . . The development of this engine was publicized generally so that the automobile manufacturers knew of its existence and what it would do. . . . Victor G. Raviole, former executive director of the Ford engineering staff, stated on several occasions in the early 1960's that the major automobile companies were investigating such an engine and on one occasion predicted that it might be ready for production before 1965. . . . However, the automobile manufacturers have evidenced little faith in this approach and no such engine has been produced by any of them.[11]

Other Pollution Control Innovations From Small Companies

Other small auto companies have made significant advances in pollution control technologies without combined research efforts and despite having to do widespread research to meet regulatory demands. For example, Mazda which sold 161,623 cars in the U.S. in 1980 was the only company to use a rotary engine. The 43,743 Mazda RX-7's with these engines were some of the very few vehicles that could meet the 1980 emission standards of 0.41 HC, 7.0 CO and 2.0 NO_x without a catalyst.[12]

Mercedes-Benz, which sold 53,790 in cars in the U.S. in 1980 and ranked sixteenth in worldwide car sales, is also one of the more innovative companies in safety and emission controls.[13] In addition to being a leader in diesel technology, Mercedes is the only auto company in the world presently selling cars with air bags that are recognized as a needed future safety technology.[14]

NHTSA Found Chrysler and Other Small Companies Do Not Spend Proportionately More To Develop Technology

In response to claims by Chrylser Corporation "that automobile regulations have a greater adverse effect on the smaller companies than on the larger ones,"[15] NHTSA conducted an extensive analysis that thoroughly refuted this contention. As part of this effort, NHTSA specifically rejected the contention at the heart of the Justice Department's reason for relaxing the consent decree, *i.e.*, that "a larger portion of the smaller firms' technical and R&D resources must go to meet regulations, leaving them little to use for product development."[16]

To the contrary NHTSA found:

In conclusion, the Agency, through analyzing the industry's own financial and other data, finds no basis for the belief that automobile regulations have a greater negative burden on smaller firms. If anything, the data show that the smaller firms have spent in the past, and are still projecting to spend in the future, *less* per vehicle than their larger competitors.[17]

NHTSA specifically examined the domestic auto companies capital expenditures and investments to determine the impact of regulation. Contrary to industry's allegations, NHTSA found the smaller companies, particularly Chrysler to be spending less:

[T]he smaller companies spent *less* per vehicle, when compared to their larger competitors. Chrysler, in particular, invested only at a level of 60–70 percent per vehicle compared to GM. Therefore, it does not appear that investments per vehicle were higher for the smaller companies. In fact, Chrysler experienced a larger decline in investments per vehicle from 1964–67 to 1968–76 than did Ford, and Ford's decline was larger than GM's. In the last 2 years, GM's per vehicle capital expenses increased 60 percent over the pre-regulation period, Ford's increased 50 percent, while Chrysler experienced only a 32 percent increase. Hence, it seems the larger companies are experiencing the relatively greater burdens.[18]

These few examples highlight the fact that the Department's claim that the consent decree hinders development in emission control technology is wholly unfounded. And when one contrasts the enormous technological strides the defendants themselves made during the consent decree

[8] A summary of Volvo's accomplishments with the 3-way catalyst is contained in the statement of Chairman Tom Quinn, California Air Resources Board, before the Subcomm. on Health and the Environment of the House Comm. On Interstate and Foreign Commerce, 95th Cong., 1st Sess. 839, 848–50 (1977).

[9] Automotive News, "1981 Market Data Book Issue 8," 38 (April 29, 1981).

[10] Honda . . . mass-produced a stratified charge engine, the CVCC, which in comparison to conventional engines . . . was lower in CO; HC, and NO_x emissions and higher in fuel economy. Honda developed the CVCC engine without government assistance or outside help. Detroit was quick to critize the new engine and minimize its importance for the U.S. auto industry. Honda introduced the new engine in its Civic model . . . in the U.S. in 1975. Immediately, it met with a highly successful market acceptance and strengthened substantially Honda's market position . . . . Honda's CVCC-equipped cars won numerous accolades from the media and, from 1974 through 1977, were rated by the EPA as cars with the highest estimated gas mileage of the 300 cars tested.

Department of Transportation, "Honda Motor Company's CVCC Engine" ix–x (July 1980).

[11] Department of Justice memorandum urging criminal prosecution of the automobile manufacturers, placed in the Congressional Record by Congressman Philip Burton. 177 Cong. Rec. H 4063 (daily ed. May 18, 1971).

[12] Automotive News, "1981 Market Data Book Issue" 40 (April 29, 1981).

[13] *Id.* at 38, 4.

[14] The Mercedes air bags system is a driver-side only which is used with a lap-belt.

[15] "The Effects of Automobile Regulations on Industry Competition" p. I–1 (November 1979).

[16] *Id.* at p. I–2.

[17] *Id.* at p. I–5.

[18] *Id.* at p. V–4.

period and the stagnation that was the hallmark of the conspiracy, it becomes plain that the controls imposed by the decree are necessary to ensure a healthy, competitive environment.

B. The Purposes of the Decree Are Not Yet Accomplished

As the government acknowledges, the primary purpose of the consent decree was to eliminate the anticompetitive effects of the conspiracy defendants had engaged in to minimize competition in research, development, installation and sale of motor vehicle emission control devices. In so doing, the government was seeking to promote the development of emission control technology, thereby sharply cutting back on air pollution caused by motor vehicle exhaust. While there has been improvement in this area since the decree was entered in 1969, major gains are still to be made and the potential for anti-competitive conduct by the defendants persists.

1. *Auto Air Pollution.*

Under § 110 of the Clean Air Act, states have until 1987 to meet health-protecting ambient air quality standards for the auto pollutants carbon monoxide (CO), oxides of nitrogen (NO_x) and ozone [which is controlled primarily by reducing hydrocarbon (HC) emissions]. According to the National Commission on Air Quality, which was created by Congress in the Clean Air Act Amendments of 1977, Pub. L. No. 95–95, to study the continuing problem of air pollution in the United States, at present many urban areas do not meet these standards. The Commission's final report observes that 506 counties are not complying with the ozone standard, 145 with the CO standard and 7 with the NO_x standard.[19]

Similar findings are reported by the American Lung Association. In its 1982 study, the Lung Association found that 154 million Americans presently live in 620 counties which do not meet the health related ambient air quality standard. Violations of the HC, CO and NO_x standards occur in 601 of these 620 counties and account for the vast majority of the millions of Americans who are exposed to unhealthy air.[20]

As these statistics illustrate, air pollution caused by auto emissions remains a serious public health problem. It is beyond dispute that the extent to which Americans have healthy air to breath depends upon a number of crucial auto emission control technologies and programs yet to be implemented. Without the prophylactic measures of the decree, attainment of the needed emission control is in doubt and the purpose of the original decree will not be achieved.

The following is a list of auto emission control measures that have not yet been attained and would benefit from retention of the decree in its entirety.

Diesel Emission Controls

In 1980, EPA determined that diesel particulate emissions posed a serious health hazard and could be carcinogenic. In view of this danger and the fact that diesels could make up 25% of the new car market by 1985, EPA set a new particulate emission standard of 0.2 grams/mile for 1985 model year diesel cars and 0.26 for diesel trucks.[21] The National Academy of Sciences has recently concluded that feasible technology has not yet been developed to meet these standards.[22] Citing the lack of technology, EPA has moved to delay or relax the diesel particulate regulations.[23] In a related proceeding, EPA has also found that diesel technology is unavailable to meet the 1.0 gram/mile NO_x standard and has granted waivers through the 1984 model year for its attainment under § 202(b)(6)(B).[24]

Heavy Duty Truck Standards

In the Clean Air Act Amendments of 1977, Pub. L. No. 95–95, Congress set statutory emission standards for heavy duty trucks that required 90% reductions for HC and CO by 1984 [unless deferred] and 75% NO_x. Statutory standards were deemed necessary for trucks because of the growing threat of truck emissions and the relative slowness in developing control technology.[25]

In 1980 EPA promulgated heavy duty vehicle emission standards for 1984 that met the Congressionally mandated reductions. Now EPA is proposing to defer these standards until at least 1987.[26]

High Altitude Carbon Monoxide

High altitude areas of the United States such as Denver have particular difficulties in meeting auto CO emissions reductions due to the fact there is insufficient oxygen in the air to allow as complete combustion of the fuel as at sea level. In order to reduce auto emissions (particularly CO) to the levels of the emission standards, the vehicles need special technology such as latitude-compensating carburetors that are not needed elsewhere in the United States. Recognizing this difficulty, Congress amended § 206 of the Clean Air Act in 1977 to give the auto companies until 1984 to develop the technology necessary to control emissions. This goal has not yet been reached, and Congress is considering auto industry pleas to postpone the statutory deadline.[27]

Inspections/Maintenance Programs

Under § 110 of the Clean Air Act, many states must implement inspection maintenance programs by 1983 which will require vehicles in-use to pass emission tests. At that time, the auto companies will become liable under § 207(b) to warrant the repair of any vehicle that fails an EPA approved emission test. These programs can reduce vehicle emissions in the late 1980's by 20% for HC and 26% for CO.[28] The National Commission on Air Quality called them "the most effective method that has been demonstrated to reduce emissions from in-use vehicles." [29]

2. *Auto Safety.*

During the period of the consent decree, the safety of the individual car improved significantly. This improvement coincides closely with implementation of Federal Motor Vehicle Safety Standards beginning with the first standards in 1968 cars. As a result, according to the Department of Transportation's National Highway Traffic Safety Administration (NHTSA), "[A] 1980 car is at least 25 percent safer than a mid-1960's one." [30]

However, this nation faces a growing auto safety challenge in the 1980's. The challenge is a technological one to design and build safety into the otherwise more dangerous small cars that will be introduced in the next decade. As NHTSA itself has concluded:

There are strong indications that the traffic safety problem will become more serious in the 1980's. One of the most worrisome problems is the changing vehicle mix and general downsizing of all passenger cars and light trucks. With these smaller and lighter vehicles joining an increasing number of heavy trucks and older, heavier cars already on the road, the risk of death and serious injury will increase markedly.

Assuming everything else constant, including no new major safety program initiatives, our best guess at this time is that fatalities could increase from the current annual level of 51,000 to in the neighborhood of 70,000 by 1990. (Emphasis in original).[31]

C. Statutory Disclosure Requirements

There is one final point which warrants attention. The Antitrust Procedures and Penalties Act expressly requires the government to make available to the public any "materials and documents which the United States considered determinative in formulating" its proposed judgment. 15 U.S.C. § 16(b). In this action, the government contends that no such documents exist—an argument the Center finds wholly untenable. As noted above, the government's present intention to consent to sweeping modification of the decree is at odds with the position it

[19] National Commission on Air Quality, "To Breath Clean Air" 18–19 (1981).

[20] American Lung Association, "Populations At Risk" (March 1982).

[21] 45 Fed. Reg. 14496 (1980).

[22] "Diesel Cars: Benefits, Risks and Public Policy" (Dec. 21, 1982).

[23] 46 Fed. Reg. 62608 (1981); 46 Fed. Reg. 31677 (1981); 46 Fed. Reg. 21628 (1981).

[24] *E.g.*, 47 Fed. Reg. 6629 (1982).

[25] The House Committee Report summarized truck the emission problem:

Finally, heavy-duty truck and bus emissions have not been adequately reduced . . . .

The seriousness of the truck emission problem has also been documented by the Library of Congress. That report indicates that as a result of the inadequacy of truck emission standards

. . . a heavy duty truck will emit as much nitrogen oxides as nine automobiles, and as much CO as 45 automobiles. These ratios indicate that each year, after 1976, trucks and busses will be the source of a larger and larger percentage of total vehicular emissions. At some time between 1980 and 1995, the emissions from heavy-duty vehicles will be more than half of all transportation emissions, unless control regulations are revised.

H. Rep. No. 294, 95th Cong., 1st Sess. (1977), reprinted in *A Legislative History of the Clean Air Act Amendments of 1977*, at 2738–40.

[26] 46 Fed. Reg. 1642 (1982).

[27] *E.g.*, H.R. 5252, § 203(c), 97th Cong., 1st Sess. (1982).

[28] "To Breathe Clean Air," *Supra* n. 19, at 32.

[29] *Id.* at 33.

[30] "Traffic Safety Trends and Forecasts" 1 (October 1981).

[31] *Id.* at 2, 4.

has adhered to throughout the decade-long history of this consent decree. There can be little doubt that *some* documents factored heavily in the government's decision to reverse its policy. The Center thus urges the Department to reconsider its grudging interpretation of the APPA's disclosure requirements and make public "any materials and documents" which played a significant role in the Division's decision-making process.

The case law supports the Center's position. Recently, in rejecting a similar Antitrust Division claim that no "determinative" documents existed, the Court in *United States* v. *Central Contracting Co., Inc.*, concluded that "one must be naive to accept the United States' assertion that it considered no determinative documents or materials in formulating a proposed consent decree. . . ." 531 F. Supp. 133, 134 (E.D. Va. 1982). The court noted that the United States "appears to interpret 'determinative' as if it means a single critical or decisive document which evoked a cry of 'Eureka!' from the Justice Department." Rejecting the Justice Department's restrictive reading of the APPA's disclosure requirements, the court directed the government to make available to the public the "materials and documents that substantially contribute[d] to the determination to proceed by consent decree." In the Center's view, the same course should be followed here.

Conclusion

As the Center has demonstrated, the Department's reasons for seeking to undercut the vitality of the consent decree are not persuasive. There can be no dispute that the decree has worked well for over a decade. Nor can there be any doubt that the decree, if left intact, would continue to serve the purposes for which it was designed. Thus, the Center submits that the decree should be retained in its entirety.

The Center remains troubled by the fact that the Department is so willing to acquiesce in the emasculation of the decree. Given the Department's complete reversal of policy on the decree within the past nine months, the conclusion that political considerations have cast their shadow on this proceeding is unavoidable. But whatever the Department's motivation for shifting its position, it is clear that the Department is giving short shift to the most salient fact about this decree—it was instituted because the defendants had engaged in illegal and anticompetitive behavior which set back the development of pollution control devices in this country for decades. The public—not the defendants—paid and continues to pay for defendants' illegal conduct with their health, their pocketbooks, and the quality of their environment. The decree thus cannot be viewed simply as an economic arrangement between the Antitrust Division and the automobile industry. Rather, it must be assessed in a broader context—one which takes into account the fact that defendants' anticompetitive behavior has cost the public dearly.

Despite this fact, the Department nowhere acknowledges that the chief purpose of the decree is to serve as a bulwark against the reinstitution of defendants' illegal and anticompetitive behavior. Obviously, the Center believes that the checks which are imposed on defendants by the decree are still needed to ensure competition in the development of pollution control devices and the effective functioning of our regulatory agencies. For these reasons, the Center opposes any modification of the decree

Sincerely yours,

Clarence M. Ditlow III,

Director, Center for Auto Safety.

Certificate of Service

I, Anthony E. Harris, hereby certify that on August 27, 1982, I caused copies of the Response of the United States to Comments Submitted by Nonparties ("Response") and copies of the Notice of Hearing on Joint Motion to Modify the Final Judgment ("Notices") to be hand-delivered to defendants' Washington counsel:

Lloyd N. Cutler, Howard P. Willens, M. Carolyn Cox, Wilmer, Cutler & Pickering, 1666 K Street, N.W., Washington, D.C. 20006.

I also certify that on August 30, 1982, I mailed copies of the Response and Notice in a duly-addressed, franked envelope, to be delivered to defendants' local counsel:

Marcus Mattson, Lawler, Felix & Hall, 700 South Flower Street, Los Angeles, California 90017.

Anthony E. Harris.

[FR Doc. 82-24734 Filed 9-8-82; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82-49)]

Government-Owned Inventions; Availability for licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Availability of Inventions for Licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly foreign licensing.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: September 9, 1982.

FOR FURTHER INFORMATION CONTACT: National Aeronautics and Space Administration, John G. Mannix, Director of Patent Licensing, Code GP-4, Washington, D.C. 20546, telephone (202) 755-3954.

Patent application 235,868: Magnetic Heat Pumping; filed February 19, 1981.

Patent application 335,036: Method for Treating Wastewater Microorganisms and Vascular Aquatic Plants;-filed December 28, 1981.

Patent application 359,382: Method and Apparatus for Synthetic Aperture Radar Measurement of Ocean Current; filed March 18, 1982.

Patent application 364,093: Magnetic Bearing and Motor; filed March 31, 1982.

Patent application 367,134: Variable Anodic Thermal Control Coating; filed April 9, 1982.

Patent application 368,189: Apparatus for Releasably Connecting First and Second Objects in Predetermined Space Relationship; filed April 14, 1982.

Patent application 368,187: Absorbant Product and Articles Made Therefrom; filed April 14, 1982.

Patent application 372,279: Strain Gage Calibration; filed April 27, 1982.

Patent application 386,384: Heads Up Display; filed May 28, 1982.

Patent application 383,063: Vertical Shaft Windmill; filed May 28, 1982.

Patent application 385,220: Arrangement for Damping the Resonance in a Laser Diode; filed June 4, 1982.

Patent application 387,728: Directional Ratio Change Transmission; filed June 11, 1982.

Patent application 387,646: Self-locking Mechanical Center Joint; filed June 11, 1982.

Patent application 387,648: Improved Ingot Slicing Machine; filed June 11, 1982.

Patent application 387,647: Method and Apparatus for Transfer Function Simulator for Testing Complex Systems; filed June 11, 1982.

Patent application 387,649: Inflight IFR Procedures Simulator; filed June 11, 1982.

Patent application 392,094: Spray Applicator for Spraying Coatings and Other Fluids in Space; filed June 25, 1982.

Patent application 392,092: Method for the Preparation of Thin-Skinned Asymmetric Reverse Osmosis Membrane and Products Thereof; filed June 25, 1982.

Patent application 392,103: Solar Concentrator Protective System; filed June 25, 1982.

Patent application 392,104: Slow Opening Valve; filed June 25, 1982.

Patent application 392,093: Hermetically Sealable Package for Hybrid Solid-State Electron Devices and the Like; filed June 25, 1982.

Patent application 392,095: Mechanical Fastener; filed June 25, 1982.

Patent application 392,096: Family of Airfoil Shapes for Rotating Blades; filed June 25, 1982.

Patent application 393,567: Ampoule Sealing Apparatus and Process; filed June 30, 1982.

Patent application 393,584: Slide Release Mechanism; filed June 30, 1982.

Patent application 393,586: Heat Resistant Protective Hand Covering; filed June 30, 1982.

Patent application 393,581: Heat Resistant Protective Hand Covering; filed June 30, 1982.
Patent application 393,585: Cam Controlled Retractable Door Latch; filed June 30, 1982.
Patent application 393,588: Micronized Coal Burner Facility; filed June 30, 1982.
Patent application 393, 582: Connection System; filed June 30, 1982.
Patent application 394,343: Dual Physiological Rate Measurement Instrument; filed July 1, 1982.
Patent application 394,345: High Performance Filleting Sealant; filed July 1, 1982.
Patent application 394,344: Reactant Pressure Differential Control for Fuel Cell Gases; filed July 1, 1982.
Patent application 397,281: Piezoelectric Composite Materials; filed July 1, 1982.
Patent application 401;283: Energy Saving Electrical Motor Control Systems; filed July 23, 1982.
Patent application 401,282: Hemispherical Latching Apparatus for Payload Retension; filed July 23, 1982.
Patent application 403,371: High Performance Channel Injection Sealant; filed July 30, 1982.
Patent application 403,847: Sphere Forming Method and Apparatus; filed July 30, 1982.
Patent application 403,849: Low Noise Lead Screw Postioner; filed July 30, 1982.
Patent application 403,848: Method and Apparatus for Self-Calibration and Phasing of Array Antenna; filed July 30, 1982.
Patent application 403,378: Overlay Metallic-Cermet Alloy Coating System; filed July 30, 1982.

S. Neil Hosenball,

General Counsel.

September 1, 1982.

[FR Doc. 82-24665 Filed 9-8-82; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Coast Guard Panel; Meeting

September 3, 1982.

Pursuant to Section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Coast Guard Panel of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet on Thursday and Friday, September 23-24, 1982. The panel will meet in Washington, D.C. at the Page Complex, 2001 Wisconsin Avenue, NW., Page Building #1, Room 418. The session, which will be open to the public, will convene at 9:00 a.m. and adjourn at 5:30 p.m. on September 23, and will convene at 9:00 a.m. and adjourn at 1:30 p.m. on September 24. The panel will listen to presentations from the U.S. Coast Guard (speakers to be announced) and discuss draft conclusions for the NACOA position.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Coast Guard Panel, Mr. Michael R. Naess. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Ms. Linda K. Glover, the Staff Member for the Coast Guard Panel. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235.

Steven N. Anastasion,

Executive Director.

[FR Doc. 82-29732 Filed 9-8-82; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506.

1. Date: September 24-25, 1982
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 314
   Program: This meeting will review Interdisciplinary Panel I for Independent Study and Research applications, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.
2. Date: October 1-2, 1982
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 314
   Program: This meeting will review Interdisciplinary Panel II for Independent Study and Research applications, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.
3. Date: October 18-19, 1982
   Time: 9:00 a.m. to 4:30 p.m.
   Room: 911
   Program: This meeting will review applications submitted by institutions of higher education for Challenge Grants, Office of Challenge Grants, for projects beginning after March 1, 1983.
4. Date: October 25-26, 1982
   Time: 9:00 a.m. to 4:30 p.m.
   Room: 911
   Program: This meeting will review applications submitted by museums for Challenge Grants, Office of Challenge Grants, for projects beginning after March 1, 1983.
5. Date: October 28-29, 1982
   Time: 9:00 a.m. to 4:30 p.m.
   Room: 911
   Program: This meeting will review applications submitted by institutions of higher education for Challenge Grants, Office of Challenge Grants, for projects beginning after March 1, 1983.

The proposed meetings are 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. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings 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 about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 82-24763 Filed 9-8-82; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Application Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at

Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 8, 1982. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 **Federal Register.** Additional information was published in the 13 July 1982 **Federal Register,** page 30328.

The application received is as follows:

1. *Applicant:* Dr. Warren M. Zapol, M.D., and Dr. Robert C. Schneider, M.D., Department of Anesthesia, Massachusetts General Hospital, Boston, Massachusetts 02114.

Activities for Which Permit Requested

Taking. The applicants request permission to capture up to 30 pregnant Weddell Seals to study maternal and fetal heart rate changes during free unrestrained diving, and 30 male Weddell Seals to study time and depth related changes of arterial blood concentration of products of metabolism during diving. The seals will be released at the conclusion of the experiments.

This is a modification to a previous permit application requested by Dr. Zapol. The modification is to increase the number of seals to be taken. Details were published in the **Federal Register** July 13, 1982, page 30330.

Location

McMurdo Station and vicinity, Antarctica.

Dates

October 1, 1982 to December 10, 1983.

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 82-24741 Filed 9-8-82; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Reports Issued

Aircraft Accident Report: Air Florida, Inc., Boeing 737-222, N62AF, Collision with 14th Street Bridge, near Washington National Airport, Washington, D.C., January 13, 1982 (NTSB-AAR-82-8).

Aircraft Accident Report: Ronson Aviation Bell 206B, N27670 and Seminole Air Charter Piper PA-34-200T, N8110R, Midair Collision, East Rutherford, New Jersey, September 23, 1981 (NTSB-AAR-82-6).

Railroad/Highway Accident Report: Miller Transporters, Inc., Tractor Cargo Tank-Semitrailer/Southern Railway System Freight Train Collision and Fire, Huntsville, Alabama, September 15, 1981 (NTSB-TSR-RHR-82-1).

Marine Accident Report: Collision of the U.S. Towboat M/V BRUCE BROWN and Tow with the U.S. Towboat M/V FORT DEARBORN and Tow, Mile 677.6, Ohio River, December 9, 1981 (NTSB-MAR-82-5).

Aircraft Accident Reports: Brief Format, U.S. Civil Aviation, Issue Number 6 of 1981 Accidents (NTSB-BA-82-8).

Recommendations To

Federal Aviation Administration: Aug. 18: A-82-91: Establish formal human performance criteria for the development and evaluation of instrument approach procedures and instrument approach charts. *A-82-92:* Establish human performance checklists or guidelines for use by procedures specialists and flight inspection pilots when evaluating new approach procedures. *A-82-93:* Assign personnel trained in human engineering and human performance to the Interagency Air Cartographic Committee and the Intra-Agency Committee for Flight Information. *A-82-95:* Immediately advise all pilot schools operating Cessna Model 172 airplanes to avoid abrupt movement of the control wheel to the full forward stop, particularly during demonstrations of recoveries from stalls or spins. *A-82-96:* Publish an alert notice in Federal Aviation Administration Advisory Circular No. 43-16, General Aviation Airworthiness Alerts, detailing the circumstances which may cause jamming of the control wheel yoke assembly in Cessna Model 172 airplanes. *A-82-97:* Issue an Airworthiness Directive applicable to Cessna Model 172 airplanes requiring compliance with Cessna Service Letter SE 82-38. *Aug. 20: A-82-94:* Issue an Airworthiness Directive directing all operators of airplanes equipped with emergency exits openable from the outside to mark the exits and their means of operation on the airplane fuselage in the manner prescribed by 14 CFR 25.811(f) (1), (2), and (3), irrespective of the rules under which the aircraft are being operated. *Aug. 26: A-82-98:* Issue an Air Carrier Operations Bulletin requiring Principal Operations Inspectors to review and to require, as necessary, modification of the operations manuals of all air carriers to assure safe and effective coordination between flight and cabin crew. The following safe operating procedures should be addressed: (1) Flight crew predeparture briefings of the senior flight attendant to include forecast turbulence-related weather conditions, scheduling of cabin services and cleanup, and securing of galleys, cabin, and passengers, and (2) Flight crew public address announcements to forewarn flight attendants and passengers of anticipated in-flight turbulence and to require flight attendants to cease in-flight service and to be seated with their restraints fastened when turbulence penetration is expected and the intensity is forecast to be "moderate" or greater, as defined in Aviation Weather Service, AC 00-45B, or when turbulence is encountered.

Pacific Intermountain Express Company: Aug. 9: H-82-19: Establish qualifications and standard procedures for selecting new-hire hazardous material drivers, and insure that the established qualifications and procedures are adhered to before a driver is allowed to perform driving duties. *H-82-20:* Incorporate in its Driver's Manual for the Bulk Commodity Division a requirement for drivers transporting bulk hazardous materials to promptly report the receipt of specified traffic citations, and a statement of company policy as to disciplinary actions which will be taken in the event of speeding or other unsafe driving practices.

National Tank Truck Carriers, Inc.: Aug. 9: H-82-21: Disseminate to its membership, especially hazardous material carriers, the circumstances of this accident and urge the member companies to establish qualifications and standard procedures for selecting new operators of hazardous material vehicles.

States of Washington (H-82-30), Wisconsin (H-82-31), New Jersey (H-82-32), Maryland (H-82-33): Aug. 17: Adopt an "Operation Lifesaver" program as a foundation for a Statewide effort to reduce accidents at railroad/highway grade crossings.

Recommendation Responses From

Secretary of Transportation: Aug. 11: H-80-67: DOT has discussed the problems of front wheels on small front-wheel-drive vehicles being snagged and torn from the vehicle when impacting traffic barriers, and of the failure of front axles and wheels of schoolbus-type vehicles in such impacts, with the Motor Vehicle Manufacturers Association, General Motors, and State highway departments. DOT does not have enough valid information concerning the problems as they affect either vehicle type to enter into rulemaking.

Federal Aviation Administration: Aug. 9: A-82-48 and -49: Regarding revising AD 68-04-04 and inspecting the tail rotor blades of Brantley B2 model helicopters, the FAA has found that it is not possible to remove the tail rotor blade from the tail rotor hub without having pulled the bearings out of the bearing bore. The AD is specific about removing grease from the bearing bores. FAA will amend the AD to incorporate the Board's recommendations to leave the blade exterior surface unpainted, require a one-time visual inspection of the tail rotor blades to identify the configuration of rotor blades installed, and require appropriate marking to prevent confusion during subsequent inspection. *A-82-50:* FAA will request the manufacturer to revise the Illustrated Parts Catalog to show PN 111-11A tail rotor blades as an acceptable replacement blade for the PN 111-11 blade. *A-82-53:* FAA plans to issue an Airworthiness Directive requiring appropriate repetitive tests or inspections of deicing boots on the Ratier-Figeac model FH 146 propellers at intervals which will preclude failure of blades by fatigue cracking arising from localized overheating of the boot material. *A-82-54:* FAA has acted to investigate the adequacy of current deicing boot resistance testing procedures specified in the Ratier-Figeac maintenance manual for model FH 146 propellers. *A-82-55:* This recommendation is being investigated in conjunction with recommendations A-82-53 and -54. *A-81-97 and -98:* On Apr. 1, 1982, the Boeing Aircraft Company published a revision to the Boeing 727 operator flight manual. The revision contains crew instructions and illustrations on the use of the landing gear position indicator viewing ports and contains training materials on this subject. *Aug. 12: A-75-27,* which asked the FAA to amend the applicable Federal Air Regulations to require the pitot heating system to be on any time electrical power is applied to an aircraft: FAA issued a final rule (effective Apr. 12, 1978) which amended Parts 25 and 91 to require installation of a pitot heat indication system for the type certification of transport category airplanes having flight instrument pitot hearing systems and for the installation, within 3 years, of a pitot heat indication system in all transport category airplanes equipped with flight instrument pitot heating systems. FAA issued a final rule (effective Sep. 30, 1981) which amends Part 91, 121, 123, 125, and 135 to require the installation of a pitot heat indication system to indicate to the flightcrew when the pitot heat system is not operating, except for general aviation operators of transport category airplanes. *Aug. 16: A-82-46:* FAA does not plan to issue an airworthiness directive applicable to Shorts SD3-30 aircraft concerning flexing and breakage of landing gear downlock switch electrical wires because FAA is unable to establish, under 14 CFR 39, that a substantial hazard to safety exists since the wiring failures do not directly affect the operation of the landing gear system. *A-82-47:* FAA has requested manufacturer to act to improve the reliability of the Shorts SD3-30 landing gear position indicating system. *A-79-89 and -90:* FAA has issued two airworthiness directives (AD 79-15-01 and AD 80-04-09) and a General Aviation Airworthiness Alert (AC 43-16) concerning the fuel vapor problem on Cessna 210 series airplanes. Cessna Aircraft Company has redesigned their 1982 production Cessna 210 series airplanes fuel system. *Aug. 17: A-82-51:* FAA will publish information concerning failure of the Hartzell propeller A282 inner clamp bolts and replacement bolts in the General Aviation Airworthiness Alerts (Advisory Circular 43-16). *Aug. 18: A-74-105:* FAA will not require air carriers to report all emergency evacuation slide deployments, failures, and malfunctions to the FAA because the maintenance reliability reports currently required are adequate. *A-74-109:* FAA states that requiring exterior emergency lighting to be activated automatically when exits are opened in the emergency mode would impose a cost of compliance that is not commensurate with the increase in safety. *A-74-111:* FAA determined that the cost of compliance with a requirement that public address systems can be capable of operation from a power source independent of the main electrical generating system would outweigh any identifiable safety benefits. *A-82-52:* FAA has initiated action to develop and issue an airworthiness directive on the Bell UH-1B helicopter to require inspection for evidence of fretting on or adjacent to the tail boom aft access panel and the tail boom skin and rivets at station 194 and corrective action.

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to reports call 703-487-4630. Single copies of recommendation letters (identified by recommendation number) and response letters are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

September 9, 1982.

[FR Doc. 82-24700 Filed 9-8-82; 8:45 am]

BILLING CODE 4810-58-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed by October 12, 1982. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 1st day of September at Bethesda, Md.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORT)

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., 08/16/82, 08/18/82, XSNM01686(05).	4.35 pct enriched uranium	*Add'l* 18,130.200; total, 181,131.620.	*Add'l* 965.167; total, 6,738.665.	Reload fuel for Gosgen-Daniken Nuclear Power Plant—Amend to increase quantity of material authorized for export.	Switzerland.
Transnuclear, Inc., 08/16/82, 08/16/82, XSNM01982.	3.80 pct enriched uranium	150,005.000	4,245.190	Fuel for Brunsbuettel	West Germany.
Transnuclear, Inc., 08/26/82, 08/26/82, XU08549.	Natural uranium	136,080		For storage and enrichment—Ultimate use in EURATOM Reactors.	France.

[FR Doc. 82-24728 Filed 9-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specification (TSs) for operation of Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment revises TSs to reflect changes in the setpoints for high coolant temperature, high neutron flux, and flux-flow-imbalance trips.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application for amendment dated April 29, 1982, as supplemented May 10, 1982, (2) Admendment No. 67 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory, Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of August 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Divisions of Licensing.

[FR Doc. 82-24720 Filed 9-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-373]

Commonwealth Edison Co.; Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. NPF-11, issued to Commonwealth Edison Company, which revised the license for operation of the La Salle County Station, Unit No. 1 (the facility) located in Brookfield Township, La Salle County, Illinois. The Amendment is effective as of August 13, 1982.

The Amendment consists of changes to the Technical Specifications. The changes to the Technical Specifications were as follows: (1) Demonstrate the RCIC system is operable at least every 18 months, by verifying, using the test flow path, that the system is capable of delivering a flow greater than or equal to 600 gpm to the reactor vessel when steam is supplied to the turbine at a pressure of 150±15 psig, and (2) allow the use of initial startup test data for determining equivalent flows in the RCIC test line and vessel injection line.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this Amendment was not required since the Amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this Amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this Amendment.

For further details with respect to this action, see (1) the application for amendment dated August 11, 1982, (2) NRC letter dated August 16, 1982, (3) Amendment No. 5 to License NPF-11 dated August 27, 1982, and (4) NRC letter dated August 27, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and the Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348. A copy of items (1), (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 27th day of August 1982.

For the Nuclear Regulatory Commission.

A. Bournia,

Acting Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 82-24721 Filed 9-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413 50-414]

Duke Power Company, et al. (Catawba Nuclear Station, Units 1 and 2); Order (Scheduling Second Prehearing Conference)

September 1, 1982.

The parties and the Board Chairman participated in a conference telephone call on August 31, 1982 concerning the desirability of a second prehearing conference. This Order confirms the substance of that discussion. A second prehearing conference will be held in Charlotte, North Carolina on Thursday, October 7, 1982. The exact time and location of the conference will be announced at a later date.

ALAB-687. A principal purpose of the conference will be to consider the impact of the recent Appeal Board dicision in this case, ALAB-687. The parties are to submit responses to the Board on the following (possibly overlapping) questions:

(1) What specific actions should this Board take as a result of ALAB-687?

(2) Does ALAB-687 have any automatic effect, without Licensing Board action? If so, what is it?

(3) Does ALAB-687 require the Licensing Board to vacate those provisions of its prior Order which admitted contentions on the condition that greater specificity would be supplied from documents not yet available, or from discovery?

(4) If so, could the Board defer any further ruling on a seemingly vague contention if that vagueness might be cured on the basis of a required document not yet available?

(5) Should the Board reconsider whether individual contentions previously admitted conditionally may meet minimal specificity requirements?

Responses to these questions need not be lengthy. We do not expect that any legal research or extended discussion of

these points will be necessary. Responses should be mailed by September 22.

Discovery. The conference will include discussion of all aspects of discovery, including: resumption of discovery that was frozen, termination of discovery that has been ongoing, matters pending before the Board, and future schedules for discovery. Prior to the conference, the parties should discuss among themselves the settlement of outstanding discovery disputes.

Draft Environmental Statement. The Staff's draft environmental impact statement was issued in mid-August and received by the parties about August 20. Our Order of March 5, 1982 required that revised or new contentions based on new information be filed within 30 days following receipt of the relevant document. ALAB-687 does not set a specific time limit, such as 30 days, apparently because it is intended to apply to different cases with possibly differing factual circumstances. The Appeal Board spoke only of filing such contentions "promptly". We believe, however, that the 30-day rule we adopted here is consistent with the Appeal Board's promptness standard. Counsel for Palmetto argued for deferral of required filing of new contentions until after the conference, but indicated that he could meet a pre-conference deadline, if necessary. CESG and CMEC agreed that a pre-conference filing date around September 21-23 would be reasonable. Accordingly, the Intervenors are to have any revised or new contentions based upon new information in the draft impact statement in the hands of Counsel for the Applicants on September 22, 1982. The Applicants will arrange to get copies into the Staff's hands as soon as possible. The Applicants and the Staff will have their responses to any such contentions in the Board's hands on October 4, 1982; they will use their best efforts to have such responses in the Intervenors' hands also on October 4, 1982.

Site Visit. The Board is interested in a site visit for itself and representatives of the other parties. Counsel for the Applicants advises that such a visit can be arranged, probably for October 6, 1982, the day before the conference. A site visit would take almost a full day. Partly for this reason, we tentatively prefer to have the site visit before the conference. The Board will set up a telephone conference call during the last week of September to discuss the details of a site visit.

Other Matters. We will also discuss at the conference the current schedule for construction and for completion of other required documents. The Board expects to have a ruling on the pending "credible accidents" contention. The parties will have an opportunity to raise other relevant matters. Our aim is to give appropriate consideration to all outstanding items so that the case can move forward once again.

Dated at Bethesda, Maryland, this 1st day of September 1982.

For the Atomic Safety and Licensing Board.

James L. Kelley,

Chairman, Administrative Judge.

[FR Doc. 82-24722 Filed 9-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-321]

Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 90 to Facility Operating License No. DPR-57, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised Technical Specifications (TSs) for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) located in Appling County, Georgia.

This amendment was authorized by phone on February 8, 1982. It revised the TSs for a one-time change to permit an extension in the time interval, from 24 hours to 72 hours, before the oxygen concentration in the drywell need be reduced to 4%, after the reactor is placed in the Run Mode. The amendment was issued on an expedited basis to avoid termination of an already initiated startup.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the request for amendment dated February 8, 1982, as confirmed by application dated April 5, 1982, (2) the Commission's letters to the licensee dated February 10, 1982 and August 27, 1982, and (3) Amendment No. 90 to License No. DPR-57. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. 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 27th day of August 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief Operating Reactors Branch No. 4 Division of Licensing.

[FR Doc. 82-24723 Filed 9-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy Company, et al.[1] Millstone Nuclear Power Station, Unit 3; Issuance of amendment to Construction Permit

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Construction Permit No. CPPR-113. The amendment reflects the transfer of ownership shares in Millstone-3 as follows:

[1] The following are the holders of Construction Permit No. CPPR-113: Central Maine Power Company, Central Vermont Public Service Corporation, Chicopee Municipal Lighting Plant, City of Burlington, Vermont, Connecticut Municipal Electric Energy Cooperative, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Massachusetts Muncipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, Northeast Nuclear Energy Company, Public Service Company of New Hampshire, The United Illuminating Company, Vermont Electric Cooperative, Inc., The Village of Lyndonville Electric Department, Western Massachusetts Electric Company, Vermont Electric Generation and Transmission Cooperative, Inc., Vermont Public Power Supply Authority and Washington Electric Cooperative, Inc.

From—	To—	Ownership interest to be transferred
Chicopee Municipal Lighting Plant ("Chicopee").	Massachusetts Municipal Wholesale Electric Co. ("MMWEC").	0.48000% (5.5 NW)
Public Service Co. of New Hampshire ("PSNH").	MMWEC	2.1726% (25.0 NW)
Vermont Electric Cooperative ("VEC").	Vermont Electric Generation and Transmission Cooperative, Inc. ("VEG&T").	0.2000% (2.0 NW)

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 amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment, dated August 3, 1982; (2) Amendment No. 10 to Construction Permit CPPR-113; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. Item (2) may be requested by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 31st day of August, 1982.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82-24724 Filed 9-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct Material License No. 41-19870-01 EA 82-105]

Radiodiagnostic Imaging Affiliates of Virginia, Inc.; Order To Show Cause and Order Modifying License (Effective Immediately)

I

Radiodiagnostic Imaging Affiliates of Virginia, Inc., 2500 21st Avenue South, Nashville, TN 37212 (the "Licensee") is the holder of Byproduct Material License No. 41-19870-01 (the "License") issued by the Nuclear Regulatory Commission (the "Commission"). The License authorizes the possession of byproduct material and its use for medical diagnostic purposes. The License was originally issued on February 26, 1982 and the present expiration date of the License is February 28, 1987.

II

Following a routine inspection on August 12, 1982, an investigation of licensee activities to determine compliance with Commission requirements was conducted by representatives of the NRC Region II (Atlanta, GA) Office on August 17 and 18, 1982. The results of this investigation indicated that the Licensee conducted licensed activities in violation of Commission requirements from April 1982 to August 1982 as enumerated below:

1. License Condition 17 requires that licensed material be used in accordance with statements, representations, and procedures contained in letters dated September 21, 1981, January 8, 1982, and February 17, 1982. One such procedure requires that a survey meter be available for use, with technical specifications including a thin wall detector, a minimum detection range of from 0 to 0.2 mrem/hr, and a maximum detection range of from 100 to 2000 mrem/hr.

Contrary to the above, a survey meter has not been available for use since April 9, 1982, the day on which licensed operations commenced. This resulted in the following specific violations of six required procedures contained in the application and appurtenant letters:

a. Although procedures required daily surveys of elution, preparation, and injection areas, such surveys had not been performed.

b. Although procedures required a daily survey of the trunk in the car used to transport radiopharmaceuticals, such surveys had not been performed.

c. Although procedures required surveys of the radioactive materials transport box to determine proper labelling, such surveys had not been performed.

d. Although procedures required surveys of incoming and outgoing packages of radioactive material, such surveys had not been performed.

e. Although procedures required weekly wipe tests of the "hot" laboratory area, such surveys had not been performed.

f. Although procedures required that waste being held for decay and subsequent disposal be surveyed with a low level survey meter before disposal, such surveys had not been performed.

2. 10 CFR 35.14(b)(4)(ii) requires that each elution or extraction of technetium-99m from a molybdenum-99/technetium-99m generator before administration to the patient be tested to determine either the total molybdenum-99 activity or the concentration of molybdenum-99.

Contrary to the above, these tests for the presence of molybdenum-99 in the generator elution had not been performed since June 10, 1982.

3. License Condition 12 requires that licensed material shall be used by the individuals named therein.

Contrary to the above, licensed material had been used by a Certified Nuclear Medicine Technololgist not named in the license condition, in that he had administered the doses to the patients routinely since April 9, 1982.

4. License Condition 17 requires that licensed material be used in accordance with statements, representations, and procedures contained in letters dated September 21, 1981, January 8, 1982, and February 17, 1982. One representation includes a diagram of the nuclear medicine "hot" laboratory facility located at 314 Wood Avenue East, Big Stone Gap, VA 24219, which illustrates xenon storage locations, supply-air vent location, and adjacent unrestricted areas.

Contrary to the above, individual xenon vials were not stored at the exhaust vent as indicated, no supply air vent was located in the door as indicated, and the hot lab was on an inside wall instead of an outside wall as indicated in the diagram. As a result, a private residence was adjacent to the hot lab.

5. License Condition 17 requires that licensed material be used in accordance with statements, representations, and procedures contained in letters dated September 21, 1981, January 8, 1982, and February 17, 1982. One procedure requires daily constancy checks on the dose calibrator using at least two reference sources with varying energies and activities.

Contrary to the above, the daily constancy checks on the dose calibrator had not been performed since April 9, 1982.

6. 10 CFR 71.56(a) requires that licensed material be packaged and labelled in accordance with applicable regulations of the Department of Transportation in 49 CFR Parts 170 through 189. These regulations require labelling a package as a radioactive Yellow-III if radiation levels on the surface of the package exceed 50 mrem/hr.

Contrary to the above, on the date of inspection, a package containing a spent

molybdenum-99/technetium-99m generator which exhibited radiation levels on one surface in excess of 68 mrem/hr, did not have a Yellow-III label and was mislabelled as Yellow-II, erroneously indicating that radiation levels were less than 50 mrem/hr.

7. 10 CFR 20.105(b) requires that no licensee shall possess or use licensed material in such a manner as to create in any unrestricted area radiation levels which, if any individual were continuously exposed, could result in his receiving a dose in excess of 2 millirem in any one hour or 100 millirem in any seven consecutive days.

Contrary to the above, on the date of the inspection, radiation levels of 1.2 mr/hr were measured at one foot from the exterior wall of the hot lab within an adjacent unrestricted conference room. This radiation level could result in a dose in excess of 100 millirem in any seven consecutive days.

8. License Condition 17 requires that licensed material be used in accordance with statements, representations, and procedures contained in letters dated September 21, 1981, January 8, 1982, and February 17, 1982. One procedure requires a daily survey of each hospital to assure no contamination is present and furthermore, if contamination exists, the technician not leave the hospital until successful decontamination is completed.

Contrary to the above, on August 17, 1982, at 1830 hours, contaminated material was found at St. Marys Hospital in Norton, Virginia in a trash can in the imaging room. This material, which exhibited radiation levels in excess of 6.5 mr/hr, was left there by the technician during a brain scan on the previous day when no survey was conducted.

9. 10 CFR 19.11 requires in part that each licensee shall post current copies of its license and the regulations in Part 19 and Part 20, or a notice describing where they may be examined.

Contrary to the above, on the date of the inspection, neither current copies of the license, nor of the regulations in Part 19 and Part 20, nor a notice were posted as required.

III

The violations in Section II of this Order as indicated by their number, nature, and duration demonstrate a careless disregard of Commission requirements. Since licensed operations commenced the licensee has operated without a required survey meter necessary to comply with Commission requirements even though the licensee knew that a survey meter was required. In addition, the licensee ceased performing tests to properly check his dose calibrator and to determine the presence of molybdenum-99 apparently due to a lack of understanding of the Commission's regulations and the safety significance of the tests. An enforcement conference was held with the licensee on August 23, 1982 to discuss these violations of Commission requirements and whether or not a basis existed for continued operation of the license.

By letter dated August 24, 1982 the licensee stated that the following action had been taken:

1. Two survey meters had been bought and received to comply with license requirements.

2. A Mo-99 breakthrough kit had been bought and received.

3. Check sources necessary to perform constancy checks on dose calibrators had been bought and received.

4. All surveys, constancy checks and Mo-99 breakthrough checks as outlined in the Confirmation of Action Letter of August 17, 1982 had been performed.

5. All hospitals served have been surveyed.

6. Shiv Navani, M.D. and Mrs. Eric Hyde have been appointed to the Board of Directors of R.I.A. of Virginia, Inc.

7. Subhash Saha, M.D. has been named Radiation Safety Officer for R.I.A. of Virginia, Inc. A license amendment request to reflect this has been submitted to the NRC.

8. Lee County Hospital in Pennington Gap, Virginia has agreed to the relocation of the hot lab to an outbuilding presently used for storage purposes.

During a telephone conversation on August 24, 1982 between Mr. Charles Self of R.I.A. of Virginia, Inc. and Mr. John Olshinski of NRC, Region II, the licensee provided the following additional commitments:

1. The licensee will insure that the named physician users will administer doses to the patients, until such time as the Materials Licensing Branch, NMSS, NRC, may agree with alternative procedures. However, doses to patients under the care of Tassanee Visisviriyaihai, M.D., may be administered by a technologist in her presence.

2. The licensee will insure that the newly appointed Radiation Safety Officer, Subhash Saha, M.D., will for the next six months perform bi-weekly (every two weeks) audits of compliance with license conditions and NRC rules in Title 10, Code of Federal Regulations, and maintain records of these audits.

These commitments were reflected in a Confirmation of Action Letter issued by James P. O'Reilly, Regional Administrator, Region II on August 25, 1982.

In light of the willful violation of certain requirements since the inception of licensed operations, the NRC remains concerned about the ability of this licensee to conduct its operations in conformance with Commission requirements. Consequently, the Director, Office of Inspection and Enforcement has determined that the licensee should show cause why its license should not be revoked. The Director has also determined that the public health and safety require that continued conduct of licensed activities be in accordance with the licensee commitments specified above and, therefore, these commitments should be imposed by this immediately effective Order.

IV

In view of the foregoing, pursuant to section 161b Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2, 20, 30, and 35, it is hereby ordered that:

A. Effective immediately, License No. 41-19870-01 is modified to include the licensee's statements and representations contained in a letter and telephone conversations of August 24, 1982, as specified in Section III above.

B. The Licensee shall show cause, in the manner hereinafter provided, why License No. 41-19870-01 should not be revoked.

V

The licensee may, within twenty-five days of the date of receipt of this Order, show cause as required by Section IV.B by filing a written answer under oath or affirmation setting forth the matters of fact and law upon which the licensee relies. Any answer to this Order which the licensee intends to satisfy the show cause requirement shall set forth the reasons why the licensee believes the NRC should continue to license R.I.A. of Virginia, Inc. in light of its violation of Commission requirements since the beginning of its licensed activities. Upon failure of the licensee to file an answer within the time specified, the Director, Office of Inspection and Enforcement will, without further notice, issue an Order revoking License No. 41-19870-01.

VI

The licensee may request a hearing within twenty-five days of the date of receipt of this Order. Any answer to this Order or any request for a hearing shall be submitted to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555 with a copy to the Executive Legal Director at the same address. If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing. Any request for a hearing shall not stay the immediate effectiveness of this Order.

VII

In the event a hearing is held, the issues to be considered at such a hearing shall be: whether on the basis of the matters set forth in Sections II and III of this Order, License No. 41-19870-01 should be modified as set forth in Section IV above.

Dated at Bethesda, Maryland, this 27th day of August 1982.

For the Nuclear Regulatory Commission

James H. Sniezek,

Acting Director, Office of Inspection and Enforcement.

[FR Doc. 82-24727 Filed 9-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361]

Southern California Edison Company, et al; Issuance of Amendment Facility Operating License No. NPF-10

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. NPF-10, issued to Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California and The City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Unit 2 (the facility) located in San Diego County, California.

Amendment No. 6 temporarily (for 30 days) changes the technical specifications to allow the containment vent stack monitor to be used to monitor containment purge gaseous effluents when the containment purge monitor is inoperable. Telephone approval authorizing this temporary modification was given on August 6, 1982 and confirmed by letter dated August 11, 1982.

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Southern California Edison Company's letter dated August 5, 1982, (2) Amendment No. 6 to Facility Operating License No. NPF-10, and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the San Clemente Library, 242 Avenida Del Mar, San Clemente, California 02672. 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 31st day of August, 1982.

For The Nuclear Regulatory Commission.

Donald E. Sells,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-24725 Filed 9-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-83]

University of Florida; Renewal of Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. R-56 to the University of Florida (the licensee), which renews the license for operation of the Argonaut type reactor (the facility) located on the University's campus in Gainesville, Florida. The facility is a research reactor that has been operating at power levels not in excess of 100 kilowatts (thermal).

The amendment extends the duration of Facility License No. R-56 for twenty years from the date of issuance of this amendment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. Those findings are set forth in the license amendment. Notice of the proposed issuance of this action was published in the **Federal Register** on December 15, 1977 at 42 FR 63236. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the renewal of the Facility Operating License and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendment dated October 21, 1977, as supplemented by filings dated December 8, 1980; December 19, 1980; January 22, 1981; January 26, 1982; April 23, 1982 and May 5, 1982, (2) Amendment No. 13 to License No. R-56, and (3) the Commission's related Safety Evaluation Report and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of August 1982.

For The Nuclear Regulatory Commission.

Cecil O. Thomas,

Acting Chief, Standardization & Special Projects Branch, Division of Licensing.

[FR Doc. 82-24726 Filed 9-8-82; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Conservation Subcommittee Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Conservation Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Tuesday, September 14, 1982; 9:30 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT:
Mr. Tom Eckman (503) 222-5161.
Edward Sheets,
Executive Director.
[FR Doc. 82-24661 Filed 9-8-82; 8:45 am]
BILLING CODE 0000-00-M

Forecasting Subcommittee Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Forecasting Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Monday, September 27, 1982; 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT:
Ms. Annette Frahm, (503) 222-5161.
Edward Sheets,
Executive Director.
[FR Doc. 82-24662 Filed 9-8-82; 8:45 am]
BILLING CODE 0000-00-M

Resource Assessment Subcommittee Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Resource Assessment Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Friday, September 24, 1982; 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT:
Ms. Annette Frahm, (503) 222-5161.
Edward Sheets,
Executive Director.
[FR Doc. 82-24660 Filed 9-8-82; 8:45 am]
BILLING CODE 0000-00-M

Reserves and Reliability Subcommittee Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Reserves & Reliability Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Friday, September 17, 1982; 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT:
Ms. Torian Donohoe, (503) 222-5161.
Edward Sheets,
Executive Director.
[FR Doc. 82-24659 Filed 9-8-82; 8:45 am]
BILLING CODE 0000-00-M

POSTAL RATE COMMISSION

[Docket No. A82-15; Order No. 446]

Montrose, Mississippi, Harvey Shelby, et al., Petitioners; Filing of Appeal

September 3, 1982.

On August 31, 1982, the Commission received an appeal letter from Harvey Shelby and others (hereinafter "Petitioners"), concerning United States Postal Service's decision to close the Montrose, Mississippi, post office. The appeal letter states that the continued operation of the post office is vital to the survival of the community. The appeal letter appears to request the review provided for by section 404(b) of the Postal Reorganization Act [39 U.S.C. 404(b)].[1] The petition does not conform perfectly with the Commission's rules of practice, which also require petitioners to attach a copy of the Postal Service's Final Determination to the petition.[2] However, section 1 of the Commission's rules of practice [3] calls for a liberal construction of the rules to secure just and speedy determination of issues.

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to "ensure that such persons will have an opportunity to present their views." [4] The petition requests that the decision to close the Montrose post office be reconsidered.

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effecive postal service be insured to residents of both urban and rural communities.[5]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service compiled with its regulations for the closing of post offices.[6]

Upon preliminary inspection, this case appears to involve the following issues of law:

1. Whether the procedure followed by the Postal Service was in compliance with the statute and the Postal Service's regulations.
2. Whether the Postal Service's actions are consistent with the statutory requirement that the Postal Service provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not self-sustaining [39 U.S. 404(b)(2)(C)].
3. Whether the Postal Service Adequately considered the effect on the community in Accordance with 39 U.S.C. 404(b)(2)(A).
4. Whether the Postal Service gave adequate consideration to the partons' needs for postal services and the inconvenience associated with traveling to another community for postal services.

Other issues of law may become apparent when the Commission has had the opportunity to examine further the determination made by the Postal Service. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceding under the 120-day decisional deadline imposed by Section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal

[1] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.1.

[3] 39 CFR 3001.1

[4] 39 U.S.C. 404(b)(1).

[5] 39 U.S.C. 101(b).

[6] 42FR 59079-85 (November 17, 1977). The Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case.

In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be filed within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioners by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in Section 404(b) cases,[7] and none is being appointed. The Commission orders:

(A) The appeal letter from Harvey Shelby and other users of the Montrose post office be accepted as a petition for review pursuant to Section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

By the Commission.

Cyril J. Pittack,

Acting Secretary.

August 31, 1982—Filing of Petition.
September 3, 1982—Notice and Order of Filing of Appeal.
September 15, 1982—Filing of Record by Postal Service [*see* 39 CFR 3001.113(a)].
September 30, 1982—Petitioners' Initial Brief [*see* 39 CFR 3001.115)a)].
October 15, 1982—Postal Service Answering Brief [*see* 39 CFR 3001.115(b)].
November 1, 1982—(1) Petitioners' Reply Brief should petitioners choose to file one [*See* 39 C.F.R. 3001.115(c)].
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.
December 29, 1982—Expiration of 120 day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 82-24744 Filed 9-8-82; 8:45 am]

BILLING CODE 7715-01-M

[7] In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

[Docket No. MC82-2]

Mail Classification Schedule, 1981; Elimination of the Aggregate Letter Rule

September 3, 1982.

Notice is hereby given that on August 31, 1982, the United States Postal Service ("Postal Service"), pursuant to Chapter 36 of Title 39, United States Code, filed a request with the Postal Rate Commission for a recommended decision on the proposed elimination of the aggregate letter prohibition for First-class mail. This filing has been assigned Docket No. MC82-2.

The Postal Service states that its filing contains such information and data which explain the nature, scope, significance and impact of the proposed change.[1] The Postal Service proposes that the Domestic Mail Classification Schedule (DMCS) be changed to eliminate the aggregate letter rule set forth in § 100.044. Currently, the rule requires that when two or more individuals use one envelope to mail their individual letters to a mutual addressee, postage at the first-class rate must be paid on each letter. The Postal Service states that the present rule presents a hardship for first-class mailers and an enforcement problem for the Postal Service. According to the Postal Service, under the proposal § 100.044 will be eliminated and conforming changes made to §§ 100.045, 100.046, and 100.091. Implementation of the proposal will permit the combination of multiple letters to the same addressee in a single envelope by two or more individuals with postage computed at the first-class rate on the total weight of the envelope. The Postal Service asserts that subsequent to implementation of the proposal, it will promulgate rules and regulations consistent with the change.

In response to Rule 64(b) (3) and (4) of the Commission's Rules of Practice and Procedure, the Postal Service states that the proposed change will not affect the existing economic substitutability between the various classes of mail and involves no non-postal services. In accordance with rule 64(a)(2), the Postal Service states that the proposal involves no special service arrangements and information on the characteristics of the mailer, recipient, or contents of the items in relation to the proposed change is unknown and unavailable. The Postal Service, as required by Rule 64(c), explains that the effect of the proposed change on costs and revenue is unknown and unquantifiable but is expected to be relatively minor.

Hearings will be held on the proposal submitted by the Postal Service in Docket No. MC82-2. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before September 30, 1982, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing, or in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.[2] Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before September 30, 1982, file a written request to leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 19b of the Commission's rules (39 CFR 3001.19b).

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of rule 64(d) and rule 64(h), except for rule 64(h)(2)(i) insofar as it requests the statement required by rule 54(q).

The Postal Service requests waiver of 64(h), to the extent described above, because it says the proposed change is not expected to significantly change the cost-revenue relationships referred to in 64(h)(1)(i)-(iv) and no change in rates or fees is proposed. The Postal Service requests that 64(d) be waived to the extent it requires development of costs and revenues in accordance with 54(h), 54(f), and 54(j). The Postal Service supports its request for waiver of the cost data required by 54(h), and (f), by stating that it is not requesting any changes in rates or fees and that the proposed change is not expected to have

[1] The specific changes in the Domestic Mail Classification Schedule are set out in legislative format in Attachment I, page 2, of the Postal Service's request.

[2] In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of any desired preliminary clarification of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

a significant or measurable change in the costs attributed and assigned to first-class mail and total costs of the Postal Service. With respect to 54(j), which requires an estimation of future volumes of aggregated first-class mail, the Service, states that it knows of no methodology which would produce reliable estimates of the effect of the proposal on future volumes, costs and revenues.

Parties who wish to address the Postal Service's motion should file their answers by October 15, 1982.

The request of the Postal Service for a recommended decision on the elimination of the aggregate letter rule, and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

Cyril J. Pittack,

Acting Secretary.

[FR. Doc. 82-24745 Filed 9-8-82; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-19030; File No. SR-BSE-82-5]

Self-Regulatory Organizations; Proposed Change by Boston Stock Exchange, Inc., Relating to Amendment To Guaranteed Execution Rule, Chapter II, Section 33

Pursuant to Section 19(b)(1) of the Securities Exchange Commission the proposed changes as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement on the Terms of Substance of the Proposed Rule Change

The Boston Stock Exchange, Inc. proposes to amend Chapter II, Section 33 of its Rules relating to increasing the size of orders to be executed under its Execution Guarantee from 599 shares to 1,099 shares.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements governing the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The proposed amendment would provide for the guaranteed execution of all orders up to 1,099 shares in those issues traded through the Intermarket Trading System (ITS), increased from 599 shares. The amendment was necessary to enable the Exchange to more effectively compete for small order business which, in turn, will enhance the depth and liquidity of the Exchange markets for the investing public.

(b) The bases under the Act for the proposed Rule change are Section 6(b)(5) and 11(b) since the Rule change will serve to enhance the national market system by enabling the Boston Stock Exchange Specialists to attract order flow and thereby make more liquid and competitive markets in securities in which they are registered.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed amendment imposes any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 30, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 1, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24777 Filed 9-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22621; 70-6766]

Massachusetts Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds; Use of Proceeds To Pay Debt to Affiliate Company

August 31, 1982.

Massachusetts Electric Company ("Mass Electric"), 25 Research Drive, Westborough, Mass. 01581, an electric utility subsidiary of the New England Electric System ("NEES"), a registered holding company, has filed on application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 promulgated thereunder. Mass Electric proposes to issue and sell prior to July 1, 1983, up to $25 million principal amount of First Mortgage Bonds, Series O, ——%, due ——— ("Series O Bonds"), having a term of not less than five nor more than thirty years. The terms will be determined by competitive bidding. The

Series O Bonds will be issued under a First Mortgage Indenture and Deed of Trust dated as of July 1, 1949, as supplemented and to be further supplemented. The Series O Bonds will be redeemable at general and special redemption prices. However, the Series O bonds may not be redeemed at general redemption prices during the first five years of their term through refunding operations at a lesser effective interest cost to Mass Electric. If market conditions exist that make competitive bidding impracticable or undesirable, Mass Electric will seek an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) to sell the Series O Bonds by a negotiated sale through underwriters or a private placement with institutional investors.

The proceeds from the sale of the Series O Bonds, estimated at approximately $25 million will be applied to the payment of short-term debt expected to be incurred to retire Series N Bonds maturing October 1, 1982, and/or to reimburse the treasury therefor. Mass Electric proposes that some of the proceeds may be used to repay NEES and/or the NEES Money Pool, a decision involving a choice of persons with whom to deal within the meaning of Rule 42(a).

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 23, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24782 Filed 9-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19029; SR-Philadep-82-6]

Philadelphia Depository Trust Co. ("Philadep"); Order Approving Proposed Rule Change

September 1, 1982.

On July 27, 1982, Philadep filed with the Commission pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934, 15 U.S.C. § 78s(b)(2), (the "Act") and Rule 19b-4 thereunder, a proposed rule change authorizing Philadep to implement a new system called Philadep Institutional Delivery System ("PIDS") that links Philadep participants with the Depository Trust Company's ("DTC") Institutional Delivery System ("IDS").

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18877, July 8, 1982) and by publication in the **Federal Register** (47 FR 32505, July 27, 1982).

PIDS allows Philadep participants to use IDS for trade confirmation, affirmation and settlement. IDS will be available to Philadep participants for (i) trades between Philadep brokers and institutions or institutions whose trades are settled by Philadep agent banks; and (ii) trades between (a) Philadep brokers, Philadep institutions whose trades are settled by Philadep agent banks; and (b) DTC brokers, DTC institutions or institutions whose trades are settled by DTC agent banks.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act. In addition, the proposed rule change represents a further step toward fulfillment of the Commission's goal of promoting a prompt and accurate national clearance and settlement system.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24780 Filed 9-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12621; 812-5225]

Prime Government Money Fund, Inc.; Filing of Application for Exemption

August 31, 1982.

Notice is hereby given that Prime Government Money Fund, Inc. ("Applicant"), 500 Bielenberg Drive, Minneapolis, Minn. 55125, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 25, 1982, and an amendment thereto on August 20, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share, for the purposes of effecting sales, redemptions, and repurchases of its shares, using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a corporation organized under the laws of Minnesota. Applicant states that in June 1982, it filed with the Commission a Form N-8A Notification of Registration, together with a Registration Statement on Form N-1 under the Act and under the Securities Act of 1933, as amended.

Applicant states that its investment objective is maximum current income to the extent consistent with preservation of capital and the maintenance of liquidity. The application states that Applicant pursues this objective by investing exclusively in short-term securities which are guaranteed as to principal and interest by the "full faith and credit" pledge of the United States Government, and in repurchase agreements pertaining to such securities.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in pertinent part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any security except at a price based on the current net asset value of such security that is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption, and repurchase shall be an amount that reflects calculations made substantially in accordance with the provisions of that rule, with estimates used when necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors. The Commission has expressed the view that, among other things, it is inconsistent with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis and that valuation of such instruments should be made with reference to market factors (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it believes that two features are helpful in attracting investment in a money market fund: (1) stability of principal and (2) steady flow of investment income. Applicant further states that it believes that by maintaining a portfolio of United States Government obligations it can provide these features to investors. Applicant further states that it believes that the experience of the personnel of its investment adviser in the management of other investment companies indicates that, given the nature of Applicant's policies and operations, there will normally be a negligible discrepancy between the net asset value of Applicant calculated using the amortized cost method of valuation and that obtained using a market valuation method. Applicant represents that its board of directors has determined in good faith, in light of its characteristics, that the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant, and reflects the fair market value of such money market instruments. Applicant states that in Investment Company Act Release No. 10666, April 18, 1979, the Commission published the position of the Division of Investment Management regarding the entering into by investment companies of repurchase agreements with broker/dealers. Applicant states that the Division took the position that it would not recommend that enforcement action be brought under Section 12(d)(3) against investment companies with respect to such transactions if the repurchase agreement is structured in a manner reasonably designed to collateralize fully the investment company loan, *i.e.*, the value of the transferred security is, and during the entire term of the agreement remains, at least equal to the amount of the loan including the accrued interest earned thereon, and the Division also made certain statements regarding repurchase agreements in the areas of accounting, disclosure, and compliance with the Act. While such statements in release No. 10666 are directed to repurchase agreements with broker/dealers, Applicant represents that in supervising its operations and delegating special responsibilities involving portfolio management to its investment adviser, the board of directors of Applicant undertakes, as part of the "procedures" referred to in condition 1 below, to have Applicant comply with Release No. 10666 when entering into repurchase agreements with banks and broker/dealers.

Applicant consents to the imposition of the following conditions in any order of the Commission granting the exemptive relief requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to the investment adviser of Applicant, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of Applicant, as determined by using available market quotations, from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations, or estimates of market value reflecting current market conditions chosen by the board of directors, in the exercise of its discretion, to be appropriate indicators of value. The quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: selling portfolio securities prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; redemption of shares in kind; or utilizing a net asset value per share as determined by using the available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument should result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such average maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the

procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments including repurchase agreements, if any, to those obligations which the board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than September 22, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of such person's interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or such person may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24778 Filed 9-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12623; 812-5200]

Shearson Income Fund, Inc. et al.; Filing of Application

September 1, 1982.

In the matter of Shearson Income Fund, Inc., Shearson New Directions Fund, Inc., the Shearson Appreciation Fund, Inc., Shearson Managed Municipals Inc., Shearson High Yield Fund Inc., and Shearson/American Express Inc., Two World Trade Center, New York, New York 10048.

Notice is hereby given that Shearson Income Fund, Inc., Shearson New Directions Fund, Inc., The Shearson Appreciation Fund, Inc., Shearson Managed Municipals Inc. and Shearson High Yield Fund Inc., each registered under the Investment Company Act of 1940 ("Act") as a diversified open-end management investment company and other associated load funds to be formed at a later date ("Funds"), and Shearson/American Express Inc., the principal underwriter of the Funds ("Shearson") (the Funds and Shearson are hereinafter collectively referred to as "Applicants") filed an Application on June 1, 1982 for an order pursuant to Section 6(c) of the Act exempting Applicants from certain provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the extent necessary to permit sales of shares of the Funds at net asset value to employees of the American Express Companies and their spouses and minor children. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Funds are open-end investment companies currently engaged in continuous offerings of their shares to the public through Shearson at public offering prices equal to net asset value plus a sales charge. Applicants state that these sales charges are described in each Fund's prospectus.

As stated in the application, Shearson, a wholly-owned subsidiary of American Express Company ("American Express"), serves as principal underwriter for each of the Funds. Shearson/American Express Asset Management Inc. ("Asset Management") serves as investment adviser to all of the Funds, except Shearson High Yield Fund, Inc. with respect to which Bernstein-Macaulay, Inc. serves as investment adviser. Both Asset Management and Bernstein-Macaulay, are wholly-owned subsidiaries of Shearson. Applicants further state that The Boston Company Advisors, Inc., a subsidiary of The Boston Company, Inc., which in turn is a wholly-owned subsidiary of Shearson, acts as the administrator of three of the Funds. Applicants state that American Express and its subsidiaries other than Shearson and Shearson's subsidiaries, employ approximately 46,000 persons, and Shearson and its subsidiaries employ approximately 11,000. American Express and its controlled subsidiaries include Shearson, Bernstein-Macaulay, Inc., Asset Management, The Boston Company, Inc., Boston Company Advisors, Inc. and Warner Amex Cable Communications Inc., in which American Express has a 50% interest ("American Express Companies").

Applicants state that they propose to offer shares of the Funds, either directly or through individual retirement accounts, or, if applicable, Keogh plans, without sales charge to employees of the American Express Companies ("Associated Persons") and spouses or minor children of such employees to the extent orders on their behalf are directed by Associated Persons.

Applicants assert that no individual or in-person group sales solicitations or presentations concerning the funds will be made. All Associated Persons will receive at least annually notice from Shearson concerning the availability of shares of the Funds at their net asset value. This notice, which will be furnished at the expense of Shearson, will describe the Funds and their investment objectives, indicate that investments would be at net asset value and detail the various methods by which investments could be made. This notice would also indicate that additional information concerning the Funds could be obtained from Shearson and would inform Associated Persons of the availability of prospectuses of the Funds from Shearson. A copy of the appropriate prospectus(es) would be furnished prior to the time any person would make an initial investment in a Fund. Applicants state that each prospectus would contain appropriate disclosure concerning this availability to Associated Persons.

Section 22(d) of the Act states that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus, and if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except at a current public offering price described in the prospectus. Rule 22d-1 ("Rule") provides for exemption from the limitations imposed by Section 22(d) to permit sales at reduced charges or without any sales charge under certain circumstances.

Paragraph (i) of the Rule provides an exemption from Section 22(d) of the Act and permits sales of Fund shares without sales charge to directors, officers and full-time employees or sales representatives of a Fund, its investment adviser and principal underwriter, provided that any such person who is not a director, officer or full-time employee of the Fund must spend at least one-half of his working time providing investment advice to the Funds, selling its shares or supervising those that are entitled to the elimination of sales charges. Applicants state that there are Associated Persons who do not qualify for purchases at net asset value under Paragraph (i) as they either are not directors or full-time employees of the Fund or do not directly provide investment advice to, or distribute shares of, the Funds or supervise persons who do so. Applicants also point out that spouses and minor children of Associated Persons are not covered by the Rule and that the Rule does not specifically cover affiliates of the principal underwriter of the Funds. Applicants submit that net asset value sales to most Associated Persons would not meet the requirements of paragraph (i) of the Rule.

Applicants state that, arguably, certain sales of Fund shares at net asset value might be permitted by Paragraph (f) of the Rule which provides for reduction or elimination of sales charges upon the sale pursuant to a uniform offer described in the prospectus and made to certain employee benefit plans not qualified under Section 401 of the Internal Revenue Code provided such nonqualified plans satisfy uniform criteria relating to the realization of economies of scale in sales efforts and sales related expense selected by the issuer and described in the prospectus. Applicants further state that the term "employee benefit plan" is defined broadly in the Rule to include ". . . any plan or arrangement which provides a means for employees . . . to purchase shares of [an] investment company . . . by means of periodic payroll deductions or otherwise". Applicants submit that this broad definition of non-qualified plans and arrangements arguably permits purchases of Fund shares by Associated Persons directly or through individual Retirement Accounts or Keogh plans in that such purchases by Associated Persons would offer clear economies of scale in sales effort and sales related expense. However, Applicants, submit, it is not clear that net asset value sales to the Associated Persons would meet the "uniform offer" requirement of Paragraph (f).

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that investment by Associated Persons (and their spouses and minor children) in shares of the Funds at net asset value is supported by policy considerations, that such sales should result in demonstrable economies in sales effort and sales related expense as compared with other sales and would not be unjustly discriminatory, and that the grant of the exemption requested by the Applicants is appropriate in the public interest and consistent with the protection of investors and the purposes of Section 22(d) of the Act. Applicants further submit that the anticipated economies of scale in sales effort and sales related expenses justify elimination of sales charges on Fund shares purchased by Associated Persons and that all Associated Persons will receive, at least annually and at the expense of Shearson, a notice of this program. Applicants believe that the proposed ability to allow such investments in Fund shares will promote among Associated Persons incentive, goodwill and loyalty which will benefit the Funds, as well as American Express and its subsidiaries, including Shearson. Applicants further state that, to the extent that investments by Associated Persons in the Funds results in an increase in their net assets, the Fund's shareholders may also benefit from reduced expense ratios.

Notice is further given that any interested person may, not later than September 21, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24871 Filed 9-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12622; 812-5191]

United Government Cash Fund, Inc.; Filing of Application for Exemptions

August 31, 1982.

Notice is hereby given that United Government Cash Fund, Inc. ("Applicant"), 2400 Pershing Road, P.O. Box 1343, Kansas City, Mo. 64141 registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 19, 1982, and an amendment thereto on July 26, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of

valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant was organized as a Maryland corporation in March, 1982. Applicant states that Waddell & Reed, Inc. is its investment adviser and principal underwriter. Applicant states that it intends to seek its investment objective of maximum current income consistent with stability of principal by investing in a portfolio of short-term debt securities issued or guaranteed by the United States Government or its agencies or instrumentalities.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors of the registered investment company. Rule 22c-1 adopted under the Act provides, in part, tht no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisons of that rule, with estimates used where necesary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisons of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant contends that in order for it to be in a position to meet the needs and expectations of potential investors and to offer its shareholders relative stability of principal and a steady flow of predictable income at currently competitive rates, it must be able to price its portfolio at amortized cost.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provisions or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisons of the Act.

Applicant submits that the requested exemption is appropriate, in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisons of the Act. Accordingly, Applicant requests that the Commission issue an order pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share by using the amortized cost method of valuing its portfolio securities. Applicant agrees that the following conditions may be imposed in any order granting the exemptions requested.

1. The board of directors of Applicant shall have determined, in good faith based on a full consideration of all material factors, that, absent unusual circumstances, the valuation method applied for will fairly reflect the value of each shareholder's interest in Applicant and that Applicant will continue to use such method only so long as the board of directors believes that it fairly reflects the value of each shareholder's interest.

2. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to shareholders of Applicant—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize its net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

3. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b). In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

4. Applicant will maintain a dollar-weighted average portfolio maturity [2] appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted

[1] To fulfill this condition, Applicant states that it entends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In determining dollar-weighted average portfolio maturity and the maturity of any instrument, Applicant will use the definition of "maturity of an instrument" contained in proposed rule 2a-7 contained in Release No. IC-12206 (January 29, 1982), or, on the effectiveness of a final rule, the definition contained in such final rule. If the proposed rule is withdrawn, Applicant will define "maturity of an instrument" to be the period remaining until the date noted on the face of the instrument as the date on which the principal amount owed must be paid. Applicant will also treat instruments called for redemption in one year or less as maturing within one year.

average portfolio maturity which exceeds 120 days.[3]

5. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 2 above, and Applicant will record, maintain and preserve for a period of not less than 6 years (the first 2 years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilies, as set forth above, to be included in the minutes of the meetings of the board of directors. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

6. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

7. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 3(c) above was taken during the preceding fiscal quarter and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than September 24, 1982, at 5:30 p.m., submit to the commission in writing a request for a hearing on the application accompaned by a statement as to the nature of his intrest, the reason for such request, and the issues if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24779 Filed 9-8-82; 8:45 am]

BILLING CODE 8010-01-M

[3] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

SMALL BUSINESS ADMINISTRATION

Region III Advisory Council; Public Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Washington, D.C., will hold a public meeting at 10:00 a.m. on Thursday, September 23, 1982, at the SBA District Office, Room 404, 1111 Eighteenth Street, N.W., Washington, D.C. to discuss such matters as may be presented by members, staff of the U.S. Small Business Administation, or others present.

For further information, write or call Bernard Layne, District Director, U.S. Small Business Administration, 1111 Eighteenth Street, N.W., Washington, D.C. 20417, (202) 634-1805.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

September 1, 1982.

[FR Doc. 82-24664 Filed 9-8-82; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Councils, located in the geographical areas of Jacksonville, Florida and Miami, Florida, will hold a joint public meeting at 9:00 a.m., on Thursday, October 7, 1982, at the Sheraton-Orlando International Airport Inn, 3835 Beeline Expressway, Orlando, FL 32812, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Douglas E. McAllister, District Director, U.S. Small Business Administration, Box 35067, 400 West Bay Street, Jacksonville, Florida 32202; telephone (904) 791-3103.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

September 1, 1982.

[FR Doc. 82-24663 Filed 9-8-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. 82-2W; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Petition for Waiver

The Transcontinental Gas Pipeline Corporation (Transco) has petitioned the Materials Transportation Bureau (MTB) for a waiver from compliance with the requirements of 49 CFR 192.245 regarding repair of girth weld defects in a newly constructed addition to an existing Transco natural gas separation facility. The facility is the terminus of the Transco Central Texas Offshore System, and is located in a Class 1 area near Markham, Texas, approximately 65 miles southwest of Houston.

Three welds leaked during hydrostatic testing of the combined existing facility and the additional separation equipment after tie-in, leading to the need for repair. Transco states the following in its petition as justification for the requested waiver:

"All three welds were found to have cracks in the root weld which, under 49 CFR Part 192.245, cannot be repaired, but must be removed. Inasmuch as the welds were between fittings on a slug catcher, removal of the welds without damage to the fittings involved could not be done. Therefore, repairs to the welds were made in accordance with API 1104, Section 7, and the facilities were restored to service after successfully passing the hydrostatic test prescribed."

Background

Section 192.245, Repair or Removal of Defects, requires in paragraph (a): "Each weld that is unacceptable under § 192.241(c) must be removed or repaired. Except for welds on an offshore pipeline being installed from a pipelay vessel, a weld must be removed if it has a crack that is more than two inches long or that penetrates either the root or second bead." In contrast with this requirement, API Standard 1104, Section 7.0 permits the repair of weld

cracks that are less than 8 percent of the weld length, regardless of the thru-wall location of the crack. The 15th edition of API Standard 1104 is incorporated by reference in the 49 CFR Part 192 requirements for qualification of welding procedures (§ 192.225), qualification of welders (§ 192.227), and acceptability of welds which are nondestructively tested or visually inspected (§ 192.241(c)). Section 7.0 of API Standard 1104 is not referenced in Part 192.

Repair Welding Procedure and Testing of Welds

In further inquiry of Transco, it was established that the repair welding procedures were developed and documented as required by Section 7.0 of API Standard 1104, including the welding procedure, which was qualified in accordance with Section 2.0 of API Standard 1104 using pipe of the same grade as the fittings that were repaired to assure sound and ductile welds after completion of repair. The repaired welds were nondestructively tested in accordance with § 192.243 using radiography, and they met the standards of acceptability of § 192.241(c). The added facilities (including tie-ins) were hydrostatically tested after repair in accordance with § 192.505 at a test pressure of over 125 percent of the maximum allowable operating pressure without failure or leakage of the repaired welds. The results of these procedures and tests demonstrated that the conditions under which the welds were repaired provided welds having mechanical properties and soundness that meet the requirements of Part 192.

Difficulty of Removing Defective Welds

The petition describes the three welds as joining header segments, where the welds could not be removed as cylindrical sections without destruction of the headers. In a separate rulemaking petition dated June 2, 1981 (Petition No. P-13), the American Petroleum Institute (API) has commented on this situation by asserting: "Compliance has proven impossible where fittings, valves, or flanges are involved, since there is no pipe to be cut out on one side of the weld." In the case of the present petition, there was no pipe to be cut out on either side of the welds, the header segments being joined to each other. Even if the headers were replaced, MTB considers that it would be very difficult, if not impossible, to achieve the joint alignment necessary due to fixed positioning of other components in the system and the dimensional tolerances that must be taken into account in the design and construction of the system. Under these circumstances, the MTB believes that it is highly unlikely that new replacement welds could be of better quality than the existing repaired welds.

Possible Changes in DOT Weld Repair Regulation

As a result of the June 2, 1981, petition from the API and an earlier review of the weld repair regulations by the Office of Pipeline Safety Regulation (OPSR), MTB is considering amending the regulations to revise § 192.245. Proposed changes would remove the present restrictions on the repair of certain weld cracks and on the multiple repairs of other defects with the addition of procedural requirements based on API Standard 1104 to assure equivalent pipeline safety at a lower construction cost.

Data developed by the industry in support of waiver petitions submitted and granted since 1975 demonstrate that regulations on weld repair can be liberalized without adversely affecting safety provided that acceptable procedures are followed. Waivers granted by the Department of Transportation (DOT) for the Alyeska Pipeline Service Company (42 FR 25983, June 9, 1977), the Michigan Wisconsin Pipeline Company (42 FR 33406, June 30, 1977), LOOP, Inc. (46 FR 22306, April 16, 1981), and the Northern Border Pipeline Company (47 FR 20715, May 13, 1982) have all stressed the necessity of adhering to proven procedural requirements to achieve sound, ductile weld repairs, and by so doing, have assured safety as well as the savings of millions of dollars to the pipeline industry and thus to the oil and gas consumers.

Proposed Waiver Action

In consideration of the above, MTB is proposing to grant the Transcontinental Gas Pipeline Corporation the requested waiver of § 192.245.

Interested persons are invited to comment on the proposed waiver by submitting in triplicate such data, views, or arguments as they may desire. Comments should identify the docket and notice numbers and should be submitted to the Dockets Branch, Room 8426, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

All comments received before October 12, 1982 will be considered before final action is taken. Late filed comments will be considered so far as practicable. All comments will be available for public review at the Dockets Branch of the Materials Transportation Bureau between the hours of 8:30 a.m. and 5:00 p.m. No public hearing is contemplated although one may be held at a time and place to be published as a notice in the **Federal Register** if requested by an interested person raising a substantive issue.

(49 U.S.C. 1672; 49 CFR Part 1.53(a), Appendix A of Part 1 and Appendix A of Part 106)

Issued in Washington, D.C., on September 1, 1982.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 82-24783 Filed 9-8-82; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Public Inspection of written Determinations; Intention to Disclose

Correction

In FR Doc. 82-23290 beginning on page 38229 in the issue of Monday, August 30, 1982, make the following correction:

On page 38230, first column, in the ninth line from the bottom, in place of "(the Monday preceding the 121st day after the notice is published in the Federal Register)" insert "January 3, 1983".

BILLING CODE: 1505-01-M

[Delegation Order No. 97 (Rev. 20)]

Closing Agreements on Internal Revenue Tax Liability; Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: The authority to sign closing agreements on cases under their jurisdiction can be redelegated by a District Director but not below the Chief, Quality Review Staff or Section Chief, Quality Review Staff.

EFFECTIVE DATE: September 7, 1982.

FOR FURTHER INFORMATION CONTACT: D. Grant, OP:EX:G:E, 1111 Constitution Ave., N.W., Room 2010, Washington, D.C. 20224, Telephone number, 202-566-3632 (Not a Toll-Free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal**

Register for Wednesday, November 8, 1978.

Percy Woodard, Jr.,

Assistant Commissioner (Examination).

Delegation Order

Date of issue: September 7, 1982.

Effective Date: September 7, 1982.

Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32; Treasury Department Order No. 150-36; and Treasury Department Order No. 150-83, subject to the transfer of authority covered in Treasury Department Order No. 221, as modified by Treasury Department Order No. 221-3 (Rev. 2), as revised, this authority is hereinafter delegated.

1. The Chief Counsel is hereby authorized in cases under his/her jurisdiction to enter into and approve a written agreement with any person relating to the Internal Revenue Tax liability of such person (or of the person, or estate for whom he/she acts) in respect to any prospective transactions or completed transactions if the request to the Chief Counsel for determination or ruling was made before any affected returns have been filed.

2. The Assistant Commissioner (Examination) is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods. The Associate Commissioner (Operations) is also authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) with respect to the performance of his/her functions as the competent authority under the tax conventions of the United States.

3. The Assistant Commissioner (Employee Plans and Exempt Organizations) is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue Tax liability of such person (or of the person or estate for whom he/she acts) in cases under his/her jurisdiction, that is, in respect of any transacton concerning employee plans or exempt organizations.

4. Regional Commissioners; Regional Counsel; Regional Directors of Appeals; Assistant Regional Commissioners (Examination); District Directors; Chiefs and Associate Chiefs of Appeals Offices; and Appeals Team Chiefs with respect to his/her team cases, are hereby authorized in cases under their jurisdiction (but excluding cases docketed before the United States Tax Court) to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. The Associate Chief Counsel (Technical); the Assistant Commissioner (Employee Plans and Exempt Organizations); Regional Commissioners; Regional Counsel; Regional Directors of Appeals; Chiefs and Associate Chiefs of Appeals Offices; and Appeals Team Chiefs with respect to his/her team cases, are hereby authorized in cases under their jurisdiction docketed in the United States Tax Court and in other Tax Court cases upon the request of Chief Counsel or his/her delegate to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) but only in respect to related specific items affecting other taxable periods.

6. The Director, Foreign Operations District, is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, under Revenue Procedure 72-22, C.B. 1972-1, 747, and under Revenue Procedure 69-13, C.B. 1969-1, 402, and to enter into and approve a written agreement providing the treatment available under Revenue Procedure 65-17, C.B. 1965-1, 833.

7. The authority delegated herein does not include the authority to set aside any closing agreement.

8. Authority delegated in this Order may not be redelegated, except that the Chief Counsel may redelegate the authority contained in paragraph 1 to the Associate Chief Counsel (Technical) and to the technical advisors on the staff of the Associate Chief Counsel (Technical) for cases that do not involve precedent issues, the Assistant Commissioner (Examination) may redelegate the authority contained in paragraph 2 of this Order to the Deputy Assistant Commissioner (Examination), except that the authority relating to the performance of his/her functions as the competent authority under the tax conventions of the United States may not be redelegated; the Assistant Commissioner (Employee Plans and Exempt Organizations) may redelegate the authority contained in paragraph 3 of this Order to the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) and to the Technical Advisors on the Staff of the Assistant Commissioner (Employee Plans and Exempt Organizations) for cases that do not involve precedent issues; and District Directors may redegate the authority contained in paragraph 4 of this Order but not below the Chief, Quality Review Staff, or Section Chief, Quality Review Staff.

9. Delegation Order No. 97 (Rev. 19), issued March 21, 1982, is hereby superseded.

James I. Owens,

Deputy Commissioner.

[FR Doc. 82-24703 Filed 9-8-82; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

Advisory Panel on International Educational Exchange and Ethical Values Advisory Committee; Establishment

In accordance with Section 9(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I) and OMB Circular No. 63, Revised, Section 6a., I hereby certify that establishment of two advisory committees for the United States Information Agency is in the public interest in connection with the performance of duties imposed on the United States Information Agency by law.

The Advisory Panel on International Educational Exchange generally will advise the Director of the USIA on various issues of substance concerning international educational exchanges. This will include, for example, advice on cooperation between the public and private sectors in support of these programs.

The Ethical Values Advisory Committee generally will advise the Director of the USIA on the moral, ethical, and religious background of issues of relevance to the Agency. This will include, for example, advising on the effective presentation overseas of the variety of religious expression in the United States.

Dated: September 1, 1982.

Charles Z. Wick,

Director.

[FR Doc. 82-24731 Filed 9-8-82; 8:45 am]

BILLING CODE 8230-01-M

United States Advisory Commission on Public Diplomacy; Meeting

The United States Advisory Commission on Public Diplomacy will meet in Washington, D.C. on Wednesday, September 22 in order to attend to urgent matters. The meeting will be closed to the public because it will involve a discussion of sensitive security information relating to the fall activities of the Agency's Associate Directorate for Programs with Associate Director-designate Scott Thompson. Premature disclosure of this information is likely to significantly frustrate implementation of proposed Agency action (5 U.S.C. 552b(c)(9)(D) because there will be a discussion of future Agency policy and programs.

Dated: September 3, 1982.

Charles Z. Wick,

Director.

[FR Doc. 82-2419 Filed 9-8-82; 8:45 a.m.]

BILLING CODE 8230-01-M

VETERANS' ADMINISTRATION

Voluntary Service National Advisory Committee; Meeting

The Veterans' Administration gives notice that the annual meeting of the Veterans' Administration Voluntary Service Advisory Committee, composed of representatives of 46 national voluntary organizations and four associate national voluntary organizations, will be held at the Philadelphia Centre Hotel, 1725 John F. Kennedy Boulevard, Philadelphia, Pennsylvania, on October 15 through 17, 1982.

Registration of the conferees and preliminary meetings on procedural matters will be held beginning at 9 a.m. on October 15, 1982. The committee will officially convene with a Plenary Session at 9 a.m., October 16, in the Grand Ballroom West of the hotel and will conclude at 10:30 a.m. on October 17, 1982.

The purposes of the meeting are to instruct committee members and officials of their organizations in obligations they have accepted for volunteer recruitment, communications and program interpretation, and to seek the advice of the committee in further developing volunteer participation in the care and treatment of veteran patients throughout the agency's nationwide medical program.

Dated: September 1, 1982.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 82-24709 Filed 9-8-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 175
Thursday, September 9, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:35 a.m. on Friday, September 3, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,391-NR—Penn Square Bank, N.A., Oklahoma City, Oklahoma

Resolution making funds available for the payment of insured deposits in Hohenwald Bank & Trust Co., Hohenwald, Tennessee, in anticipation of, and contingent upon, its expected closure.

Memorandum regarding an Assistance Agreement entered into between the Corporation and an insured bank, pursuant to section 13(e) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: September 3, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-1281-82 Filed 9-7-82; 12:21 pm]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, September 14, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, September 16, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Addendum to the final audit report, Citizens for Larouche
Routine administrative matters

Person to contact for information: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1283-82 9-7-82; 2:47 pm]

BILLING CODE 6715-01-M

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, September 13, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 3, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1279-82 Filed 9-7-82; 9:41 am]

BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, September 15, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed extension and revision of the Report of Commercial Paper Outstanding Placed by Brokers and Dealers (FR 2957a) and the Report of Commercial Paper Outstanding Placed Directly by Issuer (FR 2957b), and proposed extension of the Daily Report of Offering Rates on Commercial Paper (FR 2957d).

Discussion Agenda:

2. Proposed revisions to the collection and publication of consumer credit data.
3. Proposal to conduct a survey on the deposit and loan relationships between non-U.S. offices of foreign banks with offices in the U.S. and U.S. nonbank residents.
4. Any items carried forward from a previously announced meeting.

Notes—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 7, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1284-82 Filed 9-7-82; 3:39 pm]

BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM:

TIME AND DATE: Approximately 11:30 a.m., Wednesday, September 15, 1982, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constituion Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 7, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1285-82 Filed 9-7-82; 3:39 pm]

BILLING CODE 6210-01-M

6

NATIONAL SCIENCE FOUNDATION

DATE AND TIME:

September 16, 1982 9:00 a.m. Open Session
September 17, 1982 9:30 a.m. Open Session
September 17, 1982 8:30 a.m. Closed Session

PLACE: National Science Foundation, 1800 G Street, N.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS: Thursday, September 16, 9:00 a.m.

1. Minutes—Open Session—August 1982 Meeting
2. Chairman's Items
3. Director's Report
4. International Science

Friday, September 17, 9:30 a.m.

5. Grants, Contracts, and Programs
6. International Science (continued)
7. NSF Budgets for Fiscal Year 1983 and Subsequent Years
8. Board Representation at Advisory Committee and Other Meetings
9. Reports of Board Committees and Individuals

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION: Friday, September 17, 8:30 a.m.

A. Minutes—Closed Session—August 1982 Meeting
B. NSB and NSF Staff Nominees
C. Grants, Contracts, and Programs

CONTACT PERSON FOR MORE INFORMATION: Ms. Margaret L. Windus, Executive Officer, NSB, 202/357-9582.

[S-1280-82 Filed 9-7-82; 12:03 pm]

BILLING CODE 7555-01-M

7

RAILROAD RETIREMENT BOARD

TIME AND DATE: 10 a.m., September 16, 1982.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

(1) Appeal of Rail Car Corporation.
(2) Employer status of Burlington Northern (Manitoba) Limited.
(3) Consolidation of Fort Worth, Texas District Office and Dallas, Texas Base Point Office.
(4) Staffing of the Title VII unit.
(5) John S. Doty appeal (availability for work).

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312-751-4920; FTS No. 387-4920.

[S-1282-82 Filed 9-7-82; 12:22 p.m.]

BILLING CODE 7905-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing September 1, 1982