

# OK Federal Register

Monday  
January 17, 1983

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## Selected Subjects

### Administrative Practice and Procedure

Federal Communications Commission  
Federal Grain Inspection Service  
General Accounting Office  
Interstate Commerce Commission

### Air Pollution Control

Environmental Protection Agency

### Anchorage Grounds

Coast Guard

### Archives and Records

Civil Aeronautics Board

### Aviation Safety

Federal Aviation Administration

### Coal Mining

Surface Mining Reclamation and Enforcement Office

### Cultural Exchange Programs

United States Information Agency

### Flood Insurance

Federal Emergency Management Agency

### Government Contracts

Federal Highway Administration

### Grant Programs—Transportation

Federal Highway Administration

### Legal Services

Legal Services Corporation

### Life Insurance

Veterans Administration

CONTINUED INSIDE



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## Selected Subjects

### Marketing Agreements

Agricultural Marketing Service

### Minimum Property Standards

Federal Housing Commissioner—Office of Assistant Secretary for Housing

### Motor Vehicle Safety

National Highway Traffic Safety Administration

### Organization and Functions (Government Agencies)

Postal Service

### Public Lands—Rights-of-Way

Land Management Bureau

### Radio Broadcasting

Federal Communications Commission

### Solar Energy

Housing and Urban Development Department

### Trade Practices

Federal Trade Commission

### Wine

Alcohol, Tobacco and Firearms Bureau



# Contents

Federal Register

Vol. 48, No. 11

Monday, January 17, 1983

- Administrative Conference of United States**  
NOTICES  
Meetings:  
2028 Rulemaking Committee
- Agricultural Marketing Service**  
RULES  
1932 Marketing orders; expenses and rates of assessment
- Agriculture Department**  
*See also* Agricultural Marketing Service; Federal Grain Inspection Service.  
NOTICES  
Organization and functions:  
2028 World Agricultural Outlook Board
- Air Force Department**  
NOTICES  
Meetings:  
2032 Scientific Advisory Board
- Alcohol, Tobacco and Firearms Bureau**  
PROPOSED RULES  
1985 Alcohol; viticultural area designations: Paso Robles, Calif.
- Civil Aeronautics Board**  
RULES  
1941 Fee schedules for services benefiting individual recipients; license fees elimination and filing fees revision; editorial amendment  
Tariffs:  
1940 Exemptions from filing; updated list of carrier classes; editorial amendment  
NOTICES  
Hearings, etc.:  
2029 Air Florida Systems—Western acquisition
- Civil Rights Commission**  
NOTICES  
Meetings; State advisory committees:  
2030 Illinois
- Coast Guard**  
RULES  
1958 Navigation areas, regulated: San Pedro Bay, Calif.  
PROPOSED RULES  
1988 Anchorage regulations: Washington
- Commerce Department**  
*See* International Trade Administration; National Bureau of Standards.
- Consumer Product Safety Commission**  
NOTICES  
2097 Meetings; Sunshine Act (2 documents)
- Defense Department**  
*See also* Air Force Department.  
NOTICES  
2032 Agency forms submitted to OMB for review (2 documents)  
Meetings:  
2033 Defense Systems Management College Board of Visitors
- Delaware River Basin Commission**  
NOTICES  
2033 Hearings
- Education Department**  
NOTICES  
Meetings:  
2034 Accreditation and Institutional Eligibility National Advisory Committee  
2033 Education Intergovernmental Advisory Council  
Postsecondary education:  
2034 Special programs staff and leadership personnel training program; inquiry
- Energy Department**  
*See* Federal Energy Regulatory Commission.
- Environmental Protection Agency**  
PROPOSED RULES  
1989 Air quality planning purposes; designation of areas: New Jersey  
NOTICES  
2067 Toxic and hazardous substances control: Premanufacture notification requirements; test marketing exemption approvals
- Federal Aviation Administration**  
RULES  
Airworthiness directives:  
1933–1934 Lockheed-California (2 documents)  
1935 McDonnell Douglas  
1936 Rockwell International  
1937 Rolls-Royce  
1938 Transition areas  
PROPOSED RULES  
Airworthiness directives:  
1979, Boeing (2 documents)  
1981  
1981 Detroit Diesel Allison  
NOTICES  
Meetings:  
2092 Aeronautics Radio Technical Commission
- Federal Communications Commission**  
RULES  
Radio services, special:  
1972 Private operational-fixed microwave service; applicants to operate up to 180 days under extraordinary circumstances without filing regular application



- PROPOSED RULES**  
Radio stations; table of assignments:  
1990 Oklahoma  
**Federal Election Commission**  
**NOTICES**  
Special election; filing dates:  
2067 Texas
- Federal Emergency Management Agency**  
**RULES**  
Flood insurance; communities eligible for sale:  
1969 California et al.  
**NOTICES**  
Disaster and emergency areas:  
2068 Illinois  
2068 Louisiana
- Federal Energy Regulatory Commission**  
**NOTICES**  
Hearings, etc.:  
2035 Consolidated Gas Supply Corp.  
2061 Delmarva Power & Light Co.  
2061 East Tennessee Natural Gas Co.  
2061 Empire District Electric Co.  
2061 Illinois Power Co.  
2061 Kentucky-West Virginia Gas Co.  
2062 Lawrenceburg Gas Transmission Corp.  
2062 Midwestern Gas Transmission Co.  
2062 Missouri Public Service Co. et al.  
2063 Mountain Fuel Supply Co.  
2063 National Fuel Gas Supply Corp.  
2063 Northwest Pipeline Corp.  
2064 Orange & Rockland Utilities, Inc.  
2064 Panhandle Eastern Pipe Line Co.  
2064 Tennessee Natural Gas Lines, Inc. (2 documents)  
2065 Texas Eastern Transmission Corp. (3 documents)  
2066 Washington Water Power Co.  
2066 West Lake Arthur Corp.  
2066 West Texas Utilities Co.  
Natural Gas Policy Act:  
2036- Jurisdictional agency determinations (3  
2054 documents)  
2066 Oil pipelines, interstate; tentative basic valuations
- Federal Grain Inspection Service**  
**PROPOSED RULES**  
1979 Deceptive actions and practices
- Federal Highway Administration**  
**RULES**  
Engineering and traffic operations:  
1946 Construction and maintenance; contract  
procedures; Buy America requirements; interim  
1948 Utility relocation and adjustments; ceiling raised  
to \$25,000 for using lump sum payment for  
reimbursement on Federal-aid and direct Federal  
highway projects  
Motor carrier safety regulations:  
1973 Drivers; written examinations; technical  
amendments
- Federal Home Loan Bank Board**  
**NOTICES**  
2097 Meetings; Sunshine Act
- Federal Housing Commissioner-Office of  
Assistant Secretary for Housing**  
**RULES**  
Minimum property standards:  
1954 Solid fuel type room heaters and fireplace stoves;  
HUD building products certification program  
(Materials Bulletin No. 84)
- Federal Mine Safety and Health Review  
Commission**  
**NOTICES**  
2097 Meetings; Sunshine Act
- Federal Trade Commission**  
**PROPOSED RULES**  
Prohibited trade practices:  
1982 Gulf & Western Industries, Inc.
- General Accounting Office**  
**RULES**  
1931 Bid protest procedures; express option procedure to  
expedite development and resolution
- Health and Human Services Department**  
See Health Resources and Services Administration.
- Health Resources and Services Administration**  
**NOTICES**  
Grants; availability, etc.:  
2068 Predoctoral training in family medicine  
Organization, functions, and authority delegations:  
2069 Health Profession Bureau, Director, et al.; health  
research and teaching facilities, etc.
- Housing and Urban Development Department**  
See also Federal Housing Commissioner—Office of  
Assistant Secretary for Housing.  
**RULES**  
1948 Solar heating and cooling systems in residential  
buildings; performance criteria  
**NOTICES**  
Authority delegations:  
2069 Equal Opportunity and Administrative Law,  
Associate General Counsel, et al.; disposition of  
claims under Federal Tort Claims Act, etc.
- Interior Department**  
See Land Management Bureau; Minerals  
Management Service; Surface Mining Reclamation  
and Enforcement Office.
- International Trade Administration**  
**NOTICES**  
Antidumping:  
2030 Animal glue and inedible gelatin from  
Netherlands  
Scientific articles; duty free entry:  
2031 University of Missouri-Columbia et al.
- Interstate Commerce Commission**  
**RULES**  
Bus Regulatory Reform Act; implementation:  
1977 Operating authority application procedures; Form  
OP-1 availability  
**PROPOSED RULES**  
Practice and procedure:  
2025 Rail and water carrier rates; informal complaints;  
exemption from letter-of-intent requirements



- 2026 Tariffs and schedules:  
Motor contract carriers; exemption; comment procedures  
**NOTICES**  
Motor carriers:  
2074 Finance applications  
2075, Permanent authority applications (2 documents)  
2082  
2076 Temporary authority applications  
2085 Williams, Robert L., et al.; continuance in control exemption  
2073 Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, gateways, and pack and crate  
Rail carriers; contract tariff exemptions:  
2073 Burlington Northern Railroad Co. et al.
- Land Management Bureau**  
**PROPOSED RULES**  
Rights-of-way:  
2110 Principles and procedures; reimbursement of costs procedures  
**NOTICES**  
Coal leases, exploration licenses, etc.:  
2071 Utah  
2113 Rights-of-way; cost recovery schedule, inquiry  
Survey plat filings:  
2071 Wisconsin  
Wilderness areas; characteristics, inventories, etc.:  
2070 Arizona  
Withdrawal and reservation of lands, proposed, etc.:  
2070 Oklahoma
- Legal Services Corporation**  
**RULES**  
1971 Limitations and restrictions on use of funds; governing bodies of recipients; implementation
- Minerals Management Service**  
**RULES**  
Outer Continental Shelf; oil, gas, and sulphur operations:  
1955 Air Quality Dispersion Model; draft user's manual, future availability  
**NOTICES**  
Meetings:  
2073 Nondestructive evaluation methods of structures workshops  
Outer Continental Shelf; oil, gas, and sulphur operations:  
2071 Alaska; oil and gas lease operations; correction  
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:  
2072 Superior Oil Co.  
2072 Tenneco Oil Exploration & Production  
2072 Union Oil Co. of California
- Motor Carrier Ratemaking Study Commission**  
**NOTICES**  
2085 Meetings
- National Aeronautics and Space Administration**  
**NOTICES**  
Meetings:  
2086 Aeronautics Advisory Committee; correction
- National Bureau of Standards**  
**NOTICES**  
Meetings:  
2032 Visiting Committee  
**National Council on the Handicapped**  
**NOTICES**  
2097 Meetings; Sunshine Act
- National Highway Traffic Safety Administration**  
**PROPOSED RULES**  
Motor vehicle safety standards:  
1992 Lamps, reflective devices, and associated equipment; semi-sealed headlamp with standardized replaceable bulb, etc.
- Pension Benefit Guaranty Corporation**  
**NOTICES**  
Multiemployer pension plans; special withdrawal liability rules approval requests:  
2086 International Longshoremen's and Warehousemen's Union-Pacific Maritime Association Pension Plan
- Postal Service**  
**RULES**  
Organization and administration:  
1965 Miscellaneous changes and interpretative rule
- Research and Special Programs Administration, Transportation Department**  
**NOTICES**  
Hazardous materials:  
2092 Applications; exemptions, renewals, etc.
- Securities and Exchange Commission**  
**NOTICES**  
Hearings, etc.:  
2091 Standard Oil Co. et al.  
Self-regulatory organization; proposed rule changes:  
2089 American Stock Exchange, Inc.  
2090 Philadelphia Depository Trust Co.
- Surface Mining Reclamation and Enforcement Office**  
**RULES**  
Permanent program submission; various States:  
1956 Missouri  
1957 Ohio  
**PROPOSED RULES**  
Permanent program submission; various States:  
1987 Kentucky
- Synthetic Fuels Corporation**  
**NOTICES**  
2092 Oil shale projects, competitive solicitation; briefing
- Transportation Department**  
*See also* Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.  
**NOTICES**  
2096 International aviation functions, procedure recommendations; responsibility transferred from AB; inquiry; extension of time



**Treasury Department**

See Alcohol, Tobacco and Firearms Bureau.

**United States Information Agency****RULES**

- 1941 Exchange-visitor program; J-1 Visa use

**Veterans Administration****RULES**

- 1959 Life insurance, U.S. Government; premium payments terminated and War Risk Insurance rescinded

**List of Separate Parts in This Issue****Part II**

- 2110 Department of the Interior, Bureau of Land Management

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

<b>4 CFR</b>		<b>Proposed Rules:</b>	
21.....	1931	917.....	1987
<b>7 CFR</b>		<b>33 CFR</b>	
913.....	1932	110.....	1958
928.....	1932	165.....	1958
932.....	1932	<b>Proposed Rules:</b>	
959.....	1932	110.....	1988
971.....	1932	<b>38 CFR</b>	
979.....	1932	6.....	1959
<b>Proposed Rules:</b>		<b>39 CFR</b>	
800.....	1979	221.....	1965
<b>14 CFR</b>		222.....	1965
39 (5 documents).....	1933-1939	223.....	1965
71.....	1940	224.....	1965
221.....	1940	225.....	1965
389.....	1941	265.....	1965
<b>Proposed Rules:</b>		<b>40 CFR</b>	
39 (3 documents).....	1979, 1981	<b>Proposed Rules:</b>	
<b>16 CFR</b>		81.....	1989
<b>Proposed Rules:</b>		<b>43 CFR</b>	
13.....	1982	<b>Proposed Rules:</b>	
<b>22 CFR</b>		2800.....	2110
514.....	1941	<b>44 CFR</b>	
<b>23 CFR</b>		64.....	1969
635.....	1946	<b>45 CFR</b>	
645.....	1948	1607.....	1971
<b>24 CFR</b>		<b>47 CFR</b>	
Subtitle A.....	1948	1.....	1972
200.....	1954	94.....	1972
<b>27 CFR</b>		<b>Proposed Rules:</b>	
<b>Proposed Rules:</b>		73.....	1990
9.....	1985	<b>49 CFR</b>	
<b>30 CFR</b>		Ch. II.....	1973
250.....	1955	1160.....	1977
925.....	1956	<b>Proposed Rules:</b>	
935.....	1957	571.....	1992
		1130.....	2025
		1162.....	2026
		1306.....	2026
		1307.....	2026



# Rules and Regulations

Federal Register

Vol. 48, No. 11

Monday, January 17, 1983

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

## GENERAL ACCOUNTING OFFICE

### 4 CFR Part 21

#### Bid Protest Procedures

**AGENCY:** General Accounting Office.

**ACTION:** Final rule.

**SUMMARY:** This amendment to Part 21 of title 4, Code of Federal Regulations, will formally establish an express option procedure to expedite the development and resolution of bid protests where deemed appropriate by the General Accounting Office. Experience gained under the current Procedures indicates that some bid protests can be handled more effectively if accelerated procedures are used. This amendment also will formalize the existing practices of (1) requiring a protester to comment on an agency report or otherwise express interest in a General Accounting Office decision, within 10 days of the protester's receipt of the report, and (2) summarily denying or dismissing protests in appropriate cases. This amendment also will eliminate an ambiguity concerning the requirement for filing a protest timely. This amendment will increase the effectiveness of the bid protest process.

**EFFECTIVE DATE:** February 16, 1983.

**FOR FURTHER INFORMATION CONTACT:** John M. Melody, U.S. General Accounting Office, Office of General Counsel, Room 7074A, 441 G Street NW., Washington, D. C. 20548, (202) 275-5476.

**SUPPLEMENTARY INFORMATION:** The General Accounting Office has established detailed procedures for the consideration of bid protests at 4 CFR Part 21. These revisions are designed to afford interested parties to protests an opportunity to comment on the matter while at the same time assuring that protests will be resolved more quickly and effectively through accelerated

procedures. The express option under new § 21.11 explicitly provides for such accelerated procedures. The revision to § 21.2 clarifies application of the timeliness requirement for filing protests regarding solicitation improprieties, in accordance with the decision reported at 58 Comp. Gen. 750 (1979), 79-2 CPD 159.

The express option will be invoked only when deemed appropriate by the General Accounting Office. Generally, the express option will be appropriate where, in the view of the General Accounting Office, the protest can be effectively resolved only if the protest record is developed more quickly than in the time provided under the current procedures. Where the General Accounting Office invokes the express option it will arrange conferences or conference calls with the parties to pinpoint vital issues and to establish mutually agreeable deadlines for the filing of submissions, including the agency's administrative report and any comments by the protester and interested parties.

The General Accounting Office currently requires protesters to file comments on the agency's report or otherwise express interest in a protest decision within 10 days of receiving the report, for the purpose of compelling protesters to decide in a timely manner whether or not to continue their protests. If there were no such time constraint and protesters were able to express continuing interest at any time, the subject procurement often would be unnecessarily disrupted. Incorporating this requirement in the Procedures under § 21.3(d) will make protesters fully aware of their responsibilities in pursuing a protest. Protests are denied summarily or dismissed wherever it is clear on the face of the protest that it is without merit or concerns a matter not appropriate for review by the General Accounting Office. The examples set forth in new § 21.3(g) are intended to aid potential protesters in determining in advance whether the General Accounting Office is the appropriate forum for their complaint.

Section 21.2 (a) provides that a protest filed with the General Accounting Office after a timely protest has been filed initially with the contracting agency will be considered only if filed with the General Accounting Office within 10 days of the protester's learning of

adverse agency action on the protest lodged with the agency. Section 21.2(b)(1) provides that the General Accounting Office will consider a protest alleging an impropriety in a solicitation apparent prior to bid opening or the closing date for receipt of proposals if the protest is filed prior to the bid opening or closing time. In cases where a protester learns of adverse agency action on such a protest more than 10 days prior to the bid opening or closing date, the General Accounting Office intends the rule of § 21.2(a) to apply. The addition to § 21.2 is to make clear that § 21.2(a) applies.

#### List of Subjects is 4 CFR Part 21

Administrative practice and procedures, Government contracts.

### PART 21—[AMENDED]

Accordingly, 4 CFR Part 21 is amended as follows:

1. The authority citation for Part 21 reads as follows:

**Authority:** Sec. 311, 42 Stat. 25, as amended (31 U.S.C. 52). Interpret or apply sec. 305, 42 Stat. 24 (31 U.S.C. 71); sec. 304, 42 Stat. 24, as amended (31 U.S.C. 74).

2. The table of contents for Part 21 is amended as follows:

Sec.

• • • • •

21.3 Notice of protest, submission of agency report and requirement for filing response to report.

• • • • •

21.11 Express option.

3. The last sentence of paragraph (a) of § 21.2 is revised to read as follows:

#### § 21.2 Time for filing.

(a) \* \* \* In any case, a protest will be considered if filed initially with the General Accounting Office within the time limits prescribed in paragraph (b).

• • • • •

4. Add a new sentence at the end of existing paragraph (b)(1) of § 21.2 as follows:

• • • • •

(b) (1) \* \* \* In cases where an alleged impropriety in a solicitation is timely protested to an agency as provided for in paragraph (a), any subsequent protest to the General Accounting Office must be filed within the 10-day period provided by paragraph (a).



5. Section 21.3 is amended by revising the heading to read as follows:

**§ 21.3 Notice of protest, submission of agency report and requirement for filing response to report.**

6. Revise paragraph (d) of § 21.3 to read as follows:

(d) Comments on the agency report, or a statement that the protester does not intend to file comments but desires a decision on the basis of the existing record, shall be filed with the Office of General Counsel within 10 days after receipt of the report, with a copy to the agency office which furnished the report and to other interested parties. The failure of a protester to either file comments or otherwise indicate within the 10-day period any interest in receiving a decision shall result in dismissal of the protest.

7. Paragraph (e) of § 21.3 is redesignated paragraph (f) and a new paragraph (e) is added to read as follows:

(e) Any rebuttal to comments on the agency report a protester or interested parties may care to make shall be filed with the Office of General Counsel, General Accounting Office, within 5 days after receipt of the comments to which rebuttal is directed, with a copy to the agency office which furnished the report, the protester and interested parties, as the case may be. Unsolicited agency rebuttals shall be considered if filed within 5 days after receipt of the comments to which rebuttal is directed.

8. A new paragraph (g) is added to § 21.3 reading as follows:

(g) Notwithstanding any other provision of this § 21.3, when on its face a protest is clearly without legal merit or is not reviewable by the General Accounting Office under these Procedures, the protest shall be summarily denied or dismissed without a report from the agency. When the propriety of dismissal becomes clear only after information is provided by the agency or is otherwise obtained by the Office of General Counsel, the protest shall be dismissed at that time. Among the protests which may be dismissed without consideration of the merits of the protests are those concerning the following:

(1) *Contract Administration.* The administration of an on-going contract is within the discretion of the contracting agency. Disputes between a contractor and the agency are resolved pursuant to

the disputes clause of the contract and the Contract Disputes Act of 1978. 41 U.S.C. 601-13 (Supp. IV 1980).

(2) *Small Business Size Standards.* Challenges of established size standards or the size status of particular firms are for review solely by the Small Business Administration. 15 U.S.C. 637(b)(6).

(3) *Negative Determination of Responsibility of a Small Business Concern.* The Small Business Administration, under its certificate of competency program, makes final dispositions of contracting officer determinations that a small business firm is not responsible to perform a contract. 15 U.S.C. 637(b)(7)(A) (Supp. IV 1980).

(4) *Affirmative Determination of Responsibility.* Because a determination that a bidder or offeror is capable of performing a contract is based in large measure on subjective judgments which generally are not readily susceptible of reasoned review, an affirmative determination of responsibility will not be reviewed absent a showing that such determination was made fraudulently or in bad faith, or that definitive responsibility criteria in the solicitation were not met.

(5) *Procurements or Sales by Agencies Whose Accounts Are Not Subject to Settlement by the General Accounting Office.* Protests of procurements by such agencies (e.g., U.S. Postal Service, Federal Deposit Insurance Corporation, nonappropriated fund activities) are beyond the Office's bid protest jurisdiction, which is based on the statutory authority to adjust and settle accounts. 31 U.S.C. 3526, 96 Stat. 877 (formerly 31 U.S.C. 71, 74).

9. A new § 21.11 is added, reading as follows:

**§ 21.11 Express option.**

At the request of the protester, the procuring agency, an interested party, or a court (pursuant to § 21.10 of these Procedures), for an expeditious decision, the Office of General Counsel will consider the feasibility of using an express option. The express option will be invoked solely at the discretion of the Office of General Counsel. Generally, use of the express option will be regarded as appropriate where the protest can be effectively resolved only if the protest record is developed more quickly than in the time provided in § 21.3. When the express option is used, the Office of General Counsel will arrange a preliminary conference (or conference call) to ascertain and clarify the material issues, to establish a realistic accelerated timetable for all protest submissions, to assist the parties in exchanging material documents, to

set a date for the informal conference, and to set a date as the goal for issuance of the decision.

Charles A. Bowsheer,  
Comptroller General of the United States.

[FR Doc. 83-1116 Filed 1-14-83; 8:45 am]

BILLING CODE 1610-01-M

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Parts 913, 928, 932, 959, 971, and 979**

**Expenses and Rates of Assessment for Specified Marketing Orders**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation authorizes expenses of the committees functioning under Marketing Orders 913, 928, 959, 971, and 979 and amends the expenses of Marketing Order 932. Funds to administer these programs are derived from assessments on handlers of the fruits and vegetables regulated under the orders.

**EFFECTIVE DATES:** August 1, 1982-July 31, 1983 (§ 913.217, § 959.222, § 971.221); October 1, 1982-September 30, 1983 (§ 979.204); January 1-December 31, 1983 (§ 928.211); and September 1, 1982-December 31, 1983 (§ 932.217).

**FOR FURTHER INFORMATION CONTACT:** Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250; (202) 447-2615.

**SUPPLEMENTARY INFORMATION:** This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not significantly affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). These actions are based upon the recommendations and information submitted by each committee established under the respective marketing order, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public



interest to give preliminary notice and engage in public rulemaking and good cause exists for not postponing the effective date until 30 days after publication in the Federal Register (5 U.S.C. 533). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable fruits and vegetables handled from the beginning of such period. To enable the committees to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified and handlers have been apprised of such provisions, and the effective time.

#### List of Subject

##### 7 CFR Part 913

Marketing agreements and orders, Florida, Grapefruit.

##### 7 CFR Part 928

Marketing agreements and orders, Papayas, Hawaii.

##### 7 CFR Part 932

Marketing agreements and orders, Olives, California.

##### 7 CFR Part 959

Marketing agreements and orders, Onions, Texas.

##### 7 CFR Part 971

Marketing agreements and orders, Lettuce, Texas.

##### 7 CFR Part 979

Marketing agreements and orders, Melons, Texas.

Sections 913.217 (M.O. 913), 928.211 (M.O. 928), 959.222 (M.O. 959), 971.221 (M.O. 971), and 979.204 (M.O. 979) are removed and new sections are added as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations.)

#### PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT OF FLORIDA

##### § 913.218 Expenses and assessment rate.

Expenses of \$10,050 by the Interior Grapefruit Marketing Committee are authorized and an assessment rate of \$0.001 per carton (½ bushel) of grapefruit is established for the fiscal year ending July 31, 1983.

#### PART 928—PAPAYAS GROWN IN HAWAII

##### § 928.212 Expenses and assessment rate.

Expenses of \$542,500 by the Papaya Administrative Committee are authorized, and an assessment rate of \$0.006 per pound of papayas is established for the fiscal year ending December 31, 1983. Unexpended funds may be carried over in an operating monetary reserve.

#### PART 959—ONIONS GROWN IN SOUTH TEXAS

##### § 959.223 Expenses and assessment rate

Expenses of \$192,829 by the South Texas Onion Committee are authorized, and an assessment rate of \$0.03 per 50-pound container or equivalent quantity is established for the fiscal period ending July 31, 1983. Unexpended funds may be carried over as a reserve.

#### PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

##### § 971.222 Expenses and assessment rate.

Expenses of \$42,500 by the South Texas Lettuce Committee are authorized for the fiscal period ending July 31, 1983. During this fiscal period, an assessment rate of \$0.03 per carton of lettuce is established. Unexpended funds may be carried over as a reserve.

#### PART 979—MELONS GROWN IN SOUTH TEXAS

##### § 979.205 Expenses and assessment rate.

Expenses of \$119,000 by the South Texas Melon Committee are authorized, and an assessment rate of \$0.02 per carton of melons is established for the fiscal period ending September 30, 1983. In accordance with the provisions of § 979.42, late payment charges of one and one-half percent per month shall be charged on the unpaid balance for each past due account. An account is past due 30 days after the billing date. Unexpended funds may be carried over as a reserve.

In addition, § 932.217 is revised as follows:

##### § 932.217 Expenses and assessment rate.

Expenses of \$2,853,452 by the California Olive Committee are authorized for the period September 1, 1982, through December 31, 1983. The rate of assessment for that period shall be established at \$21.58 per ton, less any amount credited pursuant to § 932.45 but not to exceed \$8.93 per ton. Unexpended funds may be carried over as a reserve.

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

Dated: January 11, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-1110 Filed 1-14-83; 8:45 am]

BILLING CODE 3410-02-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 82-NM-64-AD; Amdt. 39-4531]

#### Airworthiness Directives; Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires modification of the electrical system on certain Lockheed Model L-1011-385 Series airplanes. This AD is needed because of reported failures of the DC Standby Bus Transfer Relay. Failure of this relay could cause loss of all power to the DC standby loads in flight.

DATE: Effective February 16, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Raymond A. Stoer, Aerospace Engineer, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2831.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new Airworthiness Directive (AD) to require modification of the electrical system in accordance with Part 2A of the Accomplishment Instructions of Lockheed-California Company L-1011 Service Bulletin 093-24-080, Revision 3, dated July 29, 1980, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA,



Northwest Mountain Region, was published as a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* (47 FR 38147) dated August 30, 1982. This proposal was prompted by seven reported instances over the past three years when failure of the DC Standby Bus Transfer Relay has resulted in the loss of power to all the DC standby electrical loads during flight. This condition occurs when the relay contacts weld together in the closed position and transfer the DC standby bus from its normal source of power to the aircraft battery. This condition cannot be corrected in flight, and in most cases lack of adequate annunciation may not alert the flight crew to the condition. Under this condition, the aircraft battery power may become depleted, thus leaving the remaining flight, and possibly an unscheduled landing, to be made without the availability of the critical DC standby functions.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Two comments were received in response to the Notice of Proposed Rulemaking. Both commenters believe that implementation of Lockheed Service Bulletin 093-24-074, with appropriate crew procedures as recommended by Lockheed, should be considered as a means of extending the compliance date. This service bulletin employs a multi-function warning light to annunciate an aircraft battery discharge condition to the aircrew. Since the Standby Bus Transfer Relay is normally actuated during pre-takeoff procedures, the condition of a failed relay could readily be detected on the ground and appropriate maintenance action taken prior to flight.

The FAA does not concur with this position. Although more failures are likely to occur on the ground than in flight, there is no technical assurance that some of the reported failures could not just as likely have occurred in flight as a result of power system switching transients or momentary electrical system voltage depression below the affected relay dropout voltage.

The estimated costs associated with this AD are as follows: 85 domestic airplanes are affected requiring approximately 5.3 manhours per airplane at an average cost of \$35 per manhour. The replacement relays are estimated to cost \$600 per airplane. Based upon these figures, the total economic impact is estimated to be \$51,058. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order

12291. No small entities within the meaning of the Regulatory Flexibility Act would be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require that the rule be adopted as proposed.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

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

**Lockheed-California Company:** Applies to Lockheed Model L-1011-385 series airplanes, certificated in all categories. Compliance required as indicated, unless previously accomplished.

To minimize the probability of loss of all DC standby functions in flight, accomplish the following by March 31, 1983:

A. Modify the electrical system in accordance with Part 2A of the Accomplishment Instructions of Lockheed-California Company L-1011 Service Bulletin 093-24-080, Revision 3, dated July 29, 1980, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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

**Note.**—Modification of the airplane in accordance with L-1011 Service Bulletin 093-24-083, Revision 2, dated July 31, 1981, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region is an approved alternate means of compliance.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with requirements of this AD.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective February 16, 1983.

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

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

**Note.**—For the reasons discussed earlier in the preamble, the Federal Aviation Administration has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, since it involves few, if any small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on December 23, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

(FR Doc. 83-1007 Filed 1-14-83; 8:45 am)

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 82-NM-125-AD; Amdt. 39-4533]

#### Airworthiness Directives; Lockheed-California Company Model L-1011-385 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA has determined that AD 81-21-51, Amendment 39-4329, can be amended to relieve the Powerplant Limitations and Emergency Procedures, specified therein, for aircraft with engines modified to incorporate fan axial retention features, provided certain changes are made to the engine indicating system (portions of the pilots' caution and warning panel). For these aircraft, the emergency procedures for engine abnormal vibration indication are amended to allow switching to the other Airborne Vibration Monitor (AVM) channel to detect a possible system malfunction. Also, an AVM increase of one unit or more without exceeding 2.5 units is deleted as a cause for engine shutdown, in addition to certain other minor revisions to the powerplant limitations.

**DATE:** Effective January 17, 1983.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support



Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

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

**SUPPLEMENTARY INFORMATION:** Airworthiness Directive (AD) 81-21-51, Amendment 39-4329, applicable to Lockheed Model L-1011-385 series aircraft certificated in all categories, requires specified limitations and procedures to be included in the FAA approved Airplane Flight Manual (AFM), and modifications to the pilots' caution and warning panel. This action was prompted by three instances of failure of the Rolls-Royce RB.211 engine fan shaft, each resulting in significant damage to the aircraft.

Subsequently, the FAA issued AD 82-12-05, Amendment 39-4398, applicable to all RB.211-22B and -524 series turbofan engines. This AD requires incorporation of fan axial retention modifications in accordance with Rolls-Royce Service Bulletins specified therein. When all three engines on the L-1011 aircraft are so modified, the hazard associated with failure of the engine fan shaft is greatly reduced.

In view of the reduced hazard following engine modifications and recognizing the safety benefits of reducing the rate of unnecessary engine shutdowns, the FAA has determined that AD 81-21-51 can be amended. For aircraft incorporating modified engines in addition to associated changes to the pilots' caution and warning panel, the emergency procedures for engine abnormal vibration indication are amended to allow switching to the alternate AVM channel to determine whether high vibration indication may be a system malfunction instead of indicating an engine problem. Also, an AVM increase of one unit or more, without exceeding 2.5 units, is deleted as a cause for engine shutdown. The powerplant limitations also are amended to allow selection of either channel (A or B) (FAN or TURB), and to allow alternate channel and filter selections during steady cruise conditions to record engine parameters.

Since this amendment relieves a restriction, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice

and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 81-21-51, Amendment 39-4329 (47 FR 8556, March 1, 1982), by adding a new paragraph E which reads as follows and redesignating the existing paragraphs E and F as F and G, respectively.

"E. For aircraft incorporating engines which are in compliance with AD 82-12-05, Amendment 39-4398, and which have engine indicating systems modified in accordance with the Accomplishment Instructions in Lockheed L-1011 Service Bulletin 093-77-052, dated Dec. 17, 1982, the Powerplant Limitations and Emergency Procedures contained in FAA approved Lockheed L-1011 Airplane Flight Manual No. LR-25925 revision dated Dec. 20, 1982, may be used in lieu of those specified in paragraph A. above."

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective January 17, 1983.

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

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

Issued in Seattle, Washington on December 27, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-1010 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 82-NM-38-AD; Amdt. 39-4530]

#### Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes With Operable Galley Lifts

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new Airworthiness Directive (AD) which requires modification of the galley lift electrical interlock system on McDonnell Douglas Model DC-10 Series airplanes. This AD is needed to assure reliable operation of the galley lift system's electrical interlocks, thus minimizing a potential operational hazard to personnel associated with galley lift electrical interlock system malfunctions.

**DATE:** Effective date February 16, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68906, Seattle, Washington or 4344 Donald Douglas Drive, Long Beach, California.

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

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include a new Airworthiness Directive (AD) requiring a modification of the galley lift electrical interlock system on McDonnell Douglas Model DC-10 Series airplanes consisting of installation of hermetically sealed switches, structural protection of the switch installation, replacement of the existing plunger type electrical interlock



switch actuators with leaf spring actuators and installation of additional warning placards was published as a Notice of Proposed Rulemaking (NPRM) in the Federal Register (47 FR 29253; dated July 6, 1982). This proposal was prompted by the events discussed below:

On September 19, 1981, a flight attendant, while executing her duties in the lower galley of a DC-10-30 aircraft enroute from Baltimore-Washington International Airport, U.S.A. to Gatwick International Airport, U.K., became trapped between the top of the service cart in the galley personnel lift and the ceiling of the lower galley and as a result sustained fatal injuries. In response to this incident, the FAA conducted an extensive investigation into the total operational history of the DC-10 galley lift systems. In giving this investigation the greatest breadth possible, data relative to galley lift system operational performance was obtained from numerous sources: FAA Service Difficulty Reports, National Transportation Safety Board (NTSB) Reports, the manufacturer, the Association of Flight Attendants, previously submitted testimony, and actual field inspections. The FAA learned, from collation of the data obtained, that several factors are contributing to the safety hazards associated with operation of the DC-10 galley lifts. These factors include elements of human factors, maintenance, and system design, each of which contributes to the overall system safety problem.

In the area of human factors, flight attendant knowledge of, and operator training procedures for, operation of the DC-10 galley lift systems vary considerably. This results in some flight crews being well-educated concerning galley lift operating procedures and safety factors, including electrical and mechanical interlocks, while others understand no more than the basic rudiments of normal operation. In contrast, in some cases crew members are instructed on how to override the interlock systems when malfunctions occur so that the passenger service does not suffer any interruption. Also, although the Minimum Equipment List disallows the use of galley cart/personnel lifts if the door electrical interlock switch system is inoperative, many operators have dispatched regularly using lifts with these switches inoperative. The lack of knowledge concerning proper use of the safety features provided in the DC-10 lift systems design, and the negative training resulting from intentional

circumvention of these provisions, increase the probability of injuries resulting from the use of these lift systems. To help alleviate this problem, the McDonnell Douglas Corporation has initiated revisions to the DC-10 Flight Crew Operating Manual, Volume III, designed to provide DC-10 operators and their flight crews the pertinent descriptions and operating instructions for proper use of the galley lift systems. This revision, which consists of the addition of Chapter 01-35-01, was published May 1, 1982.

In investigating lift system problems involving maintenance and design related factors, fifteen incidents/accidents related to DC-10 cart/personnel lift malfunctions dating back to August 1973 were evaluated. One third of these cases involved malfunction of the electrical interlock switches due to foreign substance contamination or physical damage. In contrast, the lift system's control logic, including the STOP function logic, was evaluated and not found to be a causal factor in any of the fifteen cases. This evaluation was conducted to determine if justification exists for requiring that the STOP function be given priority over all other control functions. In the incidents/accidents evaluated all evidence indicates that the resulting operator injuries occurred as a consequence of an overridden or malfunctioning interlock system or improper operation of command controls. In no case was there evidence that, when the STOP function was utilized in an effort to prevent subsequent personnel injury, its lack of priority over the command logic was a direct cause of injuries. It is recognized that those incidents/accidents involving a failure of an interlock switch would not have occurred if the existing stop command logic, or a stop command that had priority over all other control functions, were used to stop movement of the lifts in time to preclude the ensuing injuries. In fact, in cases where the STOP function was known to have been used, it correctly terminated movement of both lifts. However, operator injury had occurred in these cases prior to utilization of the STOP function. McDonnell Douglas is offering an alternate stop command logic outlined in McDonnell Douglas Service Bulletin 25-317 which gives the STOP function priority over all command switches. Such a modification to the existing DC-10 galley lifts STOP function logic is not included under the provisions of this AD for the above noted reasons.

In pursuing the sources of contamination and physical damage, it was found that the switch location makes the switch susceptible to contamination from spillage of fluids in the galley area, cleaning fluids, etc. This can result in internal failure of the non-hermetically sealed switches, as well as contamination of the switch plunger actuator in such a manner as to prevent proper switch operation. In addition, the electrical interlock switch installations and door mechanical interlocks are being damaged by serving carts striking the lift center door jamb post and lift doors. Serving carts impact damage to the door jamb center post can cause distortion of the electrical interlock switch body (housing) and/or switch bracketry which may result in unreliable switch operation. Serving cart impact damage to galley lift doors can distort or "spring" the door sufficiently to impair mechanical interlock operation. This condition has induced the flight attendants to operate the lifts with the door open and interlock switches bypassed to facilitate passenger meal service.

Design changes to the galley lift interlock system encompassing hermetically sealed switches and structural protection of the switch installation are necessary to improve reliability of the electrical interlock switches and provide protection from physical damage. In addition, the plunger design for mechanical actuation of the electrical interlock switches is eliminated in favor of a more reliable leaf spring design which is not susceptible to contamination. These modifications will provide for more reliable operation of the lift systems' electrical interlocks and, when coupled with the enhanced maintenance surveillance outlined in FAA Order 8340.1A, Change 55, dated October 30, 1981, and DC-10 Maintenance Review Board Documents as revised November 1981, Item 253600, should minimize the occurrence of galley lift electrical interlock system malfunction.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Eight comments were received in response to the Notice of Proposed Rule Making (NPRM). One commenter requested deletion of the following sentence from the NPRM (47 FR 29254, first column): "However, it is recognized that those accidents involving a failure of an interlock switch would not have occurred if the stop command logic had priority over all other control functions and was used at the time of the accident." The commenter feels the



above statement is misleading and unjustified because it *implies* that the stop command logic in effect at the time of these incidents would not have prevented the incidents *even* if the stop button had been used at the time of the failures. The FAA does not share the commenter's concern over the implication of this statement as it relates to the existing stop command logic because the statement clearly limits itself to an event which involves a priority stop command logic (as opposed to the existing nonpriority stop command logic) and presupposes its use. This aspect of the NPRM was discussed extensively above.

Four commenters indicated their concurrence with the proposed modifications and one commenter concurred that installation of the hermetically sealed switches will improve reliability. However, two commenters opposed installation of the leaf spring mechanical actuator due to the fact that it can also be easily overridden and its improved reliability over the existing plunger design is debatable. The FAA agrees that the leaf spring design, like the plunger type interlock switch actuators, can be overridden if a determined effort is made to do so. This is the human factors element addressed by enhanced operator training procedures spoken to in the NPRM. It was not the FAA's intent to modify the installation to preclude the possibility of its being overridden. Rather, the leaf spring design will eliminate the occurrence noted by one commenter of a contaminated plunger actuator sticking in the door closed position, which thwarts the proper operation of the electrical interlock system. It is in this area that the FAA considers increased reliability necessary and must be provided.

Three commenters observed that additionally the galley lift system's control logic should be modified to accord the STOP switch function priority over all other control switch functions. The FAA does not agree. Review of the cases of lift system malfunctions fails to support such a modification. Evidence indicates that, in cases where the existing STOP function was known to have been used, it correctly stopped movement of the lifts. In those cases where operator injury occurred, it resulted from improper operation of command controls or a malfunctioning or overridden interlock system. In such cases the resulting injuries occurred *prior* to utilization of the STOP function switch. Evidence thus indicates that no causal relationship

exists between the STOP function logic and the incidents/accidents investigated, making modification of the STOP function logic unwarranted. One of the aforementioned commenters recommended that galley lifts on DC-10 Series airplanes be retrofitted to comply with existing paragraph 14 CFR 25.819(g)(2) requiring "an emergency stop button, that when actuated will immediately stop the lift, and which must be installed within the lift and at each entrance to the lift." The existing DC-10 galley lift system stop switch function complies with this requirement. The cited regulation does not specify that the stop button must be accorded priority over other control switch functions. Such an interpretation of this requirement has been consistently applied by the FAA and is applicable to other wide body aircraft galley lift systems design.

One commenter felt that frequent checking for proper operation and training which emphasizes understanding of the galley lift system and the potential hazards of operation with a door open would go further toward ensuring safety than the proposed modifications. The FAA agrees that this is part of, but not the whole solution. The FAA has determined that elements of human factors, maintenance, and system design each contribute to the overall safety problem. As outlined in the NPRM, revisions to the DC-10 Flight Crew Operating Manual (Volume II, Chapter 01-35-01, May 1, 1982) address the human factors element, while the enhanced maintenance surveillance is outlined in FAA Order 8430.1A (Change 55 dated October 30, 1981). The modifications outlined in the NPRM are necessary to improve the reliability of the electrical interlock system as the third element of the overall system safety problem.

One commenter proposed a wiring change which would result in the inability to operate a lift with one switch stuck in a "door closed" position when a door is open. This is accomplished by installing the four door switches in series. The FAA does not agree that this results in a more reliable galley lift system. The inability to properly stow serving carts, which would remain on the upper deck with inadequate restraint should one of the four switches fail in a "door open" position, is just as undesirable as a malfunction of the interlock system which allows motion of the lift with the door open.

Finally, one commenter objected to the proposed compliance date of April

15, 1983, and recommended instead a date of December 31, 1983. This recommendation was made in light of the establishment by the commenter of a preflight check of the interlock switches as an interim measure to maintain an acceptable level of safety. The FAA considers the preflight check a recommended and prudent procedure though in itself inappropriate as a basis for extension of the proposed compliance date. However, considering the previously mentioned enhanced crew training and FAA maintenance surveillance, and in light of additional data indicating delay in the availability of certain components required for the installation, the compliance date has been changed to June 15, 1983.

It is estimated that 119 U.S. registered airplanes will be affected by this AD, that it will take approximately 13.0 man-hours per airplane to accomplish the required actions, and that the average labor costs will be \$35.00 per man-hour. The actual costs of modification parts are estimated to be \$6,000 per aircraft. Based on these figures, the total cost impact of this AD on the U.S. fleet is estimated to be \$768,145. For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes noted.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

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

**McDonnell Douglas:** Applies to McDonnell Douglas Model DC-10-10, -10F, -15, -30, and -30F series airplanes with operable galley lifts, certificated in all categories.

Compliance required by June 15, 1983, unless already accomplished. To minimize the potential operational hazard to personnel associated with galley lift electrical interlock system malfunctions, accomplish the following:

A. Replace the galley lift system electrical interlock switches with hermetically sealed switches as outlined in the Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin 25-266, dated July 23, 1979, or later revisions approved by the Manager, Los



Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Replace the plunger type interlock switch actuators with leaf spring actuators, install structural protection for the interlock switches, and install additional warning placards as outlined in the Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin 25-307, dated May 5, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective February 16, 1983.

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

**Note.**— For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on December 23, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-1008 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

[Docket No. 82-NW-88-AD; Amdt. 39-4532]

### Airworthiness Directives; Rockwell International Sabreliner Model NA 265-65 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new Airworthiness Directive (AD) that requires modification of the horizontal stabilizer trim actuators on all Sabreliner Model NA 265-65 series airplanes. This action is the result of a recent incident in which failure of a trim limit switch led to failure of both trim actuators in the nose full-up position. Modification is necessary to prevent loss of longitudinal trim capabilities resulting from failure of the actuators.

**DATE:** Effective January 19, 1983. Compliance schedule as prescribed in the body of the AD.

**ADDRESSES:** Sabreliner Service Bulletin No. 82-3, dated September 30, 1982, pertains to this matter. This bulletin may be obtained from Rockwell International, Sabreliner Division, 6161 Aviation Drive, St. Louis, Missouri 63134, telephone (314) 731-2260.

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

**SUPPLEMENTARY INFORMATION:** A failure in the horizontal stabilizer trim system on a Sabreliner Model NA 265-65 airplane occurred in-flight while climbing to altitude after take-off. With the loss of longitudinal trim capability, the aircraft was flown approximately 425 nautical miles to the Rockwell Sabreliner facility at an airspeed of approximately 210 knots with flaps extended ten degrees. The loss of trim capability resulted when both trim actuators became disconnected from the stabilizer. The disconnect was due to a failure in the electrical limit switch in the trim actuator causing the actuator to drive into its internal mechanical stops. Repeated battering cycles against the stops caused the anti-rotation sleeve to fail due to fatigue allowing the actuator rod end, which attaches to the stabilizer, to become disengaged from the actuator. Since the trim actuators are cross-connected with a flexible shaft, failure of a single electrical limit switch drives both actuators into their mechanical stops. Therefore, both trim actuators failed, causing stabilizer trim to revert to the full stabilizer nose up position. Extra

pilot effort was therefore required to maintain airplane nose up attitude.

Rockwell International has developed Sabreliner Service Bulletin 82-3 which provides hardware for modification of the actuators with increased strength anti-rotation sleeves and specifies certain operational checks to be performed on the installed actuators.

Until this Service Bulletin is incorporated, another progressive failure of the actuators can be prevented by removing the flexible shaft interconnect and performing periodic visual inspections to determine the general condition of the actuators. In the event an actuator does fail with the interconnect removed, airplane trim would be fixed at the position of failure. Flight with a jammed actuator, representative of a failure with the interconnect removed, has been certified and the procedures for operation under this condition are presented in the Airplane Flight Manual. Therefore, the flexible shaft is not required for failsafe operation. Continued operation with the flexible shaft removed after the actuators are modified is also specified in Service Bulletin 82-3.

Since the condition described herein is likely to exist or develop on other airplanes of the same type design, an AD is being issued, applicable to Rockwell International Sabreliner Model NA 265-65 series airplanes. The AD requires removal of the flexible shaft interconnect and repetitive inspections of the actuators as an interim action until modification of the actuator in accordance with Sabreliner Service Bulletin 82-3 is accomplished.

Since a situation 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

Aviation safety, Aircraft.

#### Adoption of the Amendment

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

**Rockwell International:** Applies to Model NA 265-65, Serial Numbers 465-1 through 465-76 and 306-114, certificated in all categories.

Compliance required as indicated unless already accomplished. To prevent possible failure of the horizontal stabilizer trim



actuator and loss of longitudinal trim capabilities, accomplish the following:

A. Within the next 25 flight hours, disconnect and remove the flexible shaft interconnect, S. S. White Part Number 16023Y3.12, between the horizontal stabilizer trim actuators, Hoover Electric Company Part 11450. Place a dust cover over the flexible shaft holes. Instructions for airplane operation with this condition are presented in Airplane Flight Manual SR77-006.

B. Within the next 25 flight hours and every 25 flight hours thereafter, accomplish the following:

1. Visually inspect the actuator dust cover/non-rotational sleeve for indications of leaking grease and bulging or cracking of the sleeve. If any of these conditions exists, replace the actuator.

2. Visually inspect the actuator, in the fully retracted position, for indications of contact of the sleeve with the actuator base. Replace the actuator if contact occurs.

C. Within the next 200 flight hours, or six months, whichever occurs first, inspect and rework each horizontal stabilizer trim actuator in accordance with Rockwell International Sabreliner Service Bulletin 82-3 dated September 30, 1982. Incorporation of this Service Bulletin constitutes terminating action for this AD.

D. Issuance of a Special Flight Permit in accordance with FAR 21.197 is permitted for the purpose of moving affected airplanes to a location where the inspections and modifications required by this AD can be accomplished.

E. Alternative means of compliance with this AD which provide an equivalent level of safety may be used if they are approved by the Manager, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 269-7000.

This amendment becomes effective January 19, 1983.

(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. 1855 (c)); and 14 CFR 11.89)

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

Issued in Seattle, Washington on December 23, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-1009 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 82-ANE-16; Amdt. 39-4537]

#### Airworthiness Directives; Rolls-Royce, Ltd., RB211-22B and -524 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires removal from service of certain high pressure compressor rotor stage 1 and 2 disk assemblies on Rolls-Royce, Ltd., RB211-22B and -524 series turbofan engines. The AD is needed to prevent continued operation of disk assemblies suspected of containing material defects which could result in possible engine failure.

DATE: Effective February 17, 1983. Compliance schedule—as prescribed in the text of the AD.

ADDRESSES: The applicable Alert Service Bulletin may be obtained from Technical Publications Department, Rolls-Royce, Ltd., Derby, England DE2 8BJ.

A copy of the Alert Service Bulletin is contained in the Rules Docket, FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Robert J. Koenig, Engine and Propeller Standards Staff, ANE-110, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7330.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to Rolls-Royce, Ltd., RB211-22B and -524 series turbofan engines was published in the Federal Register on May 27, 1982 (47 FR 23177). Certain high pressure compressor stage 1 and 2 disk assemblies manufactured since 1974, and installed in RB211-22B and -524 engines, are suspected of containing a

localized deficiency in the material alloying elements which could result in possible engine failure. Since this condition is likely to exist or develop on other engines of the same type design, the proposed AD would require removal from service of certain high pressure compressor rotor stage 1 and 2 disk assemblies installed in Rolls-Royce RB211-22B and -524 series turbofan engines.

Interested parties were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. Two comments were received in response to the Notice of Proposed Rulemaking (NPRM). Neither of the two commentators had any objection to the AD as written. Publication of this final rule has been inadvertently delayed beyond the effective date proposed in the NPRM; since this results in a relaxation of the the proposed rule, there is no need for an additional comment period.

#### List of Subjects in 14 CFR Part 39

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

#### Adoption of the Amendment

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

Rolls-Royce, Ltd.: Applies to the RB211-22B and -524 series turbofan engines.

Compliance required as indicated unless already accomplished.

To preclude possible high pressure compressor rotor stage 1 and 2 disk assembly failure, the disk assemblies listed by part number and serial number in the Appendix of Rolls-Royce Alert Service Bulletin No. RB211-72-A5885, Revision 2, dated October 30, 1981, or FAA-approved equivalent, must be withdrawn from service as follows:

After the effective date of this AD, none of the referenced disk assemblies may exceed 3,500 flight cycles in service.

Replace with an FAA-approved, serviceable high pressure compressor rotor stage 1 and 2 disk assembly.

Note.—For the purpose of this AD, a flight cycle is considered to be an engine operating sequence from takeoff to landing.

Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Aircraft Certification Division, FAA, New England Region, may adjust the compliance date(s) specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

All persons affected by this directive who have not already received the referenced service bulletin from the manufacturer may



obtain copies upon request to Technical Publications Department, Rolls-Royce, Ltd., Derby, England DE2 8BJ. This document may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the New England Region Office.<sup>1</sup>

This amendment becomes effective on February 17, 1983.

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

**Note.**—Having considered in a Regulatory Evaluation:

a. the resulting costs of this AD on the private sector, consumers, and the governmental sector, and  
b. the AD's benefits and other impacts, the FAA has determined that this regulation is not major under the criteria of Executive Order 12291, and is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, as few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since the rule affects only domestic air carriers operating 747 and L-1011 aircraft in which the RB211 engines are installed, none of which are believed to be small entities. The Regulatory Evaluation prepared for this document is contained in the public docket, and a copy may be obtained by writing to Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attn: Rules Docket No. 82-ANE-16, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on January 4, 1983.

Robert E. Whittington,  
Director, New England Region.

[FR Doc. 83-1011 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 82-ACE-04]

### Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area—Lexington, Missouri

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The nature of this federal action is to designate a 700-foot

transition area at Lexington, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Lexington, Missouri, Airport utilizing the Napoleon VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

**EFFECTIVE DATE:** April 14, 1983.

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

**SUPPLEMENTARY INFORMATION:** To enhance airport usage, a new instrument approach procedure is being developed for the Lexington, Missouri, Airport, utilizing the Napoleon VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Lexington, Missouri, at or above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and en route environment. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

#### Discussion of Comments

On pages 51405 and 51406 of the Federal Register dated November 15, 1982, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lexington, Missouri. Interested persons 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.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901

G.m.t. April 14, 1983, by designating the following transition area:

#### Lexington, Missouri

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lexington, Missouri Airport (latitude 39°12'35" N; longitude 93°55'35" W) and within 2.5 miles either side of the Napoleon VORTAC 053° radial, extending from the 5-mile radius area to 6 miles northeast 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 Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on January 6, 1983.

Murray E. Smith,  
Director, Central Region.

[FR Doc. 83-1006 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-13-M

## CIVIL AERONAUTICS BOARD

### 14 CFR Part 221

[Economic Reg. Amdt. No. 63; Reg. ER-1313]

#### Tariffs

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule; editorial amendment.

**SUMMARY:** The CAB amends the list of carrier classes that are exempt from filing tariffs. This addition is necessary to make it clear that all charter operations are exempt from filing tariffs, since reference to some charter operations was inadvertently omitted in a previous amendment.

#### DATES:

Adopted: January 11, 1983.

Effective: February 6, 1983.

**FOR FURTHER INFORMATION CONTACT:** Joanne Yancey Hitchcock, Office of the General Counsel, Rules & Legislation Division, Civil Aeronautics Board, 1825

<sup>1</sup> The service bulletin is filed with the original.



Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

**SUPPLEMENTARY INFORMATION:** In November 1982, the Board issued a rule to update the carrier classes that are exempt from filing tariffs under 14 CFR Part 221, and to make it clear that tariff filing for these operations is prohibited. This rule became effective on November 29, 1982.

The rule inadvertently omitted certain charter operations that are exempt from filing tariffs under Part 221, including operations under 14 CFR Parts 207, 208, and 212, which were originally included in 14 CFR 221.3(d). This rule makes clear that those carrier operations are included in 14 CFR 221.3(d).

This editorial amendment is issued under the delegation of authority from the Board to the General Counsel in 14 CFR 385.19. Procedures for review of this amendment are set forth in Subpart C of Part 385.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for 14 CFR Part 221 is:

Authority: Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482.

2. Section 221.3(d) is revised to read:

§ 221.3 Carrier's duty.

(d) Exemption authority.

Air carriers and foreign air carriers, both direct and indirect, are exempted from the requirement of section 403 of the Act and any requirement of this chapter to file, and shall not file with the Board, tariffs for operations under the following provisions:

- (1) Part 291, *Domestic Cargo Transportation*, except to the extent noted in § 291.31(a)(1);
- (2) Part 296, *Indirect Air Transportation of Property*;
- (3) Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Association*;
- (4) Part 298, *Exemption for Air Taxi Operations*, except to the extent noted in § 298.11(b);
- (5) Part 380, *Public Charters*;
- (6) Part 207, *Charter Trips and Special Services*;
- (7) Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation*;
- (8) Part 212, *Charter Trips by Foreign Air Carriers*.

By the Civil Aeronautics Board.  
Ivars V. Mellups,  
Acting General Counsel.

[FR Doc. 83-1243 Filed 1-14-83; 8:45 am]  
BILLING CODE 6320-01-M

14 CFR Part 389

[Amdt. No. 31; Reg. OR-206]

Fees and Charges for Special Services

AGENCY: Civil Aeronautics Board.

ACTION: Final rule; editorial amendment.

**SUMMARY:** This rule makes an editorial correction in the Board's rules setting forth its revised filing fee schedule. The correction reduces the fee for filing an air taxi registration.

DATES:

Effective: January 10, 1983.

Adopted: January 10, 1983.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442.

**SUPPLEMENTARY INFORMATION:** On December 16, 1982, the Board adopted a revised filing fee schedule (OR-204, 48 FR 635, January 6, 1983). That schedule set forth fees to be charged for services performed by the Board primarily for the benefit of private persons. The schedule was effective January 10, 1983.

Because of a technical error the fee for air taxi registration filing was listed as \$12. As shown by the calculations placed in the docket, the fee should be \$8.

This rule changes the fee schedule so that the fee for that filing accurately reflects the cost of performing the service, which is the Board's intent.

List of Subjects in 14 CFR Part 389

Archives and records.

Accordingly, the Board amends 14 CFR Part 389, *Fees and Charges for Special Services*, as follows:

1. The authority for Part 389 is:

Authority: Secs. 204, 1102, Pub. L. 85-726, as amended, 72 Stat. 743, 797; 49 U.S.C. 1324, 1502. Act of August 31, 1951, ch. 376, 65 Stat. 268; 31 U.S.C. 483a.

2. Section 389.25 is amended by revising Code 6 to read:

§ 389.25 Schedule of processing fees.

Code	Docu- ment
Interstate and Overseas Air Transportation	
6 Air Taxi Registration	11

By the Civil Aeronautics Board.  
Ivars V. Mellups,  
Acting General Counsel.

[FR Doc. 83-1137 Filed 1-14-83; 8:45 am]  
BILLING CODE 6320-01-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange-Visitor Program

AGENCY: United States Information Agency.

ACTION: Final rule.

**SUMMARY:** On December 31, 1981, the United States Information Agency (formerly the International Communication Agency) published in the *Federal Register* (46 FR 63322) a proposed rule on establishing criteria for the use of J-1 Visas in the three categories listed below. This final rule establishes criteria for the use of the J-1 Visa in the Exchange-Visitor Program for the following categories: (a) Practical Trainees, (b) Summer Student Travel/Work Programs, and (c) International Camp Counselor Programs. The Exchange-Visitor Program serves to facilitate the international exchange of students, teachers, scholars, and trainees. These categories under the J-1 Visa are described by this regulation to ensure proper adherence to the law by program sponsors who are designated to sponsor aliens classified as exchange visitors.

**EFFECTIVE DATE:** January 17, 1983.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Silvis (202) 724-9896.

**SUPPLEMENTARY INFORMATION:** The International Communication Agency (USICA) assumed from the Department of State overall responsibility for the Exchange-Visitor Program and all related procedures effective April 1, 1978, by Executive Order 12048 of March 27, 1978. Effective August 24, 1982, the Agency's name was changed to the United States Information Agency by the United States Information Agency Authorization Act, Fiscal Years 1982 and 1983, Pub. L. 97-241, Title III. The Exchange-Visitor Program serves as the accrediting authority for both U.S. Government agencies and private organizations to bring students, teachers, scholars, and trainees to the United States. The Exchange-Visitor



Program monitors the host organization's performance to ensure that established criteria are met. This amendment to the present regulations is expected to provide the organization with effective guidelines and criteria with which to administer practical training use of the J-1 Visa.

Two comments were received and reviewed. The comments are summarized as follows:

(1) For all three types of programs described, the regulations should stipulate that the name, address, and telephone number of the employer must appear on item No. 4 of the Form IAP-66 issued by the sponsor to the exchange visitor. That would require the program sponsor to make firm arrangements for employment ahead of time. The proposal as written does not rule out the exchange visitor's entry into the United States to seek employment. Foreigners who could find nothing in their own fields might then look in other fields, for skilled or unskilled jobs, thereby entering an employment market that is already overcrowded. Some might find no work at all and run out of funds. Others might spend a substantial period looking, finding nothing, and return to their home countries in frustration and disappointment, with the objective of international exchange thwarted rather than served.

(2) For practical trainees and Summer Student Travel/Work Programs, reciprocity should be made a strict requirement. In any given calendar year the number of exchange visitors that a sponsor brings in should be limited to the number of U.S. Citizens placed abroad by that sponsor in the preceding calendar year. If the rule does not prevent imbalances, employment opportunities in the United States are likely to be affected.

The Agency has taken these two comments under consideration and determined that both comments should not be included in the final rule for the following reasons:

(1) The reason for rejecting Comment (1) on job arrangements being made ahead of time is that if total reciprocity is achieved, then the number of Americans leaving the United States labor market will be the same as foreigners entering the labor market. This obviates the need for pre-arranged employment.

(2) Comment (2) is redundant for summer student travel/work programs, and is too general to apply to the practical trainee programs.

#### List of Subjects in 22 CFR Part 514

Exchange-visitor program.

#### EO 12291 Federal Regulation

USIA has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: January 7, 1983.

Charles Z. Wick,

Director, United States Information Agency.

#### PART 514—EXCHANGE-VISITOR PROGRAM

22 CFR 514 is amended by adding three new paragraphs (c), (d), and (e) to § 514.13 to read as follows:

##### § 514.13 Sponsor obligations—Specific.

(c) *Practical Trainees.* These criteria govern the designation and monitoring by the United States Information Agency (USIA) of Exchange-Visitor Programs under which foreign nationals are provided with opportunities for on-the-job, practical training in the United States for periods of up to 18 months. These criteria apply to Exchange-Visitor Programs having practical training as the primary purpose and do not apply to practical training opportunities which may, under certain conditions, be authorized for foreign students who have completed the requirements for degrees or certificates at educational institutions in the United States. The primary purpose of practical training programs is to improve the participant's knowledge of American techniques, methodology, and philosophy of the individual's own field of endeavor and to enhance the participant's skills through active participation in the day-to-day operations at the training location. It is also designed to enable the exchange visitor to observe and participate in American life and, if applicable, to improve his or her English language competency. Another prime purpose is to improve American knowledge of a foreign culture by providing the opportunity for an open interchange of ideas between the trainees and their American counterparts.

(1) *Selection.* The Exchange-Visitor Program sponsor must assume full responsibility for the selection of trainees, regardless of the extent to which cooperating organizations in other countries may be involved. Professional recruiters, as well as employment or travel agencies, either in the United States or abroad, shall not be used for the recruitment, screening, or selection of trainees or prospective trainees. The sponsor shall secure sufficiently detailed background data on the individual's education and previous practical training and/or work experience to be able to ensure that the practical training experience in the United States is suitable and appropriate for the individual's level of career development. Trainees must have sufficient knowledge of English to enable them to function in the English speaking environment, both during the normal work period and non-working hours. Selection procedures should ensure that the trainee is medically qualified to perform the specific duties to be assigned.

(2) *Content of Training Assignments and Related Activities.* Practical training is intended to provide the individual with a "real life" experience in the conduct of his or her field of endeavor as normally practiced in the United States. As such, the normal or standard number of working hours per week for the particular business or industry must be observed. Suitable training may include one or more of the following: (i) Rotation through several departments; (ii) concentration in a single department; (iii) special projects; (iv) rotation followed by projects; (v) participation in an employer's regularly scheduled training program; or (vi) a special program determined after the trainee's arrival. Related activities which support the practical training experience such as attendance at conferences or conventions, participation in short courses, or enrollment in English language improvement courses may be appropriate in specific individual cases. Such related activities must be clearly secondary to, and supportive of, the practical training experience. The content of the practical training assignment and any related activities must be suitable and appropriate to the individual's level of educational attainment and previous practical training and/or work experience. The future employment and career development of the individual should also be considered in designing the practical training experience.



(3) *Orientation.* The sponsor shall be responsible for providing each participant (and each employer, if appropriate) with orientation which is suitable to the nature and length of the training assignment. This orientation should clearly indicate: (i) The purposes of the program; (ii) the role of the sponsor; (iii) the explanation that the participant is being admitted on a temporary non-immigrant visa and that he or she must depart from the United States at the conclusion of the training assignment; (iv) the procedures to be followed in the event of an emergency; and (v) the details, to the extent they apply, on matters such as the individual's tax liability, procedures for securing of a Social Security Number, securing of a driver's license, etc. Where possible, orientation for individual participants should also include basic information about the United States, the city or state in which the participant will be assigned, the practice of the individual's field of endeavor in the United States, and any other information which would help to make the individual's experience while in the United States professionally rewarding and personally enriching.

(4) *Interaction with Americans.* The sponsor shall assist and encourage trainees to seek maximum interaction with American citizens during the training period. Subject to limitations imposed by geographic location, length and/or nature of the training assignment, interaction should be encouraged with groups such as families, professional societies, trade unions, educational institutions, service clubs, etc.

(5) *Financial Responsibility.* All materials provided to program participants must clearly state the amount(s) to be paid to the trainee by the employer, and additional amount(s) to be paid by the designated program sponsor, and the costs which the trainee is expected to cover personally. Such information should include estimated cost of living in the area where the participant will work. The amount paid to the participant by the employer should be comparable to that paid to other individuals having similar education and previous work experience. In all cases, at least the prevailing minimum wage as determined by the United States Department of Labor must be paid to the participant by the employer. Payment in kind (housing, meals, etc.) may be used to supplement the prevailing minimum wage, but may not be used in lieu of payment of the minimum wage. Payment on the basis of commissions and similar forms of

variable amount wages may be used only to the extent that such payments exceed the prevailing minimum wage. If payments are to be made by third parties (i.e., parents, schools, sponsors, government or international organization agencies, etc.) in lieu of payment by the employer, the Exchange-Visitor Program Designation Division (E/XE), United States Information Agency, Washington, D.C. 20547, must be notified in writing to enable the Agency to determine the suitability of such payments.

(6) *Health and Accident Insurance.* Sponsors shall ensure that every participant and any accompanying dependents have health and accident insurance coverage from the time of departure from home until the participant returns to his or her home country. Minimum acceptable insurance is: (i) Medical and accident coverage up to \$2,000 per injury or illness and (ii) preparation and transportation of remains to home country (at least \$2,000). Coverage may be provided in one of the following ways:

(A) By health and accident coverage arranged for the participant.

(B) By health and accident insurance coverage arranged for by the sponsor.

(7) *Evaluation.* To assure quality control of the training experience, the sponsor shall develop procedures for the on-going evaluation of each training assignment. Such evaluation should include, as a minimum, evaluation reports from the trainee and the immediate supervisor at the end of the training period. Mid-point reports (verbal or written) should also be used for training assignments of one year or more.

(8) *Dependents.* As a general rule, trainees shall be permitted to have their spouse and dependent children accompany them to the United States and the sponsor may document such dependents for J-2 status. All such dependents must be covered by health and accident insurance.

(9) *Limitation on Duration of Stay.* As specified in Section 514.23(a)(1)(vii) of these regulations, the maximum length of stay for practical training employment shall not exceed 18 months total for any one individual, except as specifically approved by USIA under highly unusual circumstances. Such limitation shall apply regardless of the number of Exchange-Visitor Programs in which the individual participates.

(10) *Reciprocity.* As a general principle, each program sponsor shall be expected to seek, as feasible, reciprocal practical training or work experience in other countries for American citizens,

either directly or through cooperating agencies, organizations, or institutions abroad. Ideally, the number of placement opportunities for Americans in other countries should be approximately equal to the number of foreign trainees placed in the United States. The Exchange-Visitor Program Designation Division, United States Information Agency, will review the sponsor's program annually to assure compliance with this objective.

(11) *Reports.* Designated sponsors shall furnish the Exchange-Visitor Program Designation Division, United States Information Agency, with an annual report at the end of each calendar year of the close of such other yearly reporting period as may be agreed upon. The annual report shall include: (i) Statistical data on foreign trainees placed in the United States and, where applicable, on American trainees placed in other countries; (ii) a brief evaluation report of the effectiveness of the program for the year including a description of standards and methods used in the evaluation process; and (iii) specific examples of program accomplishments over a long-range period. Copies or descriptions of program materials such as information folders, orientation data, general publications, evaluation forms, etc. may be appended to the report to verify compliance with criteria stated above. Organizations which have been granted tax-exempt status under the provisions of Section 501(c)(3) of the Internal Revenue Code shall also submit a copy of the Form 990 report most recently filed with the Internal Revenue Service.

(12) *Suspension or Revocation of Exchange-Visitor Program Designation.* Designated sponsors found to be in violation of the above criteria are subject to having program designations suspended or revoked in accordance with Section 514.17 of these regulations.

(d) *Summer Student Travel/Work Program.* The following criteria apply to United States organizations which have been designated by the United States Information Agency (USIA) to administer Summer Student Travel/Work Programs. These programs are designed to achieve the educational objectives of international exchange by involving students during their summer vacations directly in the daily life of the host country through temporary employment opportunities. The criteria require program sponsors to promote the exchange of United States and foreign students on a reciprocal basis thereby assuring that the operation of such programs will not have an adverse impact on labor opportunities for United



States youth in the 18-23 year age bracket.

(1) *Selection.* The selection will be limited to *bona fide* university students screened for maturity and ability to get maximum benefit from Summer Travel/Work Programs. Priority consideration will be given to students who do not live in close proximity to the United States who would not be able to visit this country if temporary work permission were not authorized to help defray their travel expenses.

(2) *Orientation.* All students shall be provided with orientation, both pre-departure and upon arrival in the United States. The orientation should be designed to give the students a good basic knowledge of our country and its people. Students should be fully informed of the nature of the program in which they are participating. They should be provided with some type of identification card which includes the name and phone number of an official of the sponsoring organization as well as the number of the Exchange-Visitor Program in which they are participating. In addition, orientation should cover proper methods of obtaining and holding a job and the customary practices of giving employers adequate advance notice of resignation. Students should be fully briefed on the employment situation in the United States and advised not to seek employment in areas where a high unemployment situation exists.

(3) *Supervision.* Sponsors must be prepared to help their students at any time they have a medical, personal, employment, or other type of problem.

(4) *Jobs.* Each student sponsored on such a program must have a prearranged job before he or she comes to the United States, or firm appointments with prospective employers, or have sufficient personal funds so as to be financially independent if not employed.

(5) *United States Employment.* Sponsors are required to check in advance with the Department of Labor to obtain information regarding areas or cities which have a high unemployment rate. Students should be advised to avoid such areas in seeking employment.

(6) *Financial Responsibility.* Sponsors are required to ensure that all participants return home at no charge to the United States Government.

(7) *Health and Accident Insurance.* Sponsors shall ensure that every student has health and accident insurance coverage from the time of departure from home until the student returns to his or her home country. Minimum acceptable insurance is: (i) Medical and accident coverage up to \$2,000 per injury

or illness and (ii) preparation and transportation of remains to home country (at least \$2,000). Coverage may be provided in one of the following ways:

(A) By health and accident coverage arranged for by the student.

(B) By health and accident insurance coverage arranged for by the sponsor.

(8) *Geographical Distribution.* Sponsors shall develop plans to ensure that groups of students, especially those of the same nationality, are not "clustered" in certain areas or cities. Every effort should be made to have the students widely dispersed throughout the country.

(9) *Arrival Time.* Students for whom the sponsors have arranged "preplacement" for jobs can begin their programs at any time. Travel for students who have not been "preplaced" should be delayed by the sponsors as late as possible, preferably after June 15. Such delayed travel will give American students who are interested in obtaining summer jobs from two to four weeks in a less competitive market.

(10) *Reciprocity.* Sponsors are required to administer Student Travel/Work Programs on a reciprocal basis. The number of foreign students a sponsor brings to the United States under this program shall not exceed, in any calendar year, the number of American students who were sent abroad by the sponsor on a Travel/Work Program. Should a sponsor fail in the realization of reciprocity in any given calendar year, the Agency may restrict the number of foreign students that the sponsor brings to the United States in the next calendar year to the number sent abroad by the sponsor in the preceding calendar year.

(11) *Report Requirement.* Sponsors are required to submit an annual report, not later than January 31, on the United States students who were sent abroad the previous calendar year under Travel/Work Programs. The report should contain the following information: name and United States address of the student, the country where the student was employed, name of employer and type of business, and the type and length of employment (dates). The report should also include an ongoing evaluation of both the incoming program for foreign students and the outgoing program for American students. Major problems encountered in the administration of the program should also be listed. Failure to submit the report by January 31 will result in the automatic suspension of the program. The program will not be reactivated until the report is received

by USIA and the sponsor notified that suspension has been lifted.

(12) *Unauthorized Activities.* Employment as servants, mother's helpers, *au pair* or other jobs of a domestic nature in private homes is not authorized. Employment must be of a commercial or industrial nature. Also, employment as a Camp Counselor is not authorized under the Travel/Work Program. All such unauthorized placements will be removed from the count of United States placements abroad which could reduce the number of foreign students which the sponsor will be permitted to bring into the United States during the following year.

(e) *International Camp Counselor Program.* These criteria apply to the designation and monitoring by the United States Information Agency (USIA) of Exchange-Visitor Programs which are designed to give carefully selected International Camp Counselors an opportunity to spend approximately eight (8) weeks at an American camp imparting appropriate skills to American youth concluding with an optional one to three week period to tour the United States. The principal purpose of these programs bringing International Counselors to serve in American summer camps is to improve American knowledge of a foreign culture and to allow the youth at camps throughout the United States to experience international understanding on a personal basis. A secondary purpose is to improve the foreign camp counselor's knowledge of American culture and language skills through active participation in every facet of camping life.

(1) *Selection.* The designated sponsoring organization must assume responsibility for the selection of international counselors to participate in these programs. As a general rule, individuals who have already served once as a Camp Counselor should not be selected again. The intent of this program is principally one of cultural exchange and is intended to give as many foreign camp counselors as possible an opportunity to visit the United States. Sponsoring organizations must have strong supporting documentation justifying the necessity for selecting an individual who has already once served as counselor. Prospective participants should be individually interviewed by a representative of the sponsoring organization. The interviewer's report should be provided for the camp director's review. Each participant should submit a reference from a teacher or employer to the sponsoring



organization, a copy of which should be made available to the Camp Director. All participants must be fluent in English and be at least 18 years of age upon departure from their home country. The sponsor is responsible for handling the arrival of the counselors, completing transportation arrangements and directing them to their assigned camp.

(2) *Orientation.* Orientation, both pre-departure and upon arrival in the United States, shall be provided to all counselors. The orientation should be designed to give the counselors a good basic knowledge of the United States, its people, and a description of the varieties of American camps. It should provide clear descriptions of the roles and responsibilities of camp counselors and camp specialists, as well as the contractual obligations between the sponsoring organization, camp, and counselor.

Counselors should be fully informed of the nature of the programs in which they are participating. Each should be given a general orientation manual by the sponsor and descriptive information about their assigned camp. They should participate in a training session conducted by the sponsoring organization and a pre-camp training session sponsored by the cooperating camp. The camp or the sponsor must provide the counselors a detailed job description and a copy of these guidelines at the beginning of this pre-camp training session. Counselors should be provided with an identification card which includes the name and phone number of an official of the sponsoring organization as well as the name and number of the Exchange-Visitor Program in which they are participating. It should contain the counselor's name and home address as well as the cooperating camp's name, address, telephone number and name of the camp director.

(3) *Health and Accident Insurance.* Sponsors shall ensure that every participant has health and accident insurance coverage from the time of departure from home until the participant returns to his or her home country. Minimum acceptable insurance is: (i) Medical and accident coverage up to \$2,000 per injury or illness and (ii) preparation and transportation of remains to home country (at least \$2,000). Coverage may be provided in one of the following ways:

(A) By health and accident coverage arranged for by the participant.

(B) By health and accident insurance coverage arranged for by the sponsor.

(4) *Geographical Distribution.*

Sponsors shall develop plans to ensure that groups of counselors, especially

those of the same nationality, are not "clustered" in the same camps in certain areas. Every effort should be made to have the international counselors widely dispersed throughout the country. As a general rule, not more than 10 percent of the total number of counselors at a camp should be international counselors, nor should there be more than two international counselors of the same nationality at one camp. An exception to this requirement will be made by USIA for camps which have specific ethnic, language or nationality programming as a prime or principal programming concept.

(5) *Supervision.* The sponsor must assume the responsibility of resolving problems including, if necessary, finding a replacement camp position for counselors whose original assignment does not work out, and the early return home of the counselors because of personal or family difficulties. The sponsor must provide both the cooperating camp and the counselor with the names and telephone numbers of officials of the sponsoring organization who can be contacted at any time in case of an emergency or other problems. The sponsoring organization should have offices or personnel available both in the United States and abroad for this purpose. All counselors must have a prearranged camp assignment before their departure for the United States. Participants may be placed only in counseling positions. The intent of this program is principally one of cultural exchange and not one intended for staffing purposes or to provide an inexpensive labor pool. Therefore, participants may not be placed in office or kitchen or custodial jobs or other jobs which are basically menial labor. Sponsors must make every effort to assure that individual counselors are placed with the particular camp which seems to promise the greatest compatibility for the counselor and the camp. Such arrangements should be made well in advance so that the prospective counselors and camp directors will have ample time for correspondence before the counselors leave their home country. Sponsoring organizations must notify participants of their camp placement at least five weeks prior to their departure for the United States. Cooperating camps should be given the background data and arrival information of the participants at least five weeks prior to their arrival in the United States. The sponsoring organization should have a representative visit and inspect as many camps as possible where their exchange visitors are placed. It is important that the cooperating camps guarantee that

when an international counselor drives a motor vehicle in connection with assigned duties that the state laws are being met and that there is sufficient insurance coverage. International counselors should be allowed at least 24 hours off each two weeks (with at least 12 hours continuous). International counselors must be able to leave camp on day(s) off and the camp should assist the counselors with accessible, affordable transportation to and from the nearest town.

(6) *Financial Responsibility.* Sponsors must ensure that all participants will return home at no charge to the U.S. Government. Sponsors are required to have available for review by USIA an audited annual financial statement of sponsor operations. The financial statement should include an itemized list of the salaries of the officers of the organization.

(7) *Evaluation Reports.* Sponsors will furnish USIA an evaluation report of their programs at the end of each camping year (no later than November 1). Reports should include but not be limited to: (i) Number of participants and countries of origin; (ii) geographic distribution of counselors within the United States, by State; (iii) noteworthy achievements or major problems or difficulties encountered; (iv) details regarding the extent to which the sponsor has evaluated the success of the program including specific examples of how counselors enhance the knowledge of Americans about other lands and other people and vice versa; and (v) names and addresses of persons and organizations in the United States and abroad assisting in the administration of the program. The annual evaluation report should also include copies of the program materials (forms, instruction sheets, publications, information folders, etc.) and a copy of the health and accident insurance policy provided for the counselor. The copy of the health and accident insurance policy must be included every year. Other materials once provided need not be duplicated. Only new or updated materials need be included in the annual report in ensuing years.

(8) *Post Camp Cultural Experience.* Every international counselor should be given an opportunity to participate in at least a two week cultural experience at the end of his or her camp assignment. This experience can be accomplished either: (i) By a group tour arranged by the sponsoring organization or (ii) by independent travel preferably with a small group of fellow international counselors or American friends. The international counselor who plans



independent travel should send a proposed itinerary to the sponsoring organization so that the counselor can be contacted in case of an emergency.

(9) *Departure.* Program sponsors are required to take all necessary action to ensure the departure of the participants at the conclusion of their authorized stay. The Immigration and Naturalization Service must be notified of any Camp Counselor who fails to depart the United States on schedule.

(Sec. 4, 63 Stat. 111; secs. 102, 109 (a), (b), (d), 75 Stat. 527, 534, 535; secs. 101(a)(15)(j), 104(a), 212(e), 66 Stat. 166, 174, 182, 184; sec. 2, 84 Stat. 116, 117 (22 U.S.C. 2658, 2452; (8 U.S.C. 1101(a)(15)(j), 1104(a), 1182(e), 1258); Reorganization Plan No. 2 of 1977; Executive Order 12048 of March 27, 1978; the United States Information Agency Authorization Act, Fiscal Years 1982 and 1983, Pub. L. 97-241, Title III, August 24, 1982)

[FR Doc. 83-1375 Filed 1-14-83; 8:45 am]

BILLING CODE 8330-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 635

[FHWA Docket No. 83-2]

#### Contract Procedures; Buy America Requirements

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Interim final rule; request or comments.

**SUMMARY:** This emergency regulation revises the existing Buy America regulation to implement procedures required by section 165 of the Surface Transportation Assistance Act of 1982 (STAA of 1982). Section 165 provides, with exceptions, that funds authorized by the STAA of 1982, title 23 of the United States Code, the Urban Mass Transportation Act of 1964, or the Surface Transportation Assistance Act of 1978 may not be obligated for highway projects unless steel, cement, and manufactured products used in such projects are produced in the United States. In addition, the Administrator has determined that it is in the public interest to temporarily waive the provisions of section 165 as they apply to manufactured products other than steel and cement as well as to projects costing under \$450,000. The FHWA is specifically requesting comments on these waived provisions.

**DATE:** This interim final rule is effective January 6, 1983, and will expire September 30, 1983. Comments must be received on or before July 1, 1983.

**ADDRESS:** Submit written comments, preferably in triplicate, to FHWA Docket No. 83-2, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

#### FOR FURTHER INFORMATION CONTACT:

Mr. P. E. Cunningham, Chief, Construction and Maintenance Division, (202) 426-0392, or Ms. Ruth R. Johnson, Office of the Chief Counsel (202) 426-0781, Federal Highway Administration, 400 Seventh Street, SW., Washington D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

#### SUPPLEMENTARY INFORMATION:

On January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2097). Section 165 sets forth revised Buy America requirements which supercede the previous requirements contained in Section 401 of the 1978 Surface Transportation Assistance Act. Since the former Buy America provisions as implemented in 23 CFR 635.410, Subpart D are in conflict with the provisions of the STAA of 1982, immediate revision of this regulation is required.

One major change is the requirement that all steel, cement and manufactured products must be produced in the United States. The legislative language also requires Buy America to apply to all projects as opposed to current provisions which only apply to projects costing more than \$500,000. The STAA of 1982 also permits States to impose more stringent requirements than are imposed by section 165 and revises the total contract cost differential permitting the use of foreign materials from 10 percent to 25 percent.

For these reasons, it has been determined that circumstances warrant the issuance of an emergency regulation so as to immediately implement the new Buy America provisions. In addition, the Federal Highway Administration (FHWA) has determined that it is in the public interest and not inconsistent with legislative intent to temporarily waive the provisions of section 165 as they apply to manufactured products other than cement and steel and to projects estimated to cost less than \$450,000. This determination is based on the fact that sufficient information is not yet available in order to adequately assess the impacts of applying Buy America

provisions to all manufactured products and to all projects regardless of project cost. For example, requiring all manufactured products to be produced in the United States would necessitate tracing the source of crude oil and other components used in asphalt, fuels, and other petroleum based materials. Based on available research data the origin of crude oil in products is extremely difficult to trace. For this reason, a docket for comments has been assigned to this regulation and the public is invited to submit their views or comments on these provisions. The FHWA is particularly interested in receiving comments on the following items: treatment of components, prestressing strand, threshold for applicability, coverage of all manufactured products, current implementing procedures and future revisions to 23 CFR Part 635, Subpart D. It is the intention of the FHWA to formulate additional rulemaking actions after sufficient information is collected and considered.

#### Discussion of Revisions

A summary of the revisions to the existing provisions in 23 CFR 635.410 is as follows:

(1) The STAA of 1982 requires that all steel, cement, and manufactured products in a project must be produced in the United States. At this time, the provisions will only apply to steel and cement materials. All manufacturing processes for these materials must occur in the United States. Previous provisions applied only to structural steel and a determination of foreign or domestic character was based upon the place of manufacture and on the origin of more than 50 percent of the components.

(2) Foreign steel or cement materials may not be incorporated in a Federal-aid highway construction project unless the use of domestic materials would increase the overall project cost by 25 percent or more. Previous provisions required a minimum cost differential of 10 percent.

(3) Alternate bid provisions were provided for in the previous regulation as a method to determine the cost differential for using foreign or domestic material. The provisions were to be utilized for all projects containing structural steel. Since alternate bid provisions could still be required for projects containing significant amounts of structural steel, the definition of structural steel has been updated to comply with terminology currently utilized by the steel industry.

(4) Alternate bidding procedures used for comparing domestic and foreign



materials in project bids will no longer be required for projects containing small amounts of structural steel. Since the overall project cost differential is now 25 percent, only projects in which these items would constitute at least 60 percent of the project's total estimated cost will be subject to alternate bid requirements. It would be highly unlikely that a project, with less than this percentage in structural steel items, will have a cost differential equal to or greater than 25 percent of the total project cost. Alternate bid requirements for other steel or cement products are not required but may be applied on a project-by-project basis if circumstances warrant. It is FHWA's intention to minimize administrative burdens by requiring alternate bid procedures only for projects where foreign sources may truly compete under the terms of the STAA of 1982.

(5) When domestic cement and steel materials are otherwise required, the requirements do not prevent a minimal use of foreign materials, provided the cost of materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. This will eliminate an administrative burden placed on the States for truly minor items.

(6) Individual State Buy America provisions, regardless of the implementation date, that are as stringent or more stringent than provisions in the STAA of 1982 will now be acceptable for use on Federal-aid projects. Previously, only those acceptable State provisions in effect prior to November 6, 1978, were permitted.

(7) Previous requirements which apply Buy America to all Federal-aid highway construction projects estimated to cost over \$450,000 will be retained.

The Federal Highway Administrator has determined that this document responds to an emergency situation, and for the reasons stated, it is impracticable for the agency to follow the procedures of Executive Order 12291, the Regulatory Flexibility Act, and the regulatory policies and procedures of the Department of Transportation. Therefore, good cause exists for publication as a final rule without notice and opportunity for comment and without a 30-day delay in effective date.

The FHWA will prepare, as soon as practicable, a regulatory evaluation/regulatory flexibility analysis. The evaluation will be placed in the public docket for inspection. When available, copies may be obtained by contacting Mr. P. E. Cunningham at the address provided above under the heading "For

#### Further Information Contact."

In consideration of the foregoing, and under the authority of 23 U.S.C. 315; Section 165, Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2097, and 49 CFR 1.48(b), the FHWA is amending Part 635, Subpart D of title 23, Code of Federal Regulations to read as set forth below:

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs apply to this program)

#### List of Subjects in 23 CFR Part 635

Buy America, Government contracts, Grant programs—transportation, Highways and roads.

Issued on: January 12, 1983.

Richard B. Robertson,

Acting Administrator for Planning and Policy Development, Federal Highway Administration.

#### PART 635—CONSTRUCTION AND MAINTENANCE

##### § 635.410 [Amended]

1. In § 635.410, paragraphs (b) (2), (3), and (4) are revised to read as follows:

• • • • •

(b) • • •

(2) The project includes no permanently incorporated steel or cement materials. If cement or steel materials are to be used, all manufacturing processes for these materials must occur in the United States;

(3) The project is undertaken pursuant to 23 U.S.C. 117 and the State's laws, regulations, directives, and standards are adequate to accomplish the policies and objectives of section 165 of the Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2097;

(4) The State has standard contract provisions that favor the use of domestic materials and products, including cement and steel materials, to the same or a greater extent than the provisions here set forth:

• • • • •

2. In § 635.410, paragraph (b)(5) is amended by revising the first sentence, by adding the definition of structural steel, by changing the figure "10 percent" to read as "25 percent," and by removing the last sentence. As revised, § 635.410(b)(5) reads as follows:

• • • • •

(b) • • •

(5) A bidding procedure described as follows is used for those projects which

contain an amount of structural steel equal in cost to at least 60 percent of the total project estimated cost. Structural steel is defined as steel sheet piling, H-piling, shell or pipe piling, W, M, S, or Z shapes, plates, channels, angles, and/or T-sections. A separate bid item is to be set up for furnishing structural steel to the project site. For this bid item, bidders are to be given the options of submitting a bid for (i) furnishing domestic structural steel, or (ii) submitting a bid for furnishing domestic steel and a bid for furnishing foreign steel. Bidders are to be advised that the contract will be awarded to the bidder who submits the lowest total bid based on furnishing domestic structural steel unless such total bid exceeds the lowest total bid based on furnishing foreign structural steel by more than 25 percent; or

• • • • •

3. In § 635.410, add a new paragraph (b)(6) to read as follows:

• • • • •

(b) • • •

(6) When domestic cement and steel materials are otherwise required, the requirements do not prevent a minimal use of foreign materials, if the cost of such materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater.

• • • • •

4. In § 635.410, paragraph (c) is amended by revising the effective date to read as "January 6, 1983 and terminates September 30, 1983."

5. In § 635.410, paragraph (d)(1) is amended by revising the introductory text and paragraph (d)(2) is amended by adding a sentence at the end of the paragraph to read as follows:

• • • • •

(d)(1) A State may request a waiver of the provisions of section 165 of the Surface Transportation Assistance Act of 1982 if:

(i) • • •

(ii) • • •

(2) • • • The RFWA will have approval authority on the request.

• • • • •

6. The authority citation for § 635.410 is amended to read as follows:

(23 U.S.C. 315; section 165, Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2097; 49 CFR 1.48(b))

[FR Doc. 83-1236 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-22-M



## 23 CFR Part 645

## Utility Relocation and Adjustments

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The Federal Highway Administration (FHWA) is revising the ceiling from \$10,000 to \$25,000 for using the lump sum payment arrangement for reimbursement for utility adjustments on Federal-aid and direct Federal highway projects. The revised regulation provides the States greater flexibility in utilizing the lump sum payment arrangement.

**EFFECTIVE DATE:** February 16, 1983.

**FOR FURTHER INFORMATION CONTACT:** James A. Carney, Office of Engineering, 202-426-0450 or Michael J. Laska, Office of the Chief Counsel, 202-426-0762, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The policies, procedures, and reimbursement provisions for the adjustment and relocation of utility facilities on Federal-aid and direct Federal highway construction projects are set forth in 23 CFR Part 645, Subpart A. Section 645.107 contains the procedures for agreements and authorizations regarding reimbursement for utility relocation. Section 645.107(h)(3) currently allows reimbursement of utility relocation costs with Federal-aid highway funds in the form of a lump sum agreement, provided the estimated cost of the proposed utility adjustment does not exceed \$10,000. This figure is being revised to \$25,000.

The FHWA reviewed this provision along with the entire subpart in order to simplify existing regulations and eliminate unnecessary requirements in accordance with the FHWA's emphasis on reducing redtape. Consequently, the FHWA published a Notice of Proposed Rulemaking (NPRM) (45 FR 76924) on November 20, 1980, requesting comments on proposed revisions to 23 CFR Part 645, Subpart A. This final rule revises only § 645.107(h)(3) relating to the monetary ceiling for lump sum payment arrangements. Revisions to the entire subpart are continuing to be developed.

The purpose of allowing lump sum agreements in lieu of agreements based on an accounting of actual costs is to reduce the administrative burden associated with utility relocation projects. Under the lump sum process, cost accounting is easier, project billings are simplified and final audit of detailed

cost records is not required. Final project costs are typically quite close to the costs estimated for small, routine projects. The small degree of accuracy that might be realized if more detailed cost accounting methods were followed does not justify the extra cost involved in carrying out detailed audits.

All comments concerning this issue received in response to the NPRM supported raising the lump sum limit. Two State highway agencies and one utility company expressed agreement with the \$25,000 lump sum limit. One utility company felt the limit should be raised further to \$50,000.

The final rule increases the allowable limit for lump sum agreements from \$10,000 to \$25,000. This revision increases the number of utility relocations potentially eligible for lump sum payment and responds, in part, to the fact that since the \$10,000 limit was established in 1973, inflation has reduced the number and limited the scope of projects eligible for lump sum payments. Based on increases in the highway construction bid price index for Federal-aid highway projects, work that would have cost \$10,000 in 1973 costs over \$22,000 today.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. It is anticipated that the revised regulation is essentially updating the lump sum limit in economic terms and will not have a significant economic effect. In accordance with the above, it has been determined that a full regulatory evaluation is not required. For the foregoing reasons, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

## List of Subjects in 23 CFR Part 645

Grant programs—transportation, Highways and roads, Utilities—relocations, adjustment, reimbursement.

## PART 645—[AMENDED]

## Subpart A—Utility Relocation and Adjustments

In consideration of the foregoing, Part 645, Subpart A of Chapter I of title 23, Code of Federal Regulations, is amended as set forth below.

## § 645.107 [Amended]

In paragraph (h)(3) of § 645.107 the "\$10,000" figure is revised to read "\$25,000."

(23 U.S.C. 123 and 315; 49 CFR 1.48(b))

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

Issued on January 6, 1982.

Ray Barnhart,

*Federal Highway Administrator, Federal Highway Administration.*

[FR Doc. 83-1119 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Policy Development and Research

## 24 CFR Subtitle A

[Docket No. N-83-1071]

## Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Notice of publication of performance criteria for solar heating and cooling systems in residential buildings.<sup>1</sup>

**SUMMARY:** These Performance Criteria provide a standard basis for assessing the design and performance of buildings using solar energy systems for heating and cooling.

**EFFECTIVE DATE:** January 17, 1983.

**FOR FURTHER INFORMATION CONTACT:** William E. Freeborne, Mechanical Engineer, Building Technology Division, Room 8158, Department of Housing and Urban Development, Washington, D.C. 20410. Telephone (202) 755-6900. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Solar Heating and Cooling Demonstration Act of 1974 (Pub. L. 93-409) authorized a five-year program for research, demonstration, and market development of solar heating and cooling systems in residential and commercial buildings. As part of this program, the Act directed the Secretary of HUD, utilizing the services of the Director of the National Bureau of Standards (NBS), to determine, prescribe, and publish Interim Performance Criteria for solar heating and cooling systems and buildings within 120 days of enactment, and to use

<sup>1</sup> The Performance Criteria was filed as a part of the original document.



these criteria in the selection of solar systems and demonstration projects. The Interim Criteria were published on January 1, 1975.

The Act further directed HUD, utilizing the services of NBS and information developed in the demonstration program, to develop and publish "definitive performance criteria" as soon as feasible. HUD was also directed to publish procedures whereby manufacturers of solar systems could have their products tested in order to obtain certification that such products conformed to the performance criteria. These performance criteria for Solar Heating and Cooling Systems were published in Volume 46, Number 121 of the *Federal Register* on June 24, 1981. Public comments were solicited, with a due date of August 24, 1981.

This constitutes notice that HUD has fulfilled the requirement of the Act that "definitive performance criteria" be published. They have been published under the title "Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings" and are available through HUD or from the Superintendent of Documents at the addresses set forth at the end of this Notice.

The Department believes that it met the statutory requirement of *Federal Register* publication of these Criteria in its June 24, 1981 issuance (48 FR 32738). In view of the relatively small number of changes effected in connection with this revised publication and the ready availability of the Performance Criteria in final form to all interested persons, HUD has determined that it is unnecessary to reprint the text of the Criteria in the *Federal Register*. This notice, however, discusses in full each substantive change which has been made as a result of public comment.

These Performance Criteria are not intended to be used as mandatory standards governing the procurement or acceptability of solar systems proposed for HUD or other Federal solar activities. Instead, these Criteria will serve as a technical reference and resource for the solar industry, the building industry, and Federal, State, and local agencies concerned with assessing the design and performance of solar systems in buildings. For example, HUD relies on HUD 4930.2, the Intermediate Minimum Property Standards (IMPS) Supplement for Solar Heating and Domestic Hot Water Systems to control the quality of solar systems proposed for use in HUD-assisted housing programs. The IMPS are based on the performance requirements of the original Interim Performance Criteria; further revisions

will reflect the new Performance Criteria.

A Finding of Inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

#### List of Subjects

Solar energy.

#### Discussion of Major Comments

The following is a discussion of major comments on the "Draft Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings" which was printed in the *Federal Register*, Volume 46, No. 12, June 24, 1981, pp. 32738-32823, for public review and comment. The closing date for comments was August 24, 1981. A total of 16 letters with comments were received.

All comments received are appreciated and were considered in developing the final document. A number of comments identified the need to update references, correct typographical errors and make similar editorial changes. Changes in response to these comments have been made and will not be addressed here since they are editorial in nature. The discussion which follows is concerned primarily with changes of the technical content.

#### General

- Several comments were offered which related to the use of the "Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings" (herein referred to as Performance Criteria) as a "regulatory document."

The Performance Criteria were not developed with the intent of being used as a regulatory document, but as a resource document that can be used for designing and evaluating the performance of solar components and systems. There are other documents in existence, such as the American National Standards Institute/Council of American Building Officials (ANSI/CABO) Standard 1.0-1981, "Recommended Requirements to Code Officials for Solar Heating, Cooling and Hot Water Systems," that have been developed for code enforcement purposes.

- Other comments were also made with reference to the "Recommended

Requirements to Code Officials for Solar Heating, Cooling and Hot Water Systems" ANSI/CABO Standard 1.0-1981. The comments ranged from potential conflicts between requirements for the two documents to questioning the need for the Performance Criteria since the ANSI/CABO standard has been published.

Where conflicts were found between requirements of the two documents, they have been resolved. The comment recommending that the Performance Criteria not be published was not accepted. It is believed that the Performance Criteria and the ANSI/CABO Standard are compatible and complement one another. The Performance Criteria are being published because they address a broad range of technical issues (i.e., thermal, durability/reliability) and relevant references to supporting data, and contain a rationale for the establishment of various criteria and performance levels. The Performance Criteria also offer a guide to system designers for meeting the requirements for health, safety and welfare issues called for in the ANSI/CABO standard. The ANSI/CABO Standard 1.0-1981 was primarily developed with the intent of assisting regulatory officials in evaluating solar energy applications with regard to health, safety and welfare issues. The Performance Criteria cover a much broader scope of performance concerns. They are intended to provide the basis for system design, installation, operation, and maintenance at acceptable performance levels, and are directed toward designers, manufacturers, owners, and others as appropriate.

- Several commentators urged some type of certification program be established for evaluation and acceptance of products. The thought was also put forward that the evaluator be required to have some sort of certification which assures adequate qualification in the field.

The establishment of a certification program for solar equipment, system components, or individuals is beyond the scope of the Performance Criteria document. Statements included in the Supplementary Information of the June 24, 1981 *Federal Register* regarding certification were intended to suggest, in an introductory manner, a potential use of the Performance Criteria as a guide to system/product evaluation. The statements did not intend to present the Performance Criteria as requirements for certification. Certification issues are not part of the Performance Criteria and are not addressed in the final document.



The private sector is currently taking steps to establish certification programs with regard to performance and safety of solar collectors and domestic hot water systems.

#### Scope

• The need was questioned for inclusion of the "exception" as stated in the Scope section which specified that the criteria do not apply to the following systems: active space heating or cooling with less than 100 ft<sup>2</sup> (9.3m<sup>2</sup>) of collector area; active domestic hot water systems with less than 30 gal/hr (113 liter/hr) draw; passive systems with less than 100 ft<sup>2</sup> (9.3m<sup>2</sup>) of aperture area, receiving solar flux.

The above exceptions have been deleted. It was determined that it was not within the scope of this document to identify programmatic exceptions regarding the use of the Performance Criteria.

• A comment was offered indicating a need to clearly delineate which of the criteria specifically apply to active solar, and which apply to passive solar systems.

Although a number of criteria refer specifically to either active solar systems or passive solar systems, it was decided that the applicability of each criterion to passive and active solar systems is a determination that is system specific. In many cases, a clear distinction cannot be drawn without knowing specifically the design of the system, the physical makeup of the component under evaluation, and how the components are intended to be used within the system. A statement has been included in the Introduction to alert the user of the Performance Criteria that judgment must be used in determining which of the criteria apply to a specific feature of the system design, whether it be passive or active. This statement also identifies the need for possible adherence to the intent of a particular criterion (particularly with regard to passive systems) even if specific requirements within the criterion are not directly applicable. Although most of the criterion specifically developed for passive system are contained in Chapters 1 and 2, other criteria, especially those dealing with health and safety, may be equally applicable to both types of systems. Thus professional judgment must be exercised in applying the criteria to assure that the issues and concerns of the particular system, either active or passive, are adequately addressed.

#### Terminology

• Several comments were directed at the definition and use of "applicable authority."

"Applicable authority" as used in the Performance Criteria identifies those instances where the level of performance of a component or system may be subject to system design alternatives or governing regulations and could result in different levels of performance. The health and safety requirements are generally regulatory in nature and there are "minimums" below which performance is not acceptable. The fire requirements are examples of such minimum requirements. The applicable authority in the case of fire requirements would be the regulatory official representing the governing jurisdiction. Compliance with some criteria may be based upon lender's requirements, in which case the applicable authority would be the loan officer or some other representative of the organization. The durability/reliability criteria related to service life expectancy are examples that may come within this category. In many cases the applicable authority is the combination designer/builder/owner in specifying the desired economically satisfactory level of performance to be achieved. Both thermal and the durability/reliability requirements are examples of requirements that impact the system design/decision process. Therefore, the term "applicable authority" is intended to apply to a wide range of potential decision makers, ensuring the documents usefulness in a broad spectrum of applications and situations. The inference that the code official is the applicable authority is appropriate only with regard to issues of health, safety and welfare. The definition of "applicable authority" has been modified to read:

The organization, office, or individual responsible for approving equipment, an installation, procedures, or performance levels. An applicable authority may range from a code official to an individual owner.

• A comment was offered that the determination of operating energy should include the energy required to defrost the heat pump since such energy is not directly contributing to the heating and cooling of the conditioned space.

It was agreed that this was a valid concern and the definition of operating energy has been changed to reflect this concern. The definition of "operating energy" has been changed to read as follows:

Energy required to operate pumps, compressors, fans, blowers, valves, controls, movable shutters, or any other equipment,

but not energy intended to directly satisfy a load. Operating energy, as defined here, includes energy to operate a heat pump compressor, and defrost energy for heat pumps, when these components are an integral part of the solar system.

#### Chapter 1, Site and Building

##### Introduction

• Several comments were directed at the frequent reference to the proposed Building Energy Performance Standard and the Residential Conservation Service Program and the possibility that the user might interpret the reference to these programs as being requirements for satisfying the Performance Criteria.

In response to these comments, references to the proposed Building Energy Performance Standard and the requirements for the Residential Conservation Service Program which were felt to infer compliance have been deleted. The deletion of these references should make clear that the use of the Performance Criteria does not require compliance with either of these energy conservation programs. The Introduction still contains recommendations that energy conservation be a major factor when considering solar energy applications.

#### Chapter 2—Thermal

##### Introduction

• Several comments were made relative to the "design energy limit" and the reference to the Building Energy Performance Standard (BEPS) in discussing depletable energy limit. These issues were raised concerning material covered in the Introduction 2.0 and Requirement 2.9, formerly entitled "Alternative Energy Limit Approach."

As mentioned earlier, the discussion of BEPS and the energy limit approach has been deleted from the Introduction. Requirement 2.9 has been reconstructed to address "effective use of depletable energy." The requirement for establishing a depletable energy use limit and reference to the BEPS limit in 2.9 have also been deleted. A depletable energy provision has been retained, but the requirement is only that a determination of depletable energy use for the particular building system design be made. This determination will provide the owner, designer, or a regulatory official, should the need arise, with details on system performance relative to depletable energy use. The information is essential for the owner and designer in making cost and energy use trade-offs in system design.



**Criterion 2.1.1—Net Solar Contribution**

• The term "conventional windows" was addressed by one commentor with regard to their use and the need for a definition.

The use of combinations of conventional and custom designed apertures is permitted in passive designs. All apertures which contribute to satisfying the load should be considered, but they must be evaluated for net solar contribution. "Conventional window" is not defined in the Performance Criteria since all apertures need to be considered in the energy analyses in terms of their energy performance.

**Criterion 2.1.3—Building Overheating**

• The temperature limit of 82°F in Criterion 2.1.3 was questioned and the suggestion was made to change the limit to 78°F which would be within the bounds of the ASHRAE comfort standard.

It was not the intent of Criterion 2.1.3 to necessarily limit the thermal conditions of the indoor space for passive application to those of the ASHRAE Comfort Standard (ASHRAE Standard 55-81). The ASHRAE Comfort Standard is only directed to mechanically conditioned spaces where heating and cooling is provided, which is beyond the intent of this criterion. If mechanical cooling is provided, then the ASHRAE Comfort Standard limits do apply and that condition is covered in Criterion 2.1.5. The value of 82°F (28°C), or the 5°F (3°C) temperature difference, is a limit that can, for most parts of the country, be met through whole house ventilation and/or the application of appropriate shading and thermal storage devices, without the aid of air conditioning.

The limits established here are somewhat better than might be expected of conventional housing which has no mechanical cooling. Since the passive structure is specifically designed for solar application, it must have some upper limit with regard to overheating.

**Criterion 2.3.4—Auxiliary Water Heating System, Commentary**

• A concern was expressed regarding the statement that sizing of domestic hot water systems storage containers for several days storage was not recommended (Criterion 2.3.4, Commentary). It was suggested that this statement was misleading.

Since there are possible applications where the statement would be inappropriate, it has been deleted. A caution, relative to large storage sizes, has been incorporated in the

commentary on daily water use rate (See Criterion 2.3.2).

**Criterion 2.4.2—Panel Performance in Array—Commentary**

• The statement in Commentary to Criterion 2.4.2, that acceptable limits for flow variation in large collector arrays may be as great as "3 to 1" was questioned by one of the reviewers who felt that the statement could be misleading.

Realizing that for smaller residential systems this ratio may not be applicable, the statement has been deleted. Since the flow rate is subject to system design and type of collector, the commentary has been changed to state that the flow rates in the collectors must be maintained to be within the limits stated by the manufacturer.

**Criterion 2.4.4—Heat Loss During Non-Collection Periods—Evaluation and Commentary**

• A comment was made suggesting that the heat loss during non-collecting periods did not adequately address radiant sky effects.

In response to comments on the Criterion 2.4.4 for "heat loss during non-collection periods," the evaluation and commentary have been expanded to include radiant sky effects upon the absorber temperature at night. This is a very important consideration for freeze protection and heat loss. The commentary for the criterion related to sensor location has also been changed to reflect the need to consider night sky radiation related to freeze protection.

**Criterion 2.5.3—Charging Rate and Criterion 2.5.4—Discharging Rate**

• Criteria 2.5.3 and 2.5.4, which deal with charging and discharging rates of the thermal storage subsystem, were commented upon by several reviewers with regard to the need and value of these criteria.

After careful examination of the criteria it was decided that these criteria should be deleted. Sizing of the storage and heat exchange components is very important to system performance but the issues are adequately covered in other criteria. The transfer of energy is addressed in Criteria 2.6.4, "Energy Transfer to Load" and in the commentary reference is made to guidance for sizing heat exchangers for solar application. Criterion 2.8.2 "Storage Selection" gives guidance on designing storage system capacity.

**Criterion 2.6.2—Operating Energy—Evaluation**

• Comments were made which suggested that the reference to heat

pumps in the transport system operating energy criterion was inappropriate.

The statement in the evaluation, specific to heat pumps, has been removed. The operating energy required for transport of solar energy to and from storage should be considered without regard to the specific method of conveyance.

**Criterion 2.8.4—Auxiliary Equipment Selection**

• A comment directed at Criterion 2.8.4 for auxiliary equipment selection expressed concern with the statement which required the equipment to be selected to minimize the use of depletable energy. The commentor indicated that since no value was cited in the criterion there could be confusion in satisfying the requirement.

The criterion has been changed to state that the equipment must meet any minimum efficiency guidelines which may be established by existing standards, codes, or regulations applicable in the jurisdiction. The statement remains that the integration of the auxiliary energy equipment with the solar energy system must make effective use of depletable energy. The intent of this criterion being that the selection of auxiliary energy equipment should prevent the wasteful use of depletable energy.

**Requirement 2.9—Alternative Energy Limit Approach**

• Many comments were received regarding Requirement 2.9, "Alternate Energy Limit Approach." In addition to the comments addressed earlier relating to BEPS and the depletable energy limit, the alternate energy limit approach as described in the draft document was found to be inappropriate unless each component could be fully characterized and comply with the individual criteria.

This approach was evaluated to be unrealistic and has been deleted. Instead, the effective use of depletable energy regarding energy use for a whole system, has been addressed. Criterion 2.9.1 "Depletable Energy Use" has been revised to require the determination of depletable energy use on an annual basis. The former title "Depletable Energy Limit" has been dropped.

**Chapter 3—Mechanical****Criterion 3.1.2—System Balancing**

• To be consistent with the earlier comment regarding deletion of the exceptions from the Scope statement of the Introduction, the exception which related to system balancing was also re-evaluated. The exception permitted exclusion of small systems from



compliance with the criterion. There were also comments to the effect that the criterion should not apply to several types of systems.

The "exception" which excluded small systems has been dropped. The intent of the criterion to "provide means" for balancing of the system must remain as stated. These "means" may be a variety of design features which will allow only balanced flow, or devices which can be adjusted to control the flow. The criterion does not specify system types or method of control, but rather requires that adequate control be addressed and provided.

#### *Criterion 3.3.3—Damper Leakage*

- A question was raised with regard to the use of Criterion 3.3.3 which establishes a two to five percent limit for critical damper leakage. The commentator wanted to know whether the leakage is based upon laboratory tests or field measurements.

Because these criteria apply to system design evaluation, it is considered acceptable to provide evidence that the damper performance is in compliance with the manufacturers' certification program based on laboratory data. If the designer has experience and field data to show that the damper design can meet the established limits, then that information should also be accepted as evidence of compliance. No change was made to the criterion.

#### *Criterion 3.3.4—Air Leak Testing*

- One commentator questioned the consistency of acceptable losses from various components as stated in Chapter 2 and 3, which deal with thermal losses and air leakage, respectively. The same commentator also raised the question about the cumulative effect of these losses on overall system performance.

The relationship between air leakage, thermal losses, and system thermal performance is very complex. NBS-GCR-302, *Air Leakage in Residential Solar Heating System*, examines this relationship. Results from that report help resolve the comments raised concerning Criterion 3.3.4.

It is believed that the air leakage limits set forth in Criterion 3.3.4 are compatible with the subsystem or component thermal loss limits established in Chapter 2 (Criteria 2.4.3, 2.5., and 2.6.1). The subsystem thermal loss limits include both conductive losses as well as air leakage losses. Thus, thermal losses due to air leakage must be less than the total loss if the criteria are to be compatible.

The percentage thermal loss for subsystems and components are largely based on engineering judgment derived from examining component/subsystem performance data from a number of instrumented sites in the National Solar Demonstration Program. It is believed that the stated values are achievable if reasonable care is taken during system design and installation. These values can be field-verified by simple measurement techniques and calculations. Every effort should be made to seal duct work to prevent air leakage during construction, using SMACNA approved techniques, since leakage from these components is very difficult to correct after construction.

The maximum allowable air leakage rate cited in Criterion 3.3.4 was selected based on industry standards, while the maximum allowable energy loss rates of 15% cited in Chapter 2 were selected because field data have shown this to be reasonable level of performance in practice.

The second issue raised relative to a suggested limit on cumulative energy losses appears to be an excellent suggestion. However, its evaluation would be impractical at this time and therefore incorporation into the performance criteria at the current time is not appropriate. As shown in NBS-GCR-81-302, system energy loss (or cumulative loss) is defined as the annual percent increase in auxiliary and operating energy due to both heat loss and air leaks, relative to a system that has no air leakage. In solar energy systems in which heat and air leakage occur in all of the subsystems and components, system energy loss can only be estimated by performing a detailed hourly computer simulation, using a sophisticated model such as described in the above report. The reported results of such computer studies show that there are subtle interactions between the various solar system components and the building due to air leakage, and that the individual subsystem/component leakage percentages do not add up to the system energy loss percent. Thus, although the suggestion to limit cumulative effects of air leakage is judged to be an excellent suggestion, it is believed that due to difficulties in evaluation, the current subsystem/component leakage criteria are more appropriate.

#### **Chapter 4—Health and Safety**

##### *Criterion 4.1.2—Separation of Circulation Loops—Commentary*

- As the result of new information available on the status of the proposed ASME standard on heat exchangers, it

was suggested that the footnote detailing the guidelines related to toxicity is inappropriate for inclusion in the Performance Criteria.

Recently the proposed ASME standard on heat exchangers was submitted to the ASME Board on Pressure Technology Codes and Standards for approval as a tentative standard. The Board considered the request and the proposed standard was rejected and sent back to the ASME Solar Energy Standards Committee for revision. Because of this action within ASME and to allow the standards development process to continue in an objective manner, the footnote has been deleted. This action is also consistent with the ANSI/CABO Standard 1.0—1981 which does not reference the details of the ASME standards development effort. It is still felt that the protection of potable water supply is essential and adequate design of heat exchanger components is very important. Every effort should be made to develop a meaningful consensus standard for heat exchangers that will adequately address health and safety issues.

#### *Criterion 4.3.5—Surface Temperature*

- The allowable temperature limit of 140°F as stated in Criterion 4.3.5 was questioned and a limit of 110°F was suggested.

Because the current limit of 140°F is referenced in several other documents, such as the HUD Minimum Property Standards, and various building codes and is recognized as a safe practice, it was decided to retain this 140°F limit. The stated value is a maximum and the actual operating level may be selected to be a lower value.

#### *Criterion 4.4.1—Liquid Flash Point*

- Several comments were received related to the need for clarification of the temperature limits stated in Criterion 4.4.1.

The "Liquid Flash Point," Criterion 4.4.1, was revised to read: "The flash point of a liquid heat transfer fluid shall equal or exceed the higher temperature determined from A and B below:

A. A temperature 50°F (28°C) above the design maximum flow temperature of the fluid in the solar system:

B. The design maximum no-flow temperature of the fluid. Exception: When the collector manifold assembly is located outside of the building and exposed to the weather and provided that the relief valves located adjacent to the collector or collector manifold do not discharge directly or indirectly into the building, and such discharge is directed



away from flames and ignition sources, only A above applies.

A "liquid heat transfer fluid" is defined as the operating or thermal storage liquid including water or other liquid base and all additives at the concentration used under operating conditions. The flash point shall be determined by the methods determined in NFPA No. 321, "Basic Classification of Flammable and Combustible Liquids" [28]. Flammable liquids shall not be used, and in systems using a gaseous heat transfer fluid, a flammable gas shall not be used. The design maximum flow temperature of the fluid is defined as the maximum fluid temperature that will be obtained when the heat transfer fluid is flowing through the system. Generally, this temperature will occur in the collector when it is receiving its maximum level of solar radiation at maximum ambient temperature.

Paragraph "B" was changed and the exception added to clarify the intent of the criterion and to eliminate the requirement for a flash point temperature 200°F below the maximum no-flow temperature when the collector manifold is located outside of the building.

#### **Criterion 4.4.5—Fire Resistance Requirements**

- A comment was offered that the Criterion 4.4.5 should be expanded to include more than just penetrations through fire rated building elements. The effects of the placement of solar components upon the rated elements should also be addressed.

Criterion 4.4.5 was slightly modified to emphasize that the presence of solar components and their installation shall not reduce the required fire resistance of rated building elements.

#### **New Criterion 4.4.6—"Roof Covering Fire Performance"**

- A comment was directed at the need for a criterion covering the effect of roof mounted solar collectors upon the fire rating of roof systems.

As a result of a Department of Energy test program on roof-mounted solar collectors, there is evidence that such roof mounted collectors can reduce the fire performance of roof coverings as tested by ASTM E-108. As a result of that study, a new criterion, "Roof Covering Fire Performance" Criterion 4.4.6, was developed. The criterion states, "The presence of roof-mounted solar collectors or other components shall not reduce the required fire rating of the roof covering material below that required by the applicable authority."

#### **Old Criterion 4.4.6—Self-Ignition of Combustibles**

- There was found to be a potential conflict between the ANSI/CABO Standard 1.0—1981 in the area of clearance distances from combustibles.

The self-ignition of combustibles criterion (renumbered from 4.4.6 to 4.4.7) was changed to be in conformance to the ANSI/CABO Standard 1.0—1981. The revised criterion states clearance distances required when combustibles are to be used in the vicinity of heated surfaces.

#### **New Criterion 4.5.3—Electrical Wiring**

- A comment was received indicating the need to address the proper installation and use of electrical wiring and equipment when located in areas of high temperature.

Based upon the above comment, a new criterion (4.5.3) was added which relates to the placement and use of electric wiring and electrical equipment in spaces where the expected temperature would be higher than normal. In such spaces the appropriate wire and equipment having the proper thermal rating must be used. Experience has shown that wires and electric equipment rated for normal temperature exposure (60° C) have been used in high temperature spaces in some solar applications. Such practice can present a potential fire hazard.

#### **Chapter 5—Durability/Reliability**

- Several general comments were made to the effect that commonly-used materials such as concrete should not require evaluative testing in order to be accepted.

It is agreed that those materials which have a history of satisfactory performance when used in conventional ways should not be required to be re-evaluated. Many of the evaluation statements indicate that documentation may be used in such cases in lieu of testing where there is a history of adequate performance. But it may be necessary, when conventional material is used in new ways and its performance is unknown, that critical evaluation be required to answer performance related questions. Considerable judgment must be exercised when new materials or conventional materials are used in unusual ways. Testing will be required only if there are insufficient data to permit the use of engineering judgment. No changes have been made to the criteria as a result of the comment.

- Concern was expressed that the use of the standards listed in Table 5.2 was unclear and could be misleading.

Table 5.2 has been deleted and the individual standards have been integrated directly into the evaluation statements as appropriate. This change should assist the user in applying existing voluntary standards in the process of evaluating components and materials proposed for use in solar applications.

#### **Appendix**

##### **Format**

- A comment was offered regarding the format of the Appendix. It was suggested that the material might be better presented if divided into two parts, one specifically dedicated to test methods and evaluation guidelines frequently referred in Chapter 5 and the other of the miscellaneous material included in the Appendix.

The material contained in the Appendices remains essentially unchanged except for updating of references and the addition of new data where applicable. Appendix A contains testing and evaluation methods that are frequently referenced in Chapter 5 and relate to durability/reliability requirements of subsystems, components and materials. Appendix B contains selected ASTM test methods which may be useful in making physical property measurements of materials used in solar applications, and tables are presented which provide reference characteristics and properties of materials for use in solar components. Technical review forms which identify areas of concern with regard to system design and technical evaluation are also included along with appropriate references, abbreviations, and S.I. (metric) conversion units.

##### **Appendix—Section 3, Aging Procedure—1 (Simulated Laboratory Exposure)**

- The aging procedure described for evaluation of solar degradation effects was questioned by one commentor.

The "Aging Procedure—1" references ASTM G28 and D2565 as acceptable laboratory exposure procedures which use the Xenon-arc as light source. The reviewer correctly points out that there is a caveat in ASTM G28 discouraging the interpretation of its procedures as an accelerated weathering test or as an equivalent to a natural weathering test.

The test methodology referenced in the aging procedure is used as a screening test and is not intended to correlate directly with real time exposure. The Xenon-arc test has been used for many years as a screening process for evaluation of new materials.



Two recently adopted ASTM Standards, E-744 and E-765 for absorbers and cover plate materials, respectively, incorporate the use of Xenon-arc weathering machines. No changes were made to the aging procedures.

**Appendix—Section 3—Aging Procedure—3 (Natural Weather)**

\* A comment was made that it would be difficult in Pennsylvania to meet the 1300 BTU/ft.<sup>2</sup> day value specified in the natural aging test procedure.

Although the 1300 BTU/ft.<sup>2</sup> day can be obtained over a significant portion of the United States, lowering the required level to 1200 BTU/ft.<sup>2</sup> day would permit exposure testing in a broader area while substantially meeting the intent of the test requirement. The value has been adjusted to 1200 BTU/ft.<sup>2</sup> day to include this broader area for exposure testing.

Copies of the Performance Criteria are available from William E. Freeborne, Mechanical Engineer, Building Technology Division, Room 8158, Department of Housing and Urban Development, Washington, D.C. 20410, Telephone (202) 755-6900. Additional copies are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, NBS Building Science Series 147, price \$7.50.

(Sec. 8, Solar Heating and Cooling Demonstration Act of 1974, Pub. L. 93-409 (42 U.S.C. 5506))

Dated: January 3, 1983.

E. S. Savas,

*Assistant Secretary for Policy Development and Research.*

[FR Doc. 83-953 Filed 1-14-83; 8:45 am]

BILLING CODE 4210-01-M

**Office of Assistant Secretary for Housing—Federal Housing Commissioner**

**24 CFR Part 200**

[Docket No. R-83-1007]

**Use of Materials Bulletin No. 84—HUD Building Products Certification Program for Solid Fuel Type Room Heaters and Fireplace Stoves**

**AGENCY:** Office of Assistant Secretary for Housing, Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as part of HUD's Minimum Property Standards (MPS) a Use of Materials Bulletin that incorporates Underwriters Laboratories standards for the design, assembly and testing of solid fuel room heaters and fireplace stoves. The rule also

supplements HUD's building products certification procedures by requiring for this particular certification program that certain additional information be included in the label which each manufacturer affixes to its product, and by specifying the frequency with which heaters and stoves must be tested in order to be acceptable under the MPS. This action is in response to the safety need that has grown out of the large increase in fires resulting from greater use of these types of heating units.

**EFFECTIVE DATE:** March 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. Leslie H. Breden, Construction Standards Division, Office of Manufactured Housing Construction Standards, Room 3222, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410; telephone (202) 755-5929. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** As part of its Minimum Property Standards, HUD has established under § 200.935 both qualifications for its acceptance of Program Administrators and procedures to be used by manufacturers of building products when certifying that their products meet applicable standards. A Program Administrator is an organization that validates, in a manner prescribed by HUD, each manufacturer's certification of compliance. A Use of Materials Bulletin sets forth the minimum criteria for Administrators to follow in validating manufacturers' certifications.

This rule adopts Use of Materials Bulletin No. 84 (UM 84), which incorporates Underwriters Laboratories standards for the design, assembly and testing of solid fuel room heaters (ANSI/UL 1482) and fireplace stoves (ANSI/UL 737). This action is in response to the safety need that has grown out of the large increase in fires resulting from greater use of these types of heating units. The industry supports issuance of this Use of Materials Bulletin.

Besides adopting the Underwriters Laboratories standards, UM 84 augments the labelling requirements of § 200.935(d)(6) to include: (1) A statement of conformance with the HUD Building Products Certification Program; (2) identification of the manufacturer by name and assembly plant; (3) reference to the specification designation and manufacturer series or model number; and (4) indication of the type of fuel to be used. UM 84 further requires that, when affixed to the stove or fireplace, the label must be placed in a manner that makes it readily visible after the product is installed. Finally, UM 84 specifies that the frequency of testing

under § 200.935(d)(8) shall be every four years, with visits by the administrator to the manufacturing facility twice each year.

Because these added requirements relate only to this particular certification program, they are set out in a new § 200.936, not as amendments to existing § 200.935, which governs all certifications under the Minimum Property Standards. Thus, § 200.936 augments § 200.935; it does not supplant it.

Problems with construction and testing of solid fuel room heaters and fireplace stoves pose a continuing threat to health and safety which UMB 84 is designed to correct wherever the Minimum Property Standards apply. The Secretary has therefore determined that the delay that would result from providing an opportunity for public comment on this amendment would be contrary to the public interest, and that good cause exists for adopting UM 84 as a final rule. This product certification program, moreover, has been extensively reviewed by industry representatives, and further analysis and discussion would not be likely to provide additional information helpful to the Secretary in this matter.

The text of UM 84 is not being reproduced in this rule because its substance is embodied in the new Sec. 200.936, which is being adopted as set forth below. However, a copy of UM 84 is available for public inspection during regular business hours in Construction Standards Division, Office of Manufactured Housing and Construction Standards, Room 3236; and in the Office of Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, at the above address.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on



competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b), (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. UM 84 adopts product standards that are widely recognized throughout the affected industry, and it will not create a burden on manufacturers currently meeting the standards.

This rule is listed (as an interim rule) at 47 FR 48436 as Item H-23-81 in the Department's Semiannual Agenda of Regulations published on October 28, 1982, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

#### List of Subjects in 24 CFR Part 200

Housing standards, Minimum property standards.

#### PART 200—[AMENDED]

Accordingly, 24 CFR Part 200, Subpart S, is amended by adding a new § 200.936 to read as follows:

**§ 200.936 Supplementary specific procedural requirements under HUD Building Products Certification Program for solid fuel type room heaters and fireplace stoves.**

(a) *Applicable standards.* Solid fuel type room heaters and fireplace stoves certified under the HUD Building Products Certification Program shall be designed, assembled and tested in conformance with the following standards, which are incorporated by reference:

(1) ANSI/UL 737 (1978), for fireplace stoves;

(2) ANSI/UL 1482 (1979), for solid fuel type room heaters with coal amendments.

(b) *Labelling.* (1) Under the procedures set forth in paragraph (d)(6) of § 200.935, concerning labelling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. In the case of solid fuel type room heaters and fireplace stoves, the following additional information must be included on the certification label:

(i) The manufacturer's statement of conformance to the HUD Building Products Certification Program;

(ii) The manufacturer's name and the identity and location of manufacturing plant;

(iii) The specification designation and manufacturer series or model number; and

(iv) The type of fuel to be used.

(2) The certification label must be permanently affixed to the heater or stove and be readily visible after the heater or stove is installed.

(c) *Periodic tests and quality control inspections.* Under the procedures set forth in paragraph (d)(8) of § 200.935, concerning periodic tests and quality control inspections, the frequency of testing for a product must be described in the specific building product certification program. In the case of solid fuel type room heaters and fireplace stoves, testing and inspection shall be conducted as follows:

(1) Once every four years, beginning with the initial administrator visit, a sample of each certified product shall be selected by the administrator for testing for compliance with the applicable standards in a laboratory which has been accredited under the National Voluntary Laboratory Accreditation Program.

(2) The administrator shall visit the manufacturer's facility two times a year to assure that the initially accepted quality control procedures are being followed.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Sec. 211 of the National Housing Act, 12 U.S.C. 1715b)

Dated: August 24, 1982.

Philip Abrams,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 83-1202 Filed 1-14-83; 9:45 am]

BILLING CODE 4210-27-M

#### DEPARTMENT OF THE INTERIOR

##### Minerals Management Service

##### 30 CFR Part 250

##### Oil and Gas and Sulfur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Rule related notice of availability.

**SUMMARY:** Notice is given concerning the future availability of a draft user's manual for the Outer Continental Shelf (OCS) Air Quality Dispersion Model. The Minerals Management Service (MMS) requests interested parties to submit their names to receive copies of

the draft manual for technical review and comment.

**DATES:** Interested parties should file requests by February 18, 1983.

**ADDRESSES:** The names of parties interested in receiving a copy of the draft user's manual for review and comment should be sent to: Minerals Management Service, U.S. Department of the Interior, Offshore Environmental Assessment Division, 12203 Sunrise Valley Drive, Mail Stop 644, Reston, Virginia 22091.

**FOR FURTHER INFORMATION CONTACT:** John Goll or Mitchell Baer, Offshore Environmental Assessment Division, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 644, Reston, Virginia 22091, Telephone: (703) 860-6461, (FTS) 928-6461.

**SUPPLEMENTARY INFORMATION:** On March 7, 1980, MMS (formerly the Conservation Division of the U.S. Geological Survey) published a rule, 30 CFR 250.57, establishing a regulatory program to implement section 5(a)(8) of the OCS Lands Act Amendments of 1978, Pub. L. 95-372, concerning the regulation of air emissions from oil and gas operations on the OCS (45 FR 15128, March 7, 1980). The regulations are designed to ensure that emissions from OCS facilities do not cause significant effects on the onshore air quality of a State. On June 5, 1980, MMS published a Notice in the Federal Register at 45 FR 37816 describing the use of air quality modeling in its OCS air quality program.

A contract was awarded to Environmental Research and Technology, Inc. of Concord, Massachusetts, in May 1982 to develop an OCS atmospheric transport and dispersion model. A draft of the user's guide will be available during the spring of 1983. By this Notice, MMS is soliciting the names of interested parties who would wish to provide technical comments on the content of the guide. Parties with expertise in the areas of air quality computer models and overwater or coastal atmospheric dispersion and transport are invited to request copies of the guide for their review.

When the draft guide is completed, copies will be sent to the parties who respond to this Notice with comments due from reviewers after a 30-day review period. The MMS will be requesting comments only on the technical content of the user's guide. After a review of the comments, a final user's guide will be prepared. The final model should be available for general use during late 1983.



Dated: December 15, 1982.

Robert L. Rioux,  
Associate Director for Offshore Minerals  
Management.

[FR Doc. 83-1173 Filed 1-14-83; 8:45 am]

BILLING CODE 4310-MR-M

## Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 925

#### Approval of Amendments and Removal of Condition of Approval of the Missouri Permanent Regulatory Program

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

**ACTION:** Final rule.

**SUMMARY:** The State of Missouri has satisfied the final condition on the approval of the Missouri program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Missouri received conditional approval of its program on November 21, 1980 (45 FR 77017-77028), subject to the correction of 23 minor deficiencies. The 23 deficiencies were included in three conditions, (a), (b), and (c). Condition (a) consisted of (a)(1) through (a)(21).

Missouri previously submitted amendments to satisfy the conditions and the Secretary determined that the amendments corrected the deficiencies, with the exception of the last element of condition (a)(1). The Secretary removed the first six elements of condition (a)(1), conditions (a)(2) through (a)(21), and conditions (b) and (c) on May 11, 1982 (47 FR 20116-20119), and extended the deadline for Missouri to meet the last element of condition (a)(1) to October 15, 1982. By letters dated September 7, 1982, and October 13, 1982, Missouri submitted additional program modifications including changes intended to satisfy the last element of condition (a)(1). The Secretary is approving the modifications and removing the last condition of approval.

**DATE:** The approval of these program modifications is effective January 17, 1983.

**FOR FURTHER INFORMATION CONTACT:** Arthur Abbs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-5351.

#### SUPPLEMENTARY INFORMATION: Background

The Missouri program was approved on November 21, 1980 (45 FR 77017-77028). The approval was conditioned

on the correction of 23 minor deficiencies. The 23 deficiencies were included in three conditions, (a), (b), and (c). Condition (a) consisted of (a)(1) through (a)(21). In accepting the Secretary's conditional approval, Missouri agreed to correct deficiencies (a) and (b) by April 1, 1981, and deficiency (c) by October 1, 1981.

To correct deficiency (a), Missouri submitted fully enacted rules dated December 3, 1981. Missouri submitted enacted rules dated March 12, 1981, to correct deficiency (b), and an opinion from the State Attorney General to correct deficiency (c). After providing an opportunity for public review and comment, the Secretary determined that the amendments submitted by Missouri corrected the deficiencies in the program, with the exception of the last element of condition (a)(1). The Secretary removed the first six elements of condition (a)(1), conditions (a)(2) through (a)(21), and conditions (b) and (c) on May 11, 1982 (47 FR 20116-20119). The Secretary also extended the deadline for Missouri to meet the last element of condition (a)(1) to October 15, 1982. In that notice, OSM also identified a number of minor errors in the cross-references throughout the Missouri amendments. OSM notified Missouri by letter dated April 7, 1982, that although the errors did not affect the substance of the regulations, they could be misleading and should be corrected.

#### Submission of Amendments

Missouri submitted rules, by letters dated September 7, 1982, and October 13, 1982 (Administrative Record MO-248), intended to satisfy the last element of condition (a)(1), correct the cross-references errors noted in OSM's April 7, 1982 letter, and make additional amendments.

On November 3, 1982, OSM published notice in the *Federal Register* announcing receipt of these provisions and inviting public comment on the adequacy of the proposed amendments (47 FR 49870-49871).

#### Secretary's Findings

The Secretary finds the program amendments submitted by Missouri on September 7 and October 13, 1982, satisfy the last element of condition (a)(1) as follows:

Missouri amended its rule 10 CSR 40-8.030(13)(B) to define the term "final order or decision" to include any order or decision of the commission, the director or any authorized representative or hearing officer, even if it is subject to further administrative or judicial review, so long as the order or decision determines the rights or obligations

of an operator, or if legal consequences may flow from a violation of, failure to comply with, or refusal to comply with the terms of the order or decision.

As discussed in the May 11, 1982 *Federal Register* (47 FR 20117), Missouri rule 10 CSR 40-8.030(13)(A) makes injunction actions dependent upon the prerequisite of a "final order or decision". The Secretary found the rule inconsistent with Section 521(c)(A) of SMCRA and 30 CFR 843.19 which provide for injunctive relief for violation of any order or decision. The Secretary finds that amended rule 10 CSR 40-8.030(13) is now consistent with the Federal law and regulations and satisfies the last element of condition (a)(1).

The Secretary further finds that the additional rule amendments submitted by Missouri, which are unrelated to the condition of approval, are consistent with SMCRA and no less effective than the Federal regulations. These additional rule amendments are as follows:

(1) An amendment was made to 10 CSR 40-8.030(6)(B) 1. and (C) to correct references.

(2) An amendment was made to 10 CSR 40-8.030(7)(A) and (D) to correct references.

(3) An amendment was made to 10 CSR 40-8.030(8)(A) 1. to correct references.

(4) An amendment was made to 10 CSR 40-8.030(8)(E) to delete the phrase "and within the time limit set forth in this rule," because a 60-day period is specified.

(5) An amendment was made to 10 CSR 40-8.030(9)(A) 2. and (B) to correct references.

(6) An amendment was made to 10 CSR 40-8.030(10)(A) to correct references and include the phrase "with the Commission" to indicate where to file an application for review and request a hearing on a notice or order.

(7) An amendment was made to 10 CSR 40-8.050(8) to allow SOAP contractors to subcontract with other qualified laboratories.

(8) An amendment was made to 10 CSR 40-8.060 to renumber Sections (7)-(10) as Sections (5)-(8).

#### Public Comments

The public comment period ended December 6, 1982. No comments were received, and no requests for a hearing were made, so none was held.

#### Approval of Amendments

Accordingly, the last element of condition (a)(1) is hereby removed and 30 CFR Part 925 is amended to indicate



approval of the Missouri program amendments dated September 7 and October 13, 1982.

#### Additional Determinations

**National Environmental Policy Act.** Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), this rule is not a major Federal action and therefore no environmental impact statement, environmental assessment, or FONSI need be prepared on this rulemaking.

**Regulatory Flexibility Act.** Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I certify that this proposed rule will not have a significant economic impact on substantial number of small entities.

**Executive Order 12291.** On August 23, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6 and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State programs, actions or amendments. Therefore, this proposed program amendment is exempt from the requirement to prepare a Regulatory Impact Analysis and regulatory review by OMB.

#### List of Subjects in 30 CFR Part 925

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 925 of Title 30 is amended as set forth herein.

Dated: January 10, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

#### PART 925—MISSOURI

1. Section 925.10 is amended by revising paragraph (a) to read as follows:

##### § 925.10 State program approval.

(a) The Missouri State program submitted on February 1, 1980, and as amended and clarified on May 14, 1980, was conditionally approved effective November 21, 1980. The amendments submitted December 3, 1980, and March 12, 1981, were approved effective May 11, 1982, with the exception of Section 10 CSR 40-8.030(13). The amendments submitted September 7, 1982 and October 13, 1982, are approved effective January 17, 1983. Copies of the approved program, as amended, are available for review at:

(1) Missouri Land Reclamation Commission, 1026-D N.E. Drive, Jefferson City, Missouri 65101.

(2) Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

(3) Office of Surface Mining, Room 5315, 1100 L Street, NW., Washington, D.C. 20240.

##### § 925.11 [Removed]

2. Part 925 is amended by removing Section 925.11.

3. Section 925.15 is revised to read as follows:

##### § 925.15 Approval of regulatory program amendments.

(a) The Missouri permanent program amendments of December 3, 1980 and March 12, 1981, are approved effective July 23, 1982.

(b) The Missouri permanent program amendments of September 7, 1982 and October 13, 1982, are approved effective January 17, 1983.

[FR Doc. 83-1230 Filed 1-14-83; 8:45 am]

BILLING CODE 4310-05-M

#### 30 CFR Part 935

##### Removal of Condition on the Approval of the Ohio Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

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

**ACTION:** Final rule: Removal of condition on the approval of the Ohio State program.

**SUMMARY:** The State of Ohio has satisfied one condition of approval of the Ohio program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) by submitting a rule as a program amendment. Ohio received conditional approval of its permanent program effective August 16, 1982, as announced in the *Federal Register* of August 10, 1982 (47 FR 34688-34718), subject to the correction of eleven minor deficiencies. On September 16, 1982, Ohio submitted to the Department of the Interior materials that satisfy condition of approval "e". Approval of the State rule as a program amendment will be reflected in 30 CFR Part 935.

**EFFECTIVE DATE:** The removal of condition "e" is effective January 17, 1983.

**FOR FURTHER INFORMATION CONTACT:** Arthur Abbs, 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:** On January 22, 1982, the State of Ohio resubmitted to the Department of the Interior its permanent regulatory program under SMCRA. The

resubmission followed an initial disapproval, notice of which was published in the *Federal Register* October 1, 1980 (45 FR 64962-64971). After opportunity for public comment and thorough review of the program resubmission, the Secretary of the Interior determined that the Ohio program meets the requirements of SMCRA and the Federal permanent program regulations, except for minor deficiencies.

Accordingly, the Secretary of the Interior conditionally approved the Ohio program subject to the correction of eleven minor deficiencies. Information pertinent to the general background, revisions, and modifications to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982, *Federal Register* (47 FR 34688-34718). The approval was effective on August 16, 1982.

In accepting the Secretary's conditional approval, Ohio agreed to correct condition "e" by submitting to the Secretary by September 16, 1982, copies of promulgated regulations deleting the provision in OAC 1501:13-1-01(A) exempting persons holding permits issued after September 1, 1981, from the requirement to apply for a new permit after approval of the program. Ohio also agreed to correct all remaining deficiencies by August 8, 1983.

On September 16, 1982, Ohio submitted materials intended to modify the approved State program so as to satisfy condition of approval "e". The submitted materials include an amended State rule, OAC 1501:13-1-01 which deletes an exemption from the requirement that all operators file permanent program permit applications. A copy of an Executive Order issued by Ohio Governor James A. Rhodes implementing the revision as an emergency rule is also included. OSM published a notice in the *Federal Register* on October 14, 1982, (47 FR 45885) announcing receipt of the materials and inviting public comment on whether the submitted materials satisfy condition "e". The public comment period ended on November 18, 1982. No one appeared to present testimony at a public hearing that was scheduled for November 18, 1982.

#### Secretary's Findings

The Secretary finds the program amendment submitted by Ohio on



September 16, 1982, satisfies condition "e" as follows:

Amended OAC 1501:13-1-01 deletes the provision exempting persons holding "D" permits from applying for a new permit after approval of the State program by the Secretary. The Secretary finds that the amendment satisfies condition "e".

#### Public Comment

No comments were received in response to the October 14, 1982, Federal Register notice announcing the hearing and comment period on the amendment submitted by Ohio.

#### Approval of Amendment To Satisfy a Condition of Approval

Accordingly, condition "e" is hereby removed and 30 CFR Part 935 is amended to indicate approval of the Ohio program amendment submitted to OSM on September 16, 1982.

#### Additional Findings

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs or amendments. Therefore, this program amendment is exempt from the preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

On December 22, 1982, the Environmental Protection Agency transmitted its written concurrence on the Ohio program amendment.

#### List of Subjects in 30 CFR 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 935 of Title 30 is amended as set forth below.

Dated: January 10, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

#### PART 935—OHIO

1. 30 CFR Part 935.10 is revised to read as follows:

##### § 935.10 State regulatory program approval.

The Ohio State regulatory program as submitted on February 29, 1980, and

resubmitted on January 22, 1982, is conditionally approved, effective August 16, 1982. Beginning on that date, the Department of Natural Resources shall be deemed the regulatory authority in Ohio for all surface coal mining and reclamation operations and for all exploration operations on non-Federal and non-Indian lands. Only surface coal mining and reclamation operations on non-Federal non-Indian lands shall be subject to the provisions of the Ohio permanent regulatory program. The amendment submitted on September 16, 1982, is also approved effective January 17, 1983.

Copies of the approved program, as amended, are available at:

(a) Division of Reclamation, Ohio Department of Natural Resources, Fountain Square, Bldg. B., Columbus, Ohio 43224, Telephone: (614) 265-6633.

(b) Office of Surface Mining, Room 5315, 1100 L St., NW., Washington, D.C. 20240, Telephone: (202) 343-4728.

#### § 935.11 [Amended]

2. Section 935.11 by removing and reserving paragraph (e).

[FR Doc. 83-1229 Filed 1-14-83; 8:45 am]

BILLING CODE 4310-05-M

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

##### 33 CFR Parts 110 and 165

[CGD 82-046]

##### Regulated Navigation Area; San Pedro Bay, California

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** These regulations establish a Regulated Navigation Area in San Pedro Bay, California, in order to establish permanent, passive vessel-traffic-management procedures that provide for the safety of navigation. The condition of the port and waterways in the proposed area warrants a higher safety standard than is provided by the Rules of the Road. Vessels will be required to comply with specific operating criteria to gain access into or transit through the proposed Regulated Navigation Area.

**EFFECTIVE DATE:** February 16, 1983.

**FOR FURTHER INFORMATION CONTACT:** Commander Lindon A. Onstad, Marine Safety Division, Eleventh Coast Guard District, 400 Ocean Gate, Long Beach, CA 90822, Phone Number 213-590-2301.

**SUPPLEMENTARY INFORMATION:** On 12 August 1982, the Coast Guard published a notice of proposed rulemaking in the Federal Register for this regulation (47

FR 35011). Interested persons were requested to submit comments and two comments were received.

**Drafting Information:** The principal persons involved in drafting this proposal are: Lieutenant Commander James B. Morris, Project Officer, Marine Safety Division, Eleventh Coast Guard District; Commander Lindon A. Onstad, Project Officer, Marine Safety Division, Eleventh Coast Guard District; and Commander Rene N. Roussel, Project Attorney, District Legal Office, Eleventh Coast Guard District.

**Discussion of Comments:** Each responder supported the amendments to the rules. The Port of Long Beach also commented that the proposed regulations were not clear with regard to the use of Commercial Anchorage G by vessels with confirmed pilot orders. The final rules have been changed to make it clear that vessels with confirmed pilot orders from either the Los Angeles or Long Beach Pilots may use Commercial Anchorage G for standby purposes.

**Evaluation:** These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations. (DOT Order 2100.5 of 5-22-80). A draft economic evaluation has not been prepared since its impact is expected to be minimal. These regulations will not cause delays to vessels transiting the area. For these reasons it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities, in accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164).

#### List of Subjects

##### 33 CFR Part 110

Anchorage Grounds.

##### 33 CFR Part 165

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

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

#### PART 110—ANCHORAGE REGULATIONS

##### § 110.214 [Amended]

1. By removing subparagraph (a)(7)(iii) of § 110.214.



**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

1. By adding a new § 165.1109 to read as follows:

**§ 165.1109 San Pedro Bay, California**

(a) The following is a Regulated Navigation Area—The waters of San Pedro Bay enclosed by a line beginning at Los Angeles Light, latitude 33°42'30.6" N, longitude 118°15'02.5" W.; thence easterly along the Los Angeles-Long Beach Middle Breakwater to Long Beach Entrance Light 2, latitude 33°43'23.5" N., longitude 118°10'46.9" W.; thence southerly to latitude 33°42'09.0" N., longitude 118°10'23.0" W.; thence westerly to latitude 33°42'09.0" N., longitude 118°11'33.3" W.; thence southwesterly to latitude 33°41'40.5" N., longitude 118°13'02.2" W.; thence westerly to latitude 33°41'36.1" N., longitude 118°13'43.0" W.; thence southwesterly to latitude 33°41'13.8" N., longitude 118°14'52.2" W.; thence northerly to the beginning point at Los Angeles Light.

(b) There are two pilot areas within the regulated navigation area described in paragraph (a). They are defined as follows:

(1) The Los Angeles Pilot Area is enclosed by a line beginning at Los Angeles Light, latitude 33°42'30.6" N., longitude 118°15'02.5" W.; thence easterly to Los Angeles Main Channel Light 2, latitude 33°42'38.8" N., longitude 118°14'37.5" W.; thence southeasterly to latitude 33°41'36.1" N., longitude 118°13'43.0" W.; thence southwesterly to latitude 33°41'13.8" N., longitude 118°14'52.2" W.; thence northerly to the beginning point.

(2) The Long Beach Pilot Area is enclosed by a line beginning at Long Beach Light, latitude 33°43'23.5" N., longitude 118°11'09.3" W.; thence easterly to Long Beach Entrance Light 2, latitude 33°43'23.5" N., longitude 118°10'46.9" W.; thence southerly to latitude 33°42'09.0" N., longitude 118°10'23.0" W.; thence westerly to latitude 33°42'09.0" N., longitude 118°11'33.3" W.; thence northeasterly to the beginning point.

(c) For the purposes of this section—

(1) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(2) "Self-propelled Vessel" means any vessel propelled by machinery or capable of being propelled by machinery.

(3) "Towing Vessel" means any commercial vessel engaged in towing

another vessel astern, alongside, or by pushing ahead.

(4) "Controlled Vessel" means any self-propelled vessel of 300 Gross Tons and upward, any vessel certificated to carry fifty or more passengers, and any towing vessel of 26 feet or more in length.

(d) *Regulations:* (1) *Commercial Anchorage G.* Except in an emergency, no Controlled Vessel may enter Commercial Anchorage G (Outside of the middle breakwater) (33 CFR 110.214(a)(7)), or the waters between Commercial Anchorage G and the Middle Breakwater, unless it anchors in Commercial Anchorage G or is standing by with confirmed pilot boarding arrangements with either the Los Angeles or Long Beach Pilot Services, or is engaged in towing vessels to or from Commercial Anchorage G.

(2) *Los Angeles Pilot Area.* No Controlled Vessel may enter the Los Angeles Pilot Area unless it is entering or departing the Los Angeles Main Channel via the Los Angeles Harbor Entrance (Angels' Gate). Every vessel, whether Controlled or not, entering the Los Angeles Pilot Area shall pass directly through without stopping or loitering unless stopping is necessary to embark or disembark a pilot. Every Controlled Vessel shall pass to the eastward of Los Angeles Approach Lighted Bell Buoy LA when entering Los Angeles Main Channel and to the westward when departing.

(3) *Long Beach Pilot Area.* No controlled Vessel may enter the Long Beach Pilot Area unless it is entering or departing Long Beach Channel via the Long Beach Harbor Entrance (Queen's Gate). Every vessel, whether Controlled or not, entering the Long Beach Pilot Area shall pass directly through without stopping or loitering unless stopping is necessary to embark or disembark a pilot. Every Controlled Vessel shall pass eastward of Long Beach Approach Lighted Whistle Buoy LB when entering Long Beach Channel and to the westward when departing. All Controlled Vessels shall pass across the southern boundary of the Long Beach Pilot Area when departing.

(Section 2, 92 Stat. 1472, 1477, (33 U.S.C. 1223, 1231); 49 CFR 1.46(n)(4))

Dated: December 15, 1982.

B.F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 83-983 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-14-M

**VETERANS ADMINISTRATION****38 CFR Part 6****United States Government Life Insurance**

**AGENCY:** Veterans Administration.

**ACTION:** Final regulations.

**SUMMARY:** The Veterans Administration is rescinding certain regulations and amending other regulations to reflect that United States Government Life Insurance (USGLI) policies are fully paid-up and is further rescinding all regulations relating to War Risk Insurance. Additionally, certain regulations are being amended to reflect current Veterans Administration organization, procedure or practice. The current reserves held in the USGLI fund are adequate to meet the future liabilities of this program. As a result of mortality savings and excess interest earned on policy reserves, the amount paid annually in dividends far exceeds the annual premium income. The Veterans Administration is collecting premiums and then returning such premiums in the form of dividends. The purpose of the amendments and rescissions is to cease payment of premiums by policyholders and collection of premiums by the Veterans Administration. The policyholders will benefit from not having their policies lapse from nonpayment of premiums and also from the requirement of being in good health to reinstate their policies in case of lapse. The convenience of not remitting premiums should be welcomed by the policyholders. The Veterans Administration will experience cost savings in the areas of premium billing, remittance processing and responding to correspondence associated with premiums.

Regulations relating to War Risk Insurance (Yearly Renewable Term) are being rescinded to reflect that such insurance is no longer in force.

**DATES:** Effective date of the amendments and rescissions relating to USGLI premium payment is January 1, 1983. Effective date of rescinding War Risk Insurance regulations, (§§ 6.130-6.145) and other changes is December 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert W. Carey, Assistant Director for Insurance, Veterans Administration Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA 19101 (215-951-5360).

**SUPPLEMENTARY INFORMATION:** On pages 46303 through 46305 of the Federal Register of October 18, 1982 there was



published a notice of proposed rulemaking to rescind certain regulations and amend other regulations to reflect that USGLI policies are fully paid-up; that all regulations pertaining to War Risk Insurance are being rescinded and that certain regulations are being amended to reflect current Veterans Administration organization, procedure or practice. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulatory amendments. No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

The Administrator hereby certifies that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this final rule is, therefore, exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this rule will affect only USGLI policyholders. It will, therefore, have no significant direct impact on small entities in terms of compliance costs, paperwork requirements or effects on competition.

The agency has also determined that these regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation. These regulations will not have a large effect on the economy, will not cause an increase of costs or prices, and will not otherwise have any significant adverse economic effects.

#### List of Subjects in 38 CFR Part 6

Life insurance, Veterans.

(Catalog of Federal Domestic Assistance Program number 64.103)

Approved: December 30, 1982.

Everett Alvarez, Jr.,

Deputy Administrator.

#### PART 6—[AMENDED]

Title 38, CFR, Part 6—United States Government Life Insurance, is amended as follows:

1. In § 6.2, paragraphs (a) and (b) are revised to remove references to premium payments to read as follows:

**§ 6.2 Applications for insurance under section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.**

(a) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrendered a permanent plan of United States

Government Life Insurance which was in force other than as extended term insurance, for its cash value under the provisions of § 6.115, or under § 6.186 if the policy had no cash value, shall be granted a new policy of United States Government Life Insurance in accordance with § 6.3(a) provided a written application signed by the applicant is made on or after January 1, 1959, within the period set forth in paragraph (c) of this section and the other conditions of that paragraph are met. Such insurance shall be granted without medical examination. If the applicant is mentally incompetent, the application for insurance under this paragraph may be made only by the guardian (committee or conservator), and, if required under the State laws, after the court shall have authorized the fiduciary to make such application. (38 U.S.C. 744)

(b) Any person having United States Government Life Insurance on the 5-year level premium term plan, the term of which expired while such person was in the active service after April 25, 1951, or within 120 days after separation from such active service, and in either case prior to January 1, 1957, shall be granted United States Life Insurance on the 5-year level premium term plan in accordance with § 6.3(b) provided a written application signed by the applicant and evidence of good health, satisfactory to the Administrator, are submitted on or after January 1, 1959, within the period set forth in paragraph (c) of this section and the other conditions of that paragraph are met. (38 U.S.C. 744)

2. Section 6.7 is revised to read as follows:

**§ 6.7 Effective date of United States Government Life Insurance applied for pursuant to the provisions of section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.**

(a) The effective date of United States Government Life Insurance issued pursuant to the provisions of section 623 of the National Service Life Insurance Act and section 781 of title 38, United States Code may be established upon written request of the applicant as follows:

- (1) As of the date on which valid application is made.
- (2) As of the first day of the month in which valid application is made.
- (3) As of the first day of the month following the month in which valid application is made.
- (4) As of the first day of the month, but not more than 6 months prior to the month in which valid application is made: Provided, That there be paid an

amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made.

(b) Unless otherwise specified by the applicant, the effective date of such United States Government Life Insurance shall be established as of the date on which valid application is made. (38 U.S.C. 744)

3. Section 6.13 is revised to read as follows:

#### § 6.13 Premium rate.

United States Government Life Insurance is granted at the premium rate for the age nearest birthday anniversary of the applicant at the time the policy becomes effective in accordance with the premium rates published in VA Pamphlet 90-2 entitled "Premium Rates and Policy Values for United States Government Life Insurance" and VA Pamphlet 90-2A for the Special Endowment at Age 96 plan policy. Effective January 1, 1983, United States Government Life Insurance policies, and total disability income provisions, on a premium paying status are paid-up and no premiums are required to maintain such policies and provisions in force.

§§ 6.14, 6.15, 6.17, 6.17a, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29 and 6.30 [Removed]

4. Sections 6.14, 6.15, 6.17, 6.17a, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29 and 6.30 are removed.

5. Section 6.31 is revised to read as follows:

#### § 6.31 Calculation of time period.

If the last day of a time period for filing an application for United States Government Life Insurance or for applying for reinstatement thereof falls on a Saturday, Sunday or legal holiday, the time period will be extended to include the following workday. (38 U.S.C. 744)

§§ 6.35 and 6.36 [Removed]

6. Sections 6.35 and 6.36 are removed.

7. Section 6.48 is revised to read as follows:

#### § 6.48 To a policy at a lower rate of premium as of original effective date.

A United States Government Life Insurance policy other than the special endowment at age 96 plan policy may be exchanged within 5 years from the effective date for a policy of the same amount, bearing the same date and based on the same age, on any plan of insurance issued by the Veterans Administration at a lower rate of premium, except the 5-year level premium term policy and the special endowment at age 96 plan policy. If the



exchange is made within 1 year from the effective date or, in instances where less than 90 days of such year remain after the promulgation of this section (August 1, 1969), within 90 days of such promulgation, the applicant must be in as good health on the date of application as he or she was on the effective date. If the exchange is made after 1 year of the effective date, the applicant must be in good health and furnish satisfactory evidence of such. The old insurance must be in force and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, will be paid in cash. (38 U.S.C. 744)

8. Section 6.51 is revised to read as follows:

**§ 6.51 To a policy at a higher rate of premium as of a current effective date.**

A United States Government Life Insurance policy on the 5-year level premium term plan may be exchanged for a policy of the same amount on any plan of insurance, except the special endowment at age 96 plan policy, issued by the Veterans Administration at a higher rate of premium. Such exchange will be made without medical examination upon complete surrender of the insurance while in force and within 5 years from the effective date of the policy. (38 U.S.C. 744)

9. Section 6.52 is revised to read as follows:

**§ 6.52 Exchange of 5-year level premium term insurance for special endowment at age 96 plan policy.**

(a) Effective July 25, 1962, an insured who on or after his or her 65th birthday has a 5-year level premium term policy of United States Government Life Insurance may exchange such policy for a special endowment at age 96 plan policy issued pursuant to § 6.53. The exchange may be for insurance of the same amount and will be effective as of a current effective date but in no event shall the exchange be made effective prior to July 25, 1962. The insured will be required to file written application. Such exchange will be made without medical examination upon surrender of the term policy and any total disability provision attached thereto with all rights, title and interest in the life insurance and the provision.

(b) Where it is found by the Administrator subsequent to the exchange of term insurance for the special endowment at age 96 plan policy as provided in paragraph (a) of this section, that prior to such exchange: (1) The term policy matured because of total permanent disability of the insured

in accordance with §§ 6.120, 6.121, or 6.122, whichever is applicable, or (2) the insured was entitled to total disability benefits in accordance with § 6.160 or § 6.164, whichever is applicable, under the total disability provision attached to the term policy, the insured, upon surrender of the special endowment plan policy and any total permanent disability provision which may be attached thereto, with all rights, title and interest in such life and disability insurance, will be entitled to the benefits which are payable under the prior term policy and total disability provision. In such case, the cash value less any indebtedness on the endowment policy shall be refunded. (38 U.S.C. 744)

**§ 6.53 [Amended]**

10. Section 6.53 is amended by removing paragraph (e) and adding the authority cite (38 U.S.C. 744) following paragraph (d).

**§§ 6.71, 6.72, 6.73 and 6.74 [Removed]**

11. Sections 6.71, 6.72, 6.73, and 6.74 are removed.

12. Section 6.78 is revised to read as follows:

**§ 6.78 Provisions for reinstatement.**

(a) Subject to the United States Government Life Insurance provisions of title 38, United States Code, and regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, and, except as hereinafter provided in this paragraph, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 6.79, and submits satisfactory evidence thereof at the time of application and tender of premiums. Interest on premiums in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946; at the rate of 4 per centum per annum, compounded annually, to the first monthly premium due date after August 31, 1971, and thereafter at the rate of 5 per centum per annum, compounded annually. The payment or reinstatement of any indebtedness against any policy must be made, with interest, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall, except as provided in § 6.81, be paid by the applicant as a

condition of the reinstatement of the indebtedness and of the policy. A lapsed United States Government Life Insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire. In any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with the required interest and health statement or other medical evidence will not be required. United States Government Life Insurance on the 5-year level premium term plan may be reinstated upon application by the insured within 5 years after the date of lapse with satisfactory evidence of the insurability of the insured subject to the conditions of § 6.170(b) if reinstated after expiration of the 5-year term period. Any indebtedness against the policy must be paid or reinstated with interest. The provisions of the "Reinstatement" clause in United States Government Life Insurance policies are hereby amended accordingly.

(b) Reinstatement is effected when an acceptable application and the required premiums are delivered to the Veterans Administration. If application for reinstatement is submitted by mail, properly addressed to the Veterans Administration, the postmark date shall be the date of delivery. The effective date of reinstatement of the insurance shall be the postmark date of the application for reinstatement. (38 U.S.C. 744)

13. Section 6.79 is revised to read as follows:

**§ 6.79 Health requirements.**

United States Government Life Insurance may be reinstated provided the applicant is in good health on the date of application and tender of premiums, if necessary, and furnishes satisfactory evidence thereof. (38 U.S.C. 744)

14. Section 6.80 is revised to read as follows:

**§ 6.80 Application and medical evidence.**

The applicant for reinstatement of United States Government Life Insurance during his or her lifetime and before becoming totally and permanently disabled, must submit a written application signed by the applicant and furnish evidence of health as required in § 6.79 at the time of application. If the insurance becomes a



claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in the required state of health at the date that he or she made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his or her noncompliance the Assistant Director for Insurance, VA Center, Philadelphia, Pennsylvania may, if the applicant be dead, waive any or all the requirements of this section (except payment of the necessary premiums), or if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by Veterans Administration. (38 U.S.C. 744, 759)

15. Section 6.81 is revised to read as follows:

**§ 6.81 Indebtedness at time of reinstatement.**

The United States Government Life Insurance shall not be deemed to be reinstated until satisfactory evidence of good health has been furnished and approved as required, and, except as provided in § 6.78, until all premiums in arrears have been paid with the required interest, and any indebtedness existing at the time of default has been paid or reinstated as set forth in the policy: Provided, That any indebtedness on account of unpaid service premiums and premiums waived under authority of section 306 of the World War Veterans' Act, 1924, as amended, or section 760 of title 38, United States Code, may be reinstated, even though the amount of such indebtedness exceeds the reserve of the policy; and such indebtedness unless otherwise paid shall be deducted from the proceeds of insurance in any settlement thereof, or from the cash value when such value is taken in cash or used for the purpose of purchasing paid-up insurance or making a loan: Provided further, That the amount of such unpaid premiums with interest shall not be considered an indebtedness as is set forth in paragraph 5(D) of the contract of Government life insurance or paragraph 6 of the special endowment at age 96 plan policy to cause the policy to cease and become void if the amount (premiums with interest) is greater than the cash surrender value of an insurance without indebtedness. (38 U.S.C. 744)

16. In § 6.86, paragraphs (a) and (c) are revised to read as follows:

**§ 6.86 Applications for reinstatement of United States Government Life Insurance pursuant to section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.**

(a) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrendered a permanent plan policy of United States Government Life Insurance which was in force other than as extended term insurance for its cash value under the provisions of § 6.115 or under § 6.186 if the Policy has no cash value, upon written application made by any such person on or after January 1, 1959, within the period set forth in paragraph (b) of this section and upon meeting the other conditions of that paragraph, may reinstate such surrendered United States Government Life Insurance (or any portion thereof in multiples of \$500, not less than \$1,000) without medical examination upon payment of an amount required to provide the full reserve of the insurance at the end of the month prior to the month in which application is made. If the applicant is mentally incompetent the application for reinstatement under this section may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application. (38 U.S.C. 744)

(c) Reinstatement is effected when an acceptable application and the required premiums, if any, are delivered to the Veterans Administration. If application for reinstatement is submitted by mail, properly addressed to the Veterans Administration, the postmark date shall be the date of delivery. The effective date of reinstatement of the insurance shall be the postmark date of the application for reinstatement. (38 U.S.C. 744)

17. In § 6.95, paragraph (b) is revised; paragraph (d) is removed; paragraphs (e), (f) and (g) are redesignated as paragraphs (d), (e) and (f) respectively; and subsequently the reference to paragraph (g) in the former paragraph (f) is changed to refer to paragraph (f) in the redesignated paragraph (e); and the redesignated paragraph (f) is revised. Revised paragraphs (b) and (f) read as follows:

**§ 6.95 How paid.**

(b) Unless and until the Veterans Administration receives a written request from the insured that United States Government Life Insurance regular annual dividends be paid in cash, or that they be used to pay an insurance indebtedness, or that they be

placed on deposit, any such dividends shall be held to the credit of the insured to be applied to pay monthly premiums becoming due and unpaid after the date such dividends are payable on any National Service Life Insurance policy or policies held by the insured. Effective January 1, 1983, (1) permanent plan dividends used to pay premiums in advance will be placed on deposit and (2) term plan dividends used to pay premiums in advance will be paid in cash: Provided, That if either permanent or term plan dividends are used to pay premiums in advance and the insured has a National Service Life Insurance policy or policies in force, dividends will be held to the credit of the insured.

(f) At the written request of the insured, United States Government Life Insurance regular annual dividends may be left to accumulate on deposit at interest which will be credited in such manner and at such rate as the Administrator may determine, but a rate never less than 3½ percent: Provided, That the policy is in force on a basis other than extended term insurance or 5-year level premium term insurance. Dividend credit of the insured held for payment of premiums or dividends left to accumulate on deposit may be applied to the payment of premiums in advance upon written request of the insured made before default in payment of premium. Dividends on deposit under the provisions of this paragraph will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance. Any dividend credit of a person who no longer has insurance in force by payment or waiver of premiums will be paid in cash to such person. If a person has a dividend credit option on a lapsed 5-year level premium term policy or a permanent plan policy on which extended term insurance has expired and such person has another policy in force by payment or waiver of premiums, any dividend credit or unpaid dividends on the lapsed policy, in the absence of instructions from the insured to the contrary, will be transferred to the policy which is in force and will be held on such policy as a dividend credit. Such dividend credit will be deemed to have accrued on the policy which is in force. Upon maturity of the policy, any dividend on deposit, any unpaid dividend payable in cash, and any dividend credit accruing from such policy which cannot be used to pay premiums as provided in 38 U.S.C. 746, will be paid to the person currently entitled to receive payments under the



policy. If the policy is not in force at death, any such unpaid dividends and dividend credits will be paid to the insured's estate. (38 U.S.C. 744)

**§ 6.96 [Amended]**

18. Section 6.96 is amended by removing the third line and inserting the authority cite (38 U.S.C. 744) in its place.

19. Section 6.100 is revised to read as follows:

**§ 6.100 Policy loan; other than 5-year convertible term policy.**

At any time after the first policy year and upon the execution of a loan agreement satisfactory to the Administrator the United States will lend to the insured on the sole security of his/her United States Government Life Insurance policy any amount which shall not exceed 94 percent of the cash value, and any indebtedness shall be deducted from the amount advanced on such loan. The loan shall bear interest at a rate not to exceed 5 percent per annum, payable annually, and the loan may be repaid in full or in amounts of \$5 or more. Failure to pay either the amount of the loan or the interest thereon shall not void the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amount of the indebtedness equals or exceeds the cash value, the policy shall cease and become void. (38 U.S.C. 744)

20. Section 6.101 is revised to read as follows:

**§ 6.101 Policy loan; 5-year convertible term policy.**

At any time after the expiration of the sixth policy year and upon execution of a loan agreement satisfactory to the Administrator, the United States will lend to the insured on the sole security of his/her United States Government Life Insurance policy on the 5-year convertible term plan any amount which shall not exceed 94 percent of the cash value, and any indebtedness shall be deducted from the amount advanced on such loan. The loan shall bear interest at a rate not to exceed 5 percent per annum annually, and the loan may be repaid in full or in amounts of \$5 or more. Failure to pay either the amount of the loan or the interest thereon shall not void the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amounts of the indebtedness equals or exceeds the cash value, the policy shall cease and become void. (38 U.S.C. 744)

**§ 6.105 [Removed]**

21. Section 6.105 is removed.

**§ 6.110 [Removed]**

22. Section 6.110 is removed.

23. Section 6.115 is revised to read as follows:

**§ 6.115 Cash value, other than 5-year level premium term policy and special endowment at age 96 plan policy.**

Provisions for cash value shall become effective at the completion of the first policy year on any plan of United States Government Life Insurance other than the 5-year level premium term plan or the special endowment at age 96 plan policy; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3½ percent per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, shall be the reserve together with any dividend accumulations. For each month after the first policy year the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder made by the insured the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery. The provisions of the "Cash Value" clause in United States Government Life Insurance policies are hereby amended accordingly. (38 U.S.C. 744)

24. Section 6.116 is revised to read as follows:

**§ 6.116 Cash value; 5-year convertible term policy.**

The cash value and policy loan provisions under a United States Government Life Insurance policy on the 5-year convertible term plan shall be effective at any time after the completion of the sixth policy year, all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3½ percent per annum. The cash value at the end of the sixth policy year and at the end of any

policy year thereafter shall be the reserve together with any dividend accumulations. For each month after the sixth policy year the reserve at the end of the preceding year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder made by the insured while the policy is in force, the United States will pay to the insured the cash value of the policy less any indebtedness. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery. The provisions of the "Cash Value" clause in 5-year convertible term policies are hereby amended accordingly. (38 U.S.C. 744)

25. Section 6.117 is revised to read as follows:

**§ 6.117 Cash value; special endowment at age 96 plan policy.**

Provisions for cash value shall become effective at the completion of the first policy year; all values and net single premiums are as prescribed by the Administrator and published in VA Pamphlet 90-2A. The cash value at the end of the first policy year and at the end of any policy year thereafter shall be the reserve as set forth in the policy together with any dividend accumulations. For each month after the first policy year the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder made by the insured, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of



delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery. (38 U.S.C. 744)

**§ 6.118 [Removed]**

26. Section 6.118 is removed.

**§ 6.120 [Amended]**

27. Section 6.120 is amended by adding the words "or she" after the word "he" where it appears in that section.

28. Section 6.123 is revised to read as follows:

**§ 6.123 Recovery from total permanent disability other than the special endowment at age 96 plan policy.**

Notwithstanding proof of total permanent disability may have been accepted as satisfactory, the insured shall at any time, on demand, furnish, proof satisfactory to the Administrator of Veterans Affairs of the continuance of such total permanent disability, and if the insured shall fail to furnish such proof, all payments of monthly installments on account of such total permanent disability under a United States Government Life Insurance policy shall cease. Thereafter, the cash values and loan values shall be reduced so that the resulting values shall bear the same proportion to the values, respectively specified on the policy, that the commuted values of the remaining installments (240 installments less the number paid) bears to the commuted value of 240 installments. (See also § 6.124.) (38 U.S.C. 744)

29. Section 6.123a is revised to read as follows:

**§ 6.123a Recovery from disability; 5-year level premium term policy.**

Notwithstanding proof of total permanent disability may have been accepted as satisfactory, the insured under a United States Government Life Insurance policy on the 5-year level premium term plan shall at any time, on demand, furnish proof satisfactory to the Administrator of Veterans Affairs of the continuance of such total permanent disability. If the insured shall fail to furnish such proof, all payments of monthly installments on account of such total permanent disability shall cease. If recovery from total permanent disability takes place after the expiration of the term period, the insurance may be continued in accordance with § 6.123b. (38 U.S.C. 744)

30. Section 6.123b is amended by removing the phrase "at the premium rate" in the introductory paragraph, removing the first sentence of paragraph (a), revising paragraph (b), and removing

paragraph (c) so that the revised section reads as follows:

**§ 6.123b Continuance of insurance after termination of total and permanent rating and award, where such termination is effective after the expiration of the term period.**

If United States Government Life Insurance on the 5-year level premium term plan (or on the 5-year convertible term plan) matures or has matured by reason of total and permanent disability and the insured recovers from such disability after expiration of the term period, the reduced amount of insurance (commuted value of remaining unpaid installments) shall be automatically renewed for the attained age of the insured on the policy anniversary renewal date of the current 5-year period. The reduced amount of insurance or any part thereof in multiples of \$500 and not less than \$1,000 may be continued without medical examination on the level premium term plan or on any permanent plan, as the insured may elect, except the special endowment at age 96 plan policy, and subject to the following provisions:

(a) A certificate of renewal will be issued effective on the policy anniversary renewal date.

(b) Such insurance may be converted to any of the permanent plans, except the special endowment at age 96 plan policy upon application therefor and a policy will be issued to the insured. (38 U.S.C. 744)

**§ 6.123c [Amended]**

31. In § 6.123c, paragraph (a) is amended by removing the reference to § 6.124 that appears in the third sentence and adding the authority cite (38 U.S.C. 844) to the end of that paragraph; and paragraph (b) is amended by removing the phrase "paid-up insurance and extended insurance" where it appears in the third sentence, and adding the authority cite (38 U.S.C. 744) to the end of that paragraph.

**§ 6.124 [Removed]**

32. Section 6.124 is removed.

§§ 6.130, 6.131, 6.132, 6.133, 6.134, 6.135, 6.136, 6.137, 6.138, 6.139, 6.140, 6.141, 6.142, 6.143, 6.144 and 6.145 [Removed]

33. Sections 6.130, 6.131, 6.132, 6.133, 6.134, 6.135, 6.136, 6.137, 6.138, 6.139, 6.140, 6.141, 6.142, 6.143, 6.144, and 6.145 are removed.

**§ 6.150 [Amended]**

34. Section 6.150 is amended by removing the words "Director, Insurance Service, or Deputy Director for Underwriting, Accounts, and Insurance

Claims" where they appear in the sixth line and inserting the title "Assistant Director for Insurance"; and by adding the authority cite (38 U.S.C. 210) to the end of that section.

**§ 6.161 [Amended]**

35. Section § 6.161 is amended by removing the phrase "tender of premium", and by adding the authority cite (38 U.S.C. 744) at the end of that section.

**§ 6.162 [Amended]**

36. Section 6.162 is amended by removing the phrase "and remittance sufficient to cover the first monthly premium" and adding the authority cite (38 U.S.C. 744) at the end of that section.

**§ 6.162a [Amended]**

37. In § 6.162a, paragraph (a)(3) is removed; paragraph (b) is amended by removing the phrase "and payment of the required premium"; and paragraph (c) is amended by removing the phrase "Under premium paying conditions" and adding the authority cite (38 U.S.C. 744) after that paragraph.

**§ 6.166 [Amended]**

38. Section § 6.166 is amended by removing the phrase "tender of premiums" and adding the authority cite (38 U.S.C. 744) after that section.

39. In § 6.167, paragraph (a) is revised to read as follows:

**§ 6.167 Application for total permanent disability provision for the special endowment at age 96 plan of United States Government Life Insurance and the effective date of such provision.**

(a) Application for the total permanent disability provision authorized by section 742(c) of title 38, United States Code, must be made by the insured at the same time as he/she makes application for exchange of his/her 5-year level premium term policy for the special endowment at age 96 plan policy. The application for the total permanent disability provision should be on such forms as may be prescribed by the Veterans Administration, but any statement in writing sufficient to identify the applicant and that such provision is desired will be sufficient as an application for the total permanent disability provision. The total permanent disability provision will be granted for the same amount as the special endowment at age 96 plan policy which is placed in force. (38 U.S.C. 744)

40. Section § 6.170 is revised to read as follows:



**§ 6.170 Renewal of United States Government Life Insurance on the 5-year level premium term plan.**

(a) Effective January 1, 1983, all or any part of United States Government Life Insurance on the 5-year level premium term plan, in any multiple of \$500 and no less than \$1,000 shall be automatically renewed without application or medical examination for a successive 5-year period. The renewal of insurance for any successive 5-year period will become effective as of the day following the expiration of the preceding 5-year period: *Provided*, That no insurance is subject to renewal if the policyholder has exercised his/her optional right to change to another plan of insurance.

(b) Effective June 25, 1970, a 5-year level premium term policy which lapsed for nonpayment of the premium due and subsequently expired may be renewed subsequent to the expiration of the old term period provided the insured within 5 years of the date of lapse:

- (1) Submits written application for reinstatement of the insurance;
- (2) Is in good health (§ 6.155) on the date of application and furnishes satisfactory evidence thereof. (38 U.S.C. 744)

**§ 6.185 [Removed]**

41. Section 6.185 is removed.

**§ 6.190 [Removed]**

42. Section 6.190 is removed.

**§ 6.191 [Amended]**

43. Section 6.191 is amended by removing the phrase "Extra Hazard Committees" and inserting the phrase "Insurance Claims Sections" and by adding the authority cite (38 U.S.C. 744) to the end of that section.

**§ 6.210 [Amended]**

44. In § 6.210 paragraphs (b) and (c) are removed; the first paragraph designation "(a)" is removed; and the cite (38 U.S.C. 744) is added to the end of that paragraph.

[FR Doc. 83-1171 Filed 1-14-83; 8:45 am]

BILLING CODE 8320-01-M

**POSTAL SERVICE**

**39 CFR Parts 221, 222, 223, 224, 225, 265**

**Miscellaneous Organizational Changes and An Interpretative Rule**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** These amendments make a number of conforming changes to the published organizational regulations of the Postal Service to reflect previously

implemented changes in organization and reporting relationships. In addition, the regulations implementing the Freedom of Information Act are revised to include an interpretation that records indicating rural carrier lines of travel are among the classes of records exempt from mandatory disclosure.

**EFFECTIVE DATE:** October 15, 1982.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Kemp, (202) 245-4638.

**SUPPLEMENTARY INFORMATION:** The specific changes made are to amend § 221.5(a) to reflect the establishment of Information Resource Management as a major headquarters unit; amend § 222.5(d) to add the Executive Assistant for Information Resource Management and the Assistant Postmaster General, Planning Department to the Executive Committee; amend § 221.7 to include the Executive Assistant for Information Resource Management among the officers of the Postal Service; amend paragraphs (e) and (f) of § 222.1 to add the Executive Assistant for Information Resource Management and the Assistant Postmaster General, Planning Department to the list of officers authorized to act for the Postmaster General on assigned matters; amend § 224.3 to abolish the offices of Compensation, Postmaster Selection and Organization Management and to transfer the duties of those offices to the Employee Relations Department; amend § 224.3 to delete from the Finance Group the Management Information Systems Department, Payroll Systems, and directives and forms management functions; amend § 224.4 to add a description of the Operating Policies Office and to make editorial changes; amend § 224.5 by deleting the Office of Strategic Planning and substituting the Office of Operations Research and Technology Planning; redesignate §§ 224.6 and 224.11 and add new § 224.6 dealing with Information Resource Management, and new § 224.11 dealing with the Planning Department; amend § 225.5(b)(4) to make the Regional Procurement Division responsible for providing functional direction to Procurement Services Offices; amend § 265.6(b)(3) to add records indicating rural carrier lines of travel to the records exempt from mandatory disclosure; and make certain other minor and conforming changes and rearrangements of offices and functions.

Accordingly, the Postal Service adopts the following amendments to 39 CFR:

**List of Subjects in 39 CFR Parts 221, 222, 223, 224, 225, and 265**

Organization and functions (Government agencies), Authority

delegations (Government agencies), Freedom of information, Postal Service.

**PART 221—GENERAL PRINCIPLES OF ORGANIZATION**

1. In § 221.5 revise paragraph (a), redesignate paragraphs (d)(1)(viii)–(xi) as (d)(1)(x)–(xiii), and add new paragraphs (d)(1)(viii) and (d)(1)(ix) as follows:

**§ 221.5 Groups and departments.**

(a) Postal Service Headquarters is divided into six major units. These units consist of Information Resource Management and five groups: Administration, Employee and Labor Relations, Finance, Operations, and Postal Research and Technology. Each of the five groups is headed by a Senior Assistant Postmaster General (SAPMG). Information Resource Management is headed by an Executive Assistant. The SAPMGs for Employee and Labor Relations, Finance, and Postal Research and Technology report directly to the Postmaster General. The SAPMGs for Administration and Operations and the Executive Assistant for Information Resource Management report directly to the Deputy Postmaster General. The five SAPMGs and the Executive Assistant for Information Resource Management are responsible for the following activities within their assigned areas:

(d)(1) \* \* \*

(viii) Executive Assistant for Information Resource Management;

(ix) The assistant Postmaster General, Planning Department;

**§ 221.7 [Amended]**

2. In § 221.7 strike out "Senior Assistant Postmasters General," and insert "Senior Assistant Postmasters General, Executive Assistant for Information Resource Management," in lieu thereof.

**PART 222—DELEGATIONS OF AUTHORITY**

3. In § 221.1 paragraphs (e) and (f) are revised to read as follows:

**§ 222.1 Authority for delegation.**

(e) The Executive Assistant to the PMG; the Executive Assistant for Information Resource Management; and the SAPMGs; the General Counsel; the Chief Postal Inspector; the Judicial Officer; the APMG, Government Relations Department; the APMG, Public and Employee Communications Department; and the APMG, Planning Department, act for the Postmaster



General on assigned matters. These officers are authorized to exercise the powers and functions of the Postal Service under the Postal Reorganization Act, in respect to matters within their area of responsibility, except as limited by law or by the specific terms of their assignment.

(f) Heads of departments or offices who report to a Senior Assistant Postmaster General or the Executive Assistant for Information Resource Management (EAIRM) are authorized to exercise the powers and functions of that SAPMG or the EAIMR within the area of responsibility of their department or office, except as such authority may be reserved or rescinded by the SAPMG or the EAIMR or is limited by law or the terms of their specific assignment.

## PART 223—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

4. In § 221.1 paragraph (c) is revised to read as follows:

### § 223.1 Relationships.

(c) Between District Offices and MSCs. District Managers and staffs shall provide guidance and direction to their respective MSC managers or MSC managers/postmasters for the guidance of postmasters under their respective jurisdictions. The MSC managers or MSC manager/postmasters provide guidance and direction to their respective associate office postmasters.

### § 223.2 [Amended]

5. In § 223.2 strike out in paragraph (a)(1) "Senior Assistant Postmaster General, Operations" and insert "Deputy Postmaster General" in lieu thereof; strike out in paragraph (a)(2) "Senior Assistant Postmaster General, Finance" and insert "Executive Assistant for Information Resource Management" in lieu thereof.

6. In § 223.2 strike out in paragraph (b)(4) "General Manager" and insert "the manager" in lieu thereof.

## PART 224—GROUPS AND DEPARTMENTS

### § 224.1 [Amended]

7. In § 224.1 paragraph (c) is amended by striking out the first sentence and inserting the following sentence in lieu thereof, "The Administration Group is divided into five departments."

8. In § 224.1 strike out the words "Judicial Officer" in the heading of paragraph (c)(4) and insert "Judicial Officer Department" in lieu thereof.

9. § 224.1 strike out the words "International Postal Affairs" in the

heading and in the beginning of the first sentence of paragraph (c)(5) and insert "International Postal Affairs Department" in lieu thereof.

10. In § 224.2 revise paragraph (a)(3) and paragraph (b) to read as follows:

### § 224.2 Employee and Labor Relations Group.

(a) \* \* \*

(3) Determination of program emphasis for activities conducted by the Employee Relations Department, and Labor Relations Department;

(b) The Employee and Labor Relations Group consists of two departments, each headed by an Assistant Postmaster General. Description of these departments follows:

(1) *Employee Relations Department.* The Employee Relations Department is responsible for the development, implementation, and monitoring of a comprehensive employee relations program for the Postal Service. This includes:

(i) Administration of medical, safety, environmental improvement, and injury compensation programs.

(ii) Administration of all managerial, technical, and employee training programs;

(iii) Establishment and monitoring of postmaster and employee selection and performance evaluation policies and procedures, including associated personnel actions and records programs;

(iv) Provision for employee career development programs;

(v) Administration of the system-wide employee and labor relations computer-oriented information system;

(vi) Determination of non-bargaining discipline policies, practices, and procedures;

(vii) Administration and monitoring of Postal Service policies and programs for equal employment opportunity including affirmative action, evaluation and appeals; and the special emphasis programs for alcoholic recovery, career opportunities for women, and employment of the handicapped;

(viii) Administration of programs to improve the quality of working life in the Postal Service;

(ix) Administration of an executive career development program;

(x) Provision of policy interpretation and program guidance on employee relations matters to the regional employee relations division through the SAPMG, Employee and Labor Relations Group;

(xi) Development and implementation of policies and programs for job evaluation, analysis, and review, and associated appeals procedure;

(xii) Establishment of a comprehensive program of compensation services, including all aspects of wage and salary administration, employee benefits; and suggestions and incentive awards;

(xiii) Development and implementation of policies and programs for new and revised organization structure and staffing patterns for all bargaining and nonbargaining unit positions, including control and revision of functional statements for all organizational units;

(xiv) Administration of Headquarters personnel services.

(2) *Labor Relations Department.* The Labor Relations Department is responsible for:

(i) Negotiation and interpretation of all collective bargaining agreements entered into by the USPS;

(ii) Providing for coordination, development, and implementation of programs affecting all bargaining unit employees;

(iii) Determination of the appropriate craft designation of new or changed jobs;

(iv) Establishment, implementation, and monitoring of a national policy concerning reassignments of bargaining unit employees;

(v) Development of policies and procedures for the national grievance and arbitration programs; and

(vi) Provision of policy interpretation and program guidance on labor relations programs to the regional labor relations division through the SAPMG, Employee and Labor Relations Group.

11. Revise § 224.3 to read as follows:

### § 224.3 Finance Group.

(a) The Finance Group is headed by the Senior Assistant Postmaster General, Finance, who reports to the Postmaster General. It is responsible for:

(1) Policy and functional guidance to field organizations and activities in the areas of finance, postal rates and classification, and management services.

(2) Control of Postal Service systems relating to management information, budget and accounting, financial planning, postal rates and classification, and management services.

(b) The Finance Group consists of two departments, each headed by an Assistant Postmaster General, and one office, headed by a Director. The Postal Service Records Officer is also located within this Group.

(1) *Finance Department.* The Finance Department is headed by the Assistant Postmaster General, Finance. It is divided into the offices of Controller,



Treasurer, and Financial Planning and Systems. The Department is responsible for:

(i) Forecasting and meeting the Postal Service requirements for long term capital and short term borrowing.

(ii) Investing Postal Service funds and prescribing and monitoring practices governing cash management. It works with other officials in developing credit management policies.

(iii) Developing the systems and specifying the standards and schedules for the Postal Service's budget process; analyzing budget requests and making recommendations to the Postmaster General on budget levels. It continually analyzes Postal Service performance against operating plans.

(iv) Developing accounting policy and procedures; operating the financial reporting program and maintaining accounting controls throughout the Service.

(v) Assisting the Customer Services Department in developing money order program policy.

(vi) Also, analyzing the long-range business outlook for the postal system, including the anticipated socioeconomic environment and alternative business opportunities, and conducting studies on which to base recommendations for new or modified policies.

(2) *Rates and Classification Department.* The Rates and Classification Department designs and maintains the Postal Service rate and classification structure; develops and administers standards and procedures relating to cost analysis and attribution, and related functions; forecasts mail volumes; and makes and defends recommendations to the Postal Rate Commission in conjunction with the Law Department.

(3) *Office of Management Services.* The Office of Management Services is headed by the Director of Management Services. This Office:

(i) Serves as the principal advisor and central analytic staff on the evaluation and design of management systems and services;

(ii) Plans and conducts Service-wide studies of management, administrative, paperwork, and operational support systems; recommends changes to correct identified deficiencies; and installs improved systems and methods.

(iii) Maintains liaison with the General Accounting Office and establishes contact with other Federal agencies and private industry with regard to advanced management techniques.

(4) *Records Officer.* The Postal Service Records Officer has responsibility for the retention, security, and privacy of

Postal Service records; authorizes their preservation and disclosure; and orders their disposal by destruction or transfer.

12. Revise § 224.4 to read as follows:

#### § 224.4 Operations Group.

(a) The Operations Group is headed by the Senior Assistant Postmaster General, Operations, who reports to the Deputy Postmaster General. The Operations Group:

(1) Has overall responsibility for all facets of the processing and delivery of mail, including collection, sortation, distribution and transportation throughout the Postal Service. Operations establishes and evaluates policies related to these functions, establishes and evaluates retail operations, and is responsible for insuring the consistent achievement of service standards.

(2) Establishes and evaluates programs to reduce costs for labor, transportation, supplies, and other services.

(3) Directs field engineering and associated technical personnel, except those under direction of the Real Estate and Buildings Department.

(4) Establishes requirements for facilities and centrally procured mechanization and for their effective utilization.

(5) Establishes and evaluates national facility and equipment maintenance policies and approves regional plans and budgets.

(b) The Operations Group is divided into three departments and one office, each reporting directly to the SAPMG, Operations.

(1) *Mail Processing Department.* (i) This Department is headed by an Assistant Postmaster General who has managerial and budgetary responsibility for the distribution, processing, and transportation of all mail throughout the Postal Service and to foreign countries, and to, from, and between U.S. military installations outside the United States.

(ii) The Department is responsible for:

(A) Planning and developing a national mail routing and transportation system and monitoring the performance of each region with respect to achievement of transportation and processing standards, and productivity goals.

(B) Exercising policy authority over procurement issues which, by reason of law or custom, are unique to mail transportation contracting.

(C) Budget review and approval for all regional mail processing functions.

(2) *Delivery Services Department.* (i) This Department is managed by an Assistant Postmaster General who has managerial and budgetary responsibility

for all Postal Service city and rural collection and delivery functions, retail services, and operation and maintenance of the postal fleet.

(ii) The Department is responsible for:

(A) Establishment of policy and procedures for handling of undeliverable-as-addressed mail and for distribution programs which affect the delivery of mail by carriers or the delivery of mail through lockboxes, caller service, or general delivery.

(B) Providing management direction relating to the consolidation, establishment, and/or discontinuance of any delivery service function and its associated facility.

(C) Development, testing, and implementation of productivity improvement programs for all facets of the collection, delivery and fleet operations.

(3) *Engineering and Technical Support Department.* This Department is headed by an Assistant Postmaster General who is responsible for:

(i) Planning and approving all USPS requirements for postal facilities and centrally procured mechanization;

(ii) Establishing standards for the effective use of mechanization and facility resources;

(iii) Establishing national policy and programs for the repair and maintenance of facilities and of mail processing, customer service, and delivery equipment;

(iv) Developing engineering policy and providing technical services and functional guidance to field engineering in order to improve productivity and reduce operating costs; and

(v) Establishing and implementing engineering programs in support of postal cost and service objectives.

(4) *Operating Policies Office.* This office is managed by the Director, Operating Policies, who has overall responsibility for policy-making and for directing the SAPMG's administrative staff. Responsibilities include:

(i) Providing operational policy, planning and direction for field units.

(ii) Providing administrative services for the Operations Group.

(iii) Evaluation of regional budgets and their execution, regional service and productivity performance, and regional adherence to policy actions and programs.

(iv) Serving as point of contact with other Headquarters organizations and between Headquarters departments and the regions in explanation of national service procedures and policies, and

(v) Representing the Operations Group in all aspects of labor and employee relations.



13. Revise § 224.5(b)(1) to read as follows:

**§ 224.5 Research and Technology Group.**

(b) \* \* \*

(1) *Office of Operations Research and Technology Planning.* The office of Operations Research and Technology Planning is responsible for:

(i) Directly assisting the Senior Assistant Postmaster General, Research and Technology, in the executive direction and control of the Postal Service through its reports in operations research and technical planning;

(ii) Planning and identifying technological trends and developments and their relationship to the economic environment and potential impact on the USPS in the next 5-15 years;

(iii) Developing technological approaches for the realization of long-range business target operations, identification of the technological requirements of these operations, and the evaluation of their potential economic and operational effectiveness for nationwide implementation;

(iv) Planning programs for development and implementation of technology and engineering for new management systems;

(v) Monitoring and influencing the interaction between the Postal Service and the external technological environment, assessing the impact of Federal agency programs and those of the nation's business and academic communities in technical areas, and maintaining awareness of the international postal technical environment;

(vi) Directing support for the establishment of capital investment policies and decisions relating to the use of technology in the present and future postal environment.

**§§ 224.10 and 224.11 [Redesignated as §§ 224.12 and 224.13]**

**§§ 224.6 through 224.9 [Redesignated as §§ 224.7 through 224.10]**

14. Redesignate § 224.10 and § 224.11 as § 224.12 and § 224.13 respectively; redesignate §§ 224.6-224.9 as §§ 224.7-224.10, and add new § 224.6 and § 224.11 to read as follows:

**§ 224.6 Information Resource Management.**

(a) Information Resource Management (IRM) is headed by the Executive Assistant for Information Resource Management, who reports to the Deputy Postmaster General. IRM is responsible for:

(1) Formulating and administering information policy within the Postal Service;

(2) Providing guidance to the USPS in utilizing information technologies as key resources;

(3) Developing strategies to improve the level of information management systems that will reduce or avoid USPS operating costs, increase productivity, and increase flexibility of information systems;

(4) Applying technology and deploying resources to achieve information resource strategies;

(5) Directing and maintaining the Postal Service information plan;

(6) Implementing the business systems plan;

(7) Directing the information systems planning, design, and development process; the USPS information quality assurance process; and support of telecommunications services;

(8) Planning and administering all IRM organization, employee, contracting, facility, and funding resources necessary to accomplish the IRM functions.

(b) Information Resource Management consists of one department headed by an Assistant Postmaster General, two offices, each headed by a Director and the National Information Resource Center (NIRC). All these unit heads report to the Executive Assistant for Information Resource Management.

(1) *Management Information Systems Department.* The Management Information Systems Department (MISD) is responsible for:

(i) Providing data processing support services for the USPS, including advice on acquisition and development of data processing equipment;

(ii) Establishing appropriate policy and procedures with regard to computer-based information systems;

(iii) Planning, developing policies, and managing a national point-to-point data communications system satisfying USPA requirements;

(iv) Reviewing and approving USPS requirements for telephone switchboards (PBX), radio systems, intercommunication and sound equipment, low speed data transmission systems (teletype and facsimile), and data transmission lines;

(v) Operating Postal Data Centers (PDC), Automated Data Processing Centers (ADPC);

(vi) Providing payroll processing and distribution services, accounting services, and funds disbursement services under policy direction of the Finance Department;

(vii) Providing computer programming and information systems analysis service;

(viii) Providing functional guidance to the regional Management Information Branches;

(ix) Maintaining liaison with professional groups concerned with ADP technology, teleprocessing statistics, and operations research.

(2) *Office of Data Management.* The Office of Data Management is responsible for:

(i) Planning for efficient utilization of USPS data resources;

(ii) Planning for efficient utilization of USPS data resources;

(iii) Directing the creation of the system architecture and administering the utilization of data classes within the architecture;

(iv) Establishing and administering the procedure for data access and storage;

(v) Managing the use of data base management technologies and techniques on all USPS computers; and

(vi) Directing the USPS forms and directives control functions.

*Office of Planning and Development.* The Office of Planning and Development is responsible for:

(i) Developing all management information planning, and providing strategic information on trends which may affect Postal Service information needs.

(ii) Developing and implementing the information systems plan;

(iii) Defining the USPS Business Systems Planning Report (BSP), controlling the information requirements systems development, and coordinating the acquisition of resources required for implementation.

(iv) Directing and administering the USPS Office Automation Program.

**§ 224.11 Planning Department**

The Planning Department is headed by the Assistant Postmaster General, Planning, who reports directly to the Postmaster General. It is responsible for:

(a) Assisting departments in developing and coordinating comprehensive, effective plans and programs in accordance with the goals and objectives set by the Postmaster General and the Board of Governors;

(b) Identifying and forecasting economic, political, social, technical, and market trends and events affecting the Postal Service;

(c) Formulating alternative business strategies and projecting long range business targets as a basis for setting goals and objectives.



**PART 225—POSTAL REGIONS**

15. In § 225.5 add new paragraph (b)(4)(xvi) to read as follows:

**§ 225.5 Regional Finance Department.**

(b) \* \* \*

(4) \* \* \*

(xvi) Providing functional direction to the Procurement Services Offices (PSOs) within the region, defining and controlling the mission, activities, and scope of work performed by the PSOs. This also includes necessary official travel.

**PART 265—RELEASE OF INFORMATION**

16. In § 265.6, redesignate paragraphs (b)(3)(v) and (b)(3)(vi) as paragraphs (b)(3)(vi) and (b)(3)(vii) respectively and add new paragraph (b)(3)(v) to read as follows:

**§ 265. Availability of records.**

(b) \* \* \*

(3) \* \* \*

(v) Records indicating rural carrier lines of travel.

[39 U.S.C. 401(2); 402; 5 U.S.C. 552]

W. Allen Sanders,

*Associate General Counsel, Office of General Law and Administration.*

[FR Doc. 83-1217 Filed 1-14-83; 8:45 am]

BILLING CODE 7710-12-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 64**

[Docket No. FEMA 6483]

**Suspension of Community Eligibility Under the National Flood Insurance Program**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the

program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

**EFFECTIVE DATES:** The third date ("Susp.") listed in the fourth column.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the Federal Register.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of

1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

**List of Subjects in 44 CFR Part 64**

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

**§ 64.6 List of eligible communities.**

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date <sup>1</sup>
California: Nevada	Unincorporated areas	060210B	Oct. 16, 1978, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Sept. 6, 1977	Jan. 19, 1983.



State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date <sup>1</sup>
Florida:					
Marion	Unincorporated areas	120160B	June 25, 1974, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Dec. 27, 1974 and July 22, 1977.	Do.
Pineellas	Belleair, town of	125088B	July 17, 1970, emergency; May 14, 1971, regular; Jan. 19, 1983, suspended.	May 14, 1971, July 1, 1974, and Aug. 13, 1976.	Do.
Do.	Belleair Bluffs, city of	120239	May 1, 1973, emergency; Aug. 15, 1977, regular; Jan. 19, 1983, suspended.	June 28, 1974 and June 11, 1976.	Do.
Alachua	Gainesville, city of	125107B	Aug. 7, 1970, emergency; Oct. 1, 1971, regular; Jan. 19, 1983, suspended.	Oct. 13, 1971, July 1, 1974, and Mar. 19, 1976.	Do.
Georgia: Newton	Porterdale, city of	130145B	July 31, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Feb. 6, 1976 and Apr. 12, 1974.	Do.
Illinois: McHenry	Lakemoor, village of	170915A	Mar. 5, 1976, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Dec. 10, 1976.	Do.
Kentucky: Rowan	Unincorporated areas	210203B	May 19, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	July 29, 1977 and June 10, 1977.	Do.
Maine: York	Kennebunk, town of	230151B	Feb. 9, 1973, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	June 28, 1974 and Oct. 10, 1975.	Do.
Massachusetts: Essex	Saugus, town of	250104B	Aug. 25, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Sept. 13, 1974 and Dec. 10, 1976.	Do.
Michigan	Thomas, township of	260603A	Feb. 13, 1974, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Oct. 13, 1975.	Do.
Minnesota:					
Polk	Beltrami, city of	270362C	June 24, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Aug. 23, 1974.	Do.
Winona	Winona, city of	275250B	June 19, 1970, emergency; Apr. 20, 1972, regular; Jan. 19, 1983, suspended.	Apr. 20, 1972, July 1, 1974, and Dec. 13, 1976.	Do.
Mississippi: Humphreys	Unincorporated areas	280192B	Jan. 14, 1974, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Apr. 14, 1978.	Do.
Missouri:					
Howard	New Franklin, town of	290500A	Dec. 16, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Nov. 22, 1974.	Do.
Ray	Orick, city of	290309B	July 18, 1974, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	June 21, 1977 and Apr. 5, 1974.	Do.
New York:					
Schoharie	Cobleskill, town of	361573B	Feb. 17, 1976, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Dec. 5, 1975 and Dec. 20, 1974.	Do.
Montgomery	Fort Johnson, village of	360447B	July 22, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Mar. 15, 1974 and July 30, 1976.	Do.
Oswego	Hastings, town of	360653C	Mar. 10, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Nov. 1, 1974, May 21, 1976, and July 1, 1977.	Do.
Nassau	Kensington, village of	360472B	July 15, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	June 14, 1974 and May 14, 1976.	Do.
Madison	Madison, town of	361292B	Oct. 26, 1976, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Dec. 20, 1974 and June 4, 1976.	Do.
Montgomery	Minden, town of	360451B	Nov. 10, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	July 9, 1976 and Nov. 1, 1974.	Do.
Oneida	Oriskany Falls, village of	361354B	Oct. 6, 1977, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	June 18, 1976 and Nov. 22, 1974.	Do.
Columbia	Stockport, town of	361322B	Oct. 10, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Oct. 18, 1974 and June 4, 1976.	Do.
North Carolina: Union	Monroe, city of	370236B	Apr. 21, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Sept. 20, 1974 and Sept. 17, 1976.	Do.
Ohio: Miami	Unincorporated areas	390398B	Apr. 1, 1976, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Jan. 10, 1975 and Dec. 2, 1977.	Do.
Pennsylvania: York	Franklin, township of	422220D	July 31, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Nov. 8, 1974, May 14, 1976, Dec. 10, 1976, and Sept. 19, 1980.	Do.
Utah:					
Weber	Ogden, city of	490189B	Dec. 27, 1974, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Aug. 16, 1977 and June 21, 1974.	Do.
Do.	North Ogden, city of	490214B	Oct. 2, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	May 6, 1977.	Do.
Washington: Yakima	Naches, town of	530223B	Apr. 29, 1975, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended.	Jan. 23, 1974 and Apr. 23, 1976.	Do.
Wisconsin: Trempealeau	Unincorporated areas	555585A	May 14, 1971, emergency; Dec. 12, 1972, regular; Jan. 19, 1983, suspended.	Dec. 12, 1972.	Do.

<sup>1</sup>Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 400-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: January 5, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-1215 Filed 1-14-83; 8:45 am]

BILLING CODE 6718-03-M



**LEGAL SERVICES CORPORATION****45 CFR Part 1607****Governing Bodies of Recipients****AGENCY:** Legal Services Corporation.**ACTION:** Final rule.

**SUMMARY:** This final rule amends Part 1607 of the Legal Services Corporation regulations prescribing the requirements for recipients' governing bodies. The changes are made in response to new provisions contained in the continuing resolution appropriating funds for the Corporation during the 1983 fiscal year. The amendments provide new mechanisms and requirements for selection of attorney members of recipients' governing bodies.

**EFFECTIVE DATE:** February 16, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mary F. Wieseman (202) 272-4010.

**SUPPLEMENTARY INFORMATION:** On November 8, 1982, the Legal Services Corporation published on pages 50659-50660 of the *Federal Register* proposed amendments to Part 1607 of the Corporation's regulations and invited comments for 30 days ending December 8, 1982. These proposed amendments were published along with proposals to amend several other parts of the Legal Services Corporation regulations that were affected by provisions in the continuing resolution appropriating funding for the Corporation during the 1983 fiscal year. Of the more than 800 comments that were received, only a relatively small number addressed the proposed amendments to Part 1607. The great majority of those comments were supportive of the proposed changes, but almost uniformly, the comments from legal services programs, bar associations and private attorneys stated that the time periods for compliance were unreasonably short. In addition, the comments received on Part 1607 generally addressed two other matters. They were overwhelmingly supportive of the provision requiring that attorney board members include women and minorities and reasonably reflect the population of the areas served. They also expressed concern that in areas served by many bar associations or where the leadership of bar associations was not supportive of the Legal Services Corporation Act, compliance with this Part would be difficult.

The Corporation's Board of Directors met on December 16-17, 1982, and approved final adoption of the proposed amendments with two modifications. The final amendments provide: (1) For

an additional three months for coming into compliance with the new requirements of the regulation and (2) for similar additions to the time that may be granted for extensions of the compliance deadline. In addition, the final rule published herein corrects several errors in the dates that appeared in the published version of the proposed regulations.

**List of Subjects in 45 CFR Part 1607**

Legal services, Governing bodies of recipients.

**PART 1607—[AMENDED]**

For the reasons set out in the preamble, 45 CFR Part 1607 is amended to read as follows:

1. The authority citation for Part 1607 is revised to read as follows:

Authority: Sec. 1007(c); 42 U.S.C. Section 2996f(c); Pub. L. 97-377; 96 Stat. 1830.

2. Section 1607.2 is revised to read as follows:

**§ 1607.2 Definitions.**

(a) "Eligible client," as used in this part means a person eligible to receive legal assistance under the Act, without regard to whether the person is receiving assistance at the time of selection for membership on a governing body.

(b) "Governing body" refers to the board of directors or other governing board of recipient receiving funds under Section 1006(a)(1)(A) of the Act.

(c) "Board member" refers to a member of a recipient's governing body.

3. Section 1607.3 (c) and (g) are revised to read as follows:

**§ 1607.3 Composition.**

(c) Appointment of the attorney members of the governing body shall be conducted so that a majority of the governing body are appointed by the governing bodies of State, county or municipal bar associations, the membership of which represents a majority of attorneys practicing law in the localities in which the recipient is to provide legal assistance. Appointments shall be made so as to insure that the attorney board members include women and minorities and reasonably reflect the population of the areas served. Appointments may be made either by the bar association which represents a majority of attorneys in the recipient's service area or by the bar associations which collectively represent a majority of the attorneys practicing law in the recipient's service area. Any additional attorney members of the board may be appointed by or selected from other bar

associations or legal organizations with an interest in the delivery of legal services to the poor.

(g) The nonattorney board membership shall not be dominated by persons serving as the representatives of a single association, group or organization.

4. Section 1607.7 is revised to read as follows:

**§ 1607.7 Compliance.**

(a) A recipient whose current governing body does not satisfy the requirements of this part shall submit a plan for achieving compliance to the relevant Regional Office by March 1, 1983. The plan shall include:

(1) The current composition of the recipient's governing body, and the date upon which the composition was achieved;

(2) The date upon which the terms of each current member of the recipient's governing body will expire;

(3) The recipient's plan for complying with the requirements of Section 1607.3 and timetables for implementation. This plan shall:

(i) Identify the bar associations in the localities in which the recipient provides legal services, identifying the individual bar association or combinations of bar associations to which a majority of practicing attorneys belong;

(ii) Detail the method of selecting attorney members to provide for representation on the recipient's governing body in accordance with this regulation; and

(iii) Insure that the attorney board members include women and minorities and reasonably reflect the population of the areas served.

(b) Compliance with § 1607.3 shall occur no later than September 15, 1983.

(c) The President may, upon application, extend the time in which a recipient must comply with the requirements of § 1607.3(c). The application must state the reasons why complying by September 15, 1983 would be unduly burdensome or impossible to achieve for the recipients.

(d) An application for an extension of time under paragraph (c) of this section must be received by the Corporation no later than March 18, 1983. An extension may be granted for no more than three months, and no more than two extensions may be granted to any recipient. In no event may the time for compliance be extended beyond March 15, 1984.



Dated: January 11, 1983.

Mary F. Wieseman,

Acting General Counsel.

(FR Doc. 83-1120 Filed 1-14-83; 6:45 am)

BILLING CODE 6020-35-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 94

#### Private Operational-Fixed Microwave Service; Editorial Changes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document changes the Commission's Rules for the Private Radio Services to reflect the expanded authority recently delegated by Congress for issuing Special Temporary Authorizations to operate radio stations. This action will permit applicants to operate Operational Fixed Microwave Stations up to 180 days under extraordinary circumstances without the burden of filing a regular application. This document also makes editorial changes to two other sections of Part 94 of the Commission's Rules.

**DATE:** Effective December 30, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Frederick J. Day, Private Radio Bureau, (202) 634-2443.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects

##### 47 CFR Part 1

Administrative practice and procedure.

##### 47 CFR Part 94

Operational-fixed microwave.

Adopted: December 29, 1982.

Released: December 30, 1982.

1. On September 13, 1982, Section 309(f) of the Communications Act of 1934 was amended<sup>1</sup> to expand the Commission's ability to grant Special Temporary Authority (STA). Prior to this amendment, the Commission's authority to grant STA's was limited to a period of ninety days and only in situations involving emergency conditions. Once issued, an STA could be renewed only for one additional period of ninety days. With the amendment of Section 309(f), the Commission may now authorize a radio station to operate under Special Temporary Authority for up to 180 days

without prior public notice of the application when extraordinary circumstances necessitate temporary operations. The Special Temporary Authority may be renewed for additional periods of 180 days each, at the discretion of the Commission.

2. In the Private Radio Services, this expanded STA authority affects only Private Operational-Fixed Microwave Stations, those Industrial Radio Positioning Stations for which frequencies are assigned on an exclusive basis, Public Coast Stations, and certain categories of stations in the Aviation Services (Aeronautical En Route Stations, Aeronautical Advisory Stations, Airdrome Control Stations, and Aeronautical Fixed Stations).<sup>2</sup> To implement the Commission's expanded STA authority for stations in the Private Operational-Fixed Microwave Radio Service, we are amending § 94.43 of the Rules as indicated in the Appendix. Changes must also be made in Subpart F of Part 1, which governs applications and proceedings in the Private Radio Services generally.

3. In addition, there are other changes which should be made in Part 94 of the Commission's Rules to conform the regulations for the Private Operational-Fixed Microwave Service to current practices. The first of these changes concerns use of FCC Form 402 for renewing station licenses in the Private Operational-Fixed Microwave Radio Service. On May 25, 1982, the Commission released a Public Notice indicating that OFS licensees should continue using Form 402 when applying to renew their station licenses, rather than FCC Form 405A. Part 94 must be updated to reflect this instruction. As noted in the May 25 Public Notice, we are working to develop a computer-generated renewal form which, upon completion, would be automatically prepared and sent to licensees as their five-year license terms near expiration. To avoid having to revise our Rules again when the computer-generated renewal form becomes available for use, we are amending our Rules now to instruct OFS licensees to use whichever renewal form the Commission has designated by public notice. Accordingly, § 94.27 is being changed in the manner indicated in the Appendix.

<sup>1</sup> This list of stations to which the 180-day Special Temporary Authority pertains is derived from § 1.902(a)(1) of the Commission's Rules. The STA provisions of Section 309(f) of the Act are expressly applicable only to applications which the Commission, pursuant to the requirements of Section 309(b), places on public notice. Section 1.902(e)(1) provides a list of those categories of Private Radio Services applications which the Commission places on public notice.

4. Finally, we are amending Rule § 94.25(d)(1) to clarify the type of information needed for applications which seek authority to operate an OFS station at temporary locations. Currently, § 94.25(d)(1) states that the proposed area of operation may be specified as a city, a county or counties, or a state or states. This approach does not lend itself to entry into our automated database. Accordingly, we are amending the Rules to define the area of operation in a latitude/longitude format, as shown in the Appendix. With implementation of this change, we will be able to record areas of temporary OFS operations in our database, resulting in a more complete and more useful source of information for both the Commission and the public.

5. The amendments adopted herein are editorial and pertain to agency procedure and practice. No substantive changes are made which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude that adoption of these amendments as shown in the Appendix will serve the public interest. Since these amendments impose no additional burdens and raise no issues upon which public comments would be useful, the prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553 are inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's Rules and Regulations, 47 CFR 0.231(d).

6. In view of the foregoing, it is ordered, effective December 30, 1982, that Parts 1 and 94 of the Commission's Rules and Regulations are amended as set forth in the Appendix hereto.

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

Alan R. McKie,

Deputy Managing Director.

Parts 1 and 94 of Chapter I of Title 47 of the Code of Federal Regulations are hereby amended as indicated below:

#### PART 1—[AMENDED]

1. Section 1.925 is amended by revising paragraph (a) to read as follows:

§ 1.925 Application for special temporary authorization, temporary permit, temporary operating authority, or interim amateur permit.

(a) Upon proper application, special temporary authorizations not exceeding 180 days in duration may be granted for

<sup>1</sup> The Communications Amendments Act of 1982, Pub. L. 97-259, Section 114, amended Section 309(f) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(f).



(1) operation of a new station or (2) operation of a licensed station in a manner which is beyond the scope of that authorized by the existing license. (See § 1.962(b) (5) and (f).) No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days prior to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons.

2. Section 1.962 is amended by revising paragraph (f) to read as follows:

**§ 1.962 Public notice of acceptance for filing; petitions to deny applications of specified categories.**

(f) No application subject to the provisions of this section, as originally provided or substantially amended, will be granted by the Commission prior to the 31st day following the issuance of public notice of the acceptance for filing of such application or of any substantial amendment thereof; *Provided, however*, That the Commission, notwithstanding the requirements of this paragraph, may, if the grant of such application is otherwise authorized by law: (1) Grant requests for special temporary authorization for periods not exceeding 180 days, accompanied by a statement of the reasons therefor, if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in institution of such operations would seriously prejudice the public interest, and (2) extend such temporary authorizations for additional periods not exceeding 180 days each, upon a finding of continued extraordinary circumstances requiring temporary operations in the public interest.

**PART 94—[AMENDED]**

3. Section 94.25 is amended by revising the text of paragraph (d)(1) to read as follows:

**§ 94.25 Filing of applications.**

(d) \* \* \*

(1) An application for authority to operate a fixed station at temporary locations is required and shall specify the precise geographic area within which the operation will be confined. The area specified must be defined as a radius of operation about a given latitude/longitude or as a rectangular area bounded by upper and lower lines

of latitude and longitude. Exception to this specific requirement may be made for exceptionally large areas, such as the continental United States. Sufficient data must be submitted to show the need for the proposed area of operation.

4. Section 94.27 is amended by removing and reserving paragraph (a)(4), and removing the existing paragraphs (e) and (f), and adding a new paragraph (e) to read as follows:

**§ 94.27 Application and standard forms.**

(a) \* \* \*

(4) [Reserved]

(e) Application for renewal of station licenses shall be submitted on such form as the Commission may designate by public notice. Applications for renewal must be made during the license term and should be filed within 90 days, but not later than 30 days, prior to the end of the license term. When a licensee submits a timely application for renewal of a station license, the existing license for that station shall continue as a valid authorization until the Commission has made a final decision on the application.

5. Section 94.43 is amended by removing paragraph (b), (b)(1) through (b)(3), and the Note immediately below (b)(3), and adding a new paragraph (a)(5) and a new paragraph (b) to read as follows:

**§ 94.43 Procedure for obtaining special temporary authority.**

(a) \* \* \*

(5) In other situations involving circumstances which are of such an extraordinary nature that delay in the institution of temporary operation would seriously prejudice the public interest.

(b) The commission may grant requests for special temporary authority without issuing the public notice provided for in § 1.962 of this chapter for periods not exceeding 180 days, if there are extraordinary circumstances supporting the request and where delay in commencing temporary operation would seriously prejudice the public interest. Requests for special temporary authorization not involving extraordinary circumstances may be granted without public notice for a period of 30 days where an application for regular operation is not contemplated or for 60 days pending or after the filing of an application for regular operation.

[FR Doc. 83-696 Filed 1-14-83; 8:45 am]  
BILLING CODE 6712-01-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**49 CFR Ch. II**

[BMCS Docket No. MC-106; Amdt. No. 81-7]

**Written Examination for Drivers; Technical Amendments**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** Due to amendments to the Federal Motor Carrier Safety Regulations (FMCSR) which have occurred in the past few years, certain information and terminology currently found in the written examination for drivers is no longer correct. Consequently, the FHWA is amending the written examination, which is given to driver applicants by motor carriers subject to the jurisdiction of the FHWA, to correct the examination's information and terminology. While the revisions are nonsubstantive in nature, they will improve the usefulness of the written examination.

**EFFECTIVE DATE:** January 17, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, U.S. 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:** Section 391.35 of the FMCSR (49 CFR 391.35), which became effective in January 1971, requires every commercial motor vehicle driver operating in interstate or foreign commerce to take a written examination and be issued a certification of that examination by the administering motor carrier prior to driving a motor vehicle. The written examination, which is printed in Appendix C to the FMCSR, and the certification of that examination is valid for the duration of the driver's employment with the administering motor carrier.

Although the written examination requirement became effective in January 1971, the examination itself received major revision in a rulemaking action which was published on June 14, 1974 (39 FR 20795). The revised written examination has been used to fulfill the requirements of § 391.35 since 1974.

During the intervening years, however, rulemaking actions have occurred which now necessitate minor language changes in a number of the



written examination questions. For example, in question 34, a \$2,000 figure has been inserted to reflect the FHWA rule change (37 FR 18078) which raised the aggregate property damage threshold from \$250 to \$2,000.

Questions 50, 51, and 52 have also been modified to correspond with recently completed rulemaking action affecting § 395.8 of the FMCSR. In this action, published on November 26, 1982, (47 FR 53383) the term "Driver's Log" was replaced with the term "record of duty status." Consequently, questions 50, 51, and 52 have been modified to reflect this new terminology.

Since this implementation of the written examination requirement, the Federal Government has taken action to eliminate unnecessary sexist designations. The FHWA supports these efforts, and has, therefore, eliminated sexist terminology from the written examination.

Since the changes being adopted in this document are technical in nature and make no substantive changes in the regulations, the FHWA finds good cause to make this amendment final without prior notice and opportunity for comment and without a 30-day delay in effective date required by the Administrative Procedure Act. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, the amendments are effective upon issuance.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the policies and procedures of the Department of Transportation. The economic impact, if any, anticipated as a result of this action is so minimal, a full regulatory evaluation is not required.

In consideration of the foregoing, Appendix C to Subchapter B of title 49, Code of Federal Regulations, is revised to read as follows:

#### Appendix C—Written Examination for Drivers

##### Instructions

All of the questions contained herein are based on the United States Department of Transportation's Federal Motor Carrier Safety Regulations. Applicants for the position of commercial driver are required to take the examination.

Each question has four answers but only one is right. Your job is to read all of the answers and then to pick the one answer you believe is right. Mark an "X" in the space

next to the answer you choose. Do not pick more than one answer for each question.

Here is a sample question to show you what is to be done:

The Federal Motor Carrier Safety Regulations were written for:

1. ☐ vehicle makers.
2. ☐ drivers only.
3. ☐ carriers only.
4. ☐ drivers and carriers.

The right answer is number 4, "drivers and carriers," so you would mark an "X" in the space next to answer number 4.

Finally, be sure to answer every question and do not skip any pages. Keep in mind that most of the regulations covered here apply to commercial bus and truck drivers and are different from what is required of passenger car drivers. Again, pick only one answer for each question. There is no time limit on the examination, but try to work as fast as you can.

1. Section 390.32 A motor carrier who is also a driver (owner-operator):

1. ☐ is not covered by the safety regulations.
2. ☐ must obey only those parts of the regulations which cover drivers.
3. ☐ must obey only those parts of the regulations which cover motor carriers.
4. ☐ must obey both the parts covering drivers and the parts covering motor carriers.

2. Section 391.11(b)(1) With only a few exceptions, the Federal Motor Carrier Safety Regulations say a driver must be:

1. ☐ at least 18 years old.
2. ☐ at least 19 years old.
3. ☐ at least 20 years old.
4. ☐ at least 21 years old.

3. Section 391.15(c)(2)(3) A driver cannot drive a motor vehicle:

1. ☐ for one year after a first offense conviction for a felony involving a commercial motor vehicle operated by the driver.
2. ☐ for one year after a first offense conviction for driving a commercial vehicle under the influence of alcohol or narcotics.
3. ☐ for one year after a first offense conviction for leaving the scene of an accident which resulted in personal injury or death.
4. ☐ for one year after a first offense conviction for any of the above.

4. Section 391.21(b)(7)(8)(10) Every driver applicant must fill out an application form giving:

1. ☐ a list of all vehicle accidents during the previous 3 years.
2. ☐ a list of all motor vehicle violation convictions and bond forfeits (except for parking) during the previous 3 years.
3. ☐ a list of names and addresses of all employers during the previous 3 years.
4. ☐ all of the above.

5. Section 391.27 (a)(b) At least once a year, a driver must fill out a form listing all motor vehicle violations (except parking) occurring during the previous 12 months. The driver must fill out the form:

1. ☐ even if there were no violations.
2. ☐ only if convicted.
3. ☐ only if convicted or had forfeited bond or collateral.
4. ☐ only if the carrier requires it.

6. Section 391.33(a)(2) If a driver applicant has a valid certificate showing successful completion of a driver's road test:

1. ☐ the carrier must accept it.
2. ☐ the carrier may still require the applicant to take a road test.
3. ☐ the carrier cannot accept it.
4. ☐ the carrier may request a road test waiver from the Bureau of Motor Carrier Safety.

7. Section 391.41(b)(5) A person with breathing problems which may affect safe driving:

1. ☐ cannot drive.
2. ☐ cannot drive unless the vehicle has an emergency oxygen supply.
3. ☐ cannot drive unless another driver is along.
4. ☐ cannot drive except on short runs.

8. Section 391.41(b)(7) Persons with arthritis, rheumatism, or any such condition which may affect safe driving:

1. ☐ cannot drive unless they are checked by a doctor before each trip.
2. ☐ cannot drive.
3. ☐ cannot drive except when they are free of pain.
4. ☐ cannot drive unless another driver is along.

9. Section 391.41(b)(8) Persons who have ever had epilepsy:

1. ☐ cannot drive unless another driver is along.
2. ☐ cannot drive.
3. ☐ cannot drive on long runs.
4. ☐ cannot drive without monthly medical examinations.

10. Section 391.41(b)(9)(12)(13) In order to be able to drive, a driver:

1. ☐ must not have any mental, nervous or physical problem likely to affect safe driving.
2. ☐ must not use an amphetamine, narcotic or any habit-forming drug.
3. ☐ must not have a current alcoholism problem.
4. ☐ must not have or use any of the above.

11. Section 391.45(c) If a driver gets an injury or illness serious enough to affect the ability to perform duties, the driver:

1. ☐ must report it at the next scheduled physical.
2. ☐ cannot drive again.
3. ☐ must take another physical and be recertified before driving again.
4. ☐ must wait at least 1 month after recovery before driving again.

12. Section 392.2 A driver may not drive faster than posted speed limits:

1. ☐ unless the driver is sick and must complete the run quickly.
2. ☐ at any time.
3. ☐ unless the driver is passing another vehicle.
4. ☐ unless the driver is late and must make a scheduled arrival.

13. Section 392.3 When a driver's physical condition while on a trip requires the driver to stop driving, but stopping would not be safe, the driver:

1. ☐ must stop anyway.
2. ☐ May try to complete the trip, but as quickly as possible.



3. ( ) may continue to drive to the home terminal.

4. ( ) may continue to drive, but must stop at the nearest safe place.

14. Section 392.5(a)(1) A driver may not drink or be under the influence of any alcoholic beverage (regardless of alcoholic content):

1. ( ) within 4 hours before going on duty or driving.

2. ( ) within 6 hours before going on duty or driving.

3. ( ) within 8 hours before going on duty or driving.

4. ( ) within 12 hours before going on duty or driving.

15. Section 392.7 A driver must be satisfied that service and parking brakes, tires, lights and reflectors, mirrors, coupling and other devices are in good working order:

1. ( ) at the end of each trip.

2. ( ) before the vehicle may be driven.

3. ( ) only when the driver considers it necessary.

4. ( ) according to schedules set by the carrier.

16. Section 392.8 The following must be in place and ready for use before a vehicle can be driven:

1. ( ) at least one spare fuse or other overload protector of each type used on the vehicle.

2. ( ) a tool kit containing a specified list of hand tools.

3. ( ) at least one spare tire for every four wheels.

4. ( ) a set of spark plugs.

17. Section 392.9(a)(3) If any part of the cargo or anything else blocks a driver's front or side views, arm or leg movements, or the driver's access to emergency equipment, the driver:

1. ( ) can drive the vehicle, but must report the problem at the end of the trip.

2. ( ) cannot drive the vehicle.

3. ( ) can drive the vehicle, but only at speeds under 40 miles per hour.

4. ( ) can drive the vehicle, but only on secondary roads.

18. Section 392.9(a) Any driver who needs glasses to meet the minimum visual requirements:

1. ( ) must drive only during daylight hours.

2. ( ) must always wear glasses when driving.

3. ( ) must always carry a spare pair of glasses.

4. ( ) must not drive a motor vehicle.

19. Section 392.9 (b) A driver with a hearing aid:

1. ( ) if the driver always has it turned on while driving.

2. ( ) if the driver always carries a spare power source for it.

3. ( ) if the driver can meet the hearing requirements when the hearing aid is turned on.

4. ( ) if all of the above requirements are met.

20. Section 392.10 (a) A driver required to stop at a railroad crossing should bring the vehicle to a stop no closer to the tracks than:

1. ( ) 5 feet.

2. ( ) 10 feet.

3. ( ) 15 feet.

4. ( ) 20 feet.

21. Section 392.10(a) shifting gears is not permitted:

1. ( ) when traveling faster than 35 miles per hour.

2. ( ) when moving across any bridge.

3. ( ) when crossing railroad tracks.

4. ( ) when traveling down a hill steeper than 10 degrees.

22. Section 392.13 A driver of a motor vehicle, not required to stop at drawbridges without signals, must:

1. ( ) drive at a rate of speed which will permit a stop before reaching the lip of the draw.

2. ( ) sound the horn before crossing.

3. ( ) proceed across without reducing speed.

4. ( ) slow down only if directed by an attendant.

23. Section 392.15 (a) When turning a vehicle a driver should begin flashing the turn signals:

1. ( ) at least 50 feet before turning.

2. ( ) at least 60 feet before turning.

3. ( ) at least 75 feet before turning.

4. ( ) at least 100 feet before turning.

24. Section 392.16 Which of the following is true?

1. ( ) if a seat belt is installed in the vehicle, a driver must have it fastened before beginning to drive.

2. ( ) a driver may or may not use the seat belt, depending on the driver's judgment.

3. ( ) seat belts are not necessary on heavier vehicles.

4. ( ) a driver must use the seat belt only if required by the carrier.

25. Section 392.21 When a motor vehicle cannot be stopped off the traveled part of the highway, the driver:

1. ( ) must keep driving.

2. ( ) may stop, but shall get as far off the traveled part of the highway as possible.

3. ( ) may stop, but shall make sure that the vehicle can be seen as far as possible to its front and rear.

4. ( ) may stop if the driver has to, but should do both 2 and 3 above.

26. Section 392.22 (b) (1) If a vehicle has a breakdown, the driver must place one emergency signal:

1. ( ) 100 feet in front of the vehicle in the center of the lane it occupies.

2. ( ) 100 feet in back of the vehicle in the center of the lane it occupies.

3. ( ) 10 feet in front or back of the traffic side.

4. ( ) at all of the above locations.

27. Section 392.22(b)(1)(i) If a vehicle has a breakdown on a poorly-lit street or highway, the driver shall place on the traffic side:

1. ( ) a reflective triangle.

2. ( ) a lighted red electric lantern.

3. ( ) a red reflector.

4. ( ) any one of the above.

28. Section 392.22(b)(2)(iii) No emergency signals are required for a vehicle with a breakdown if the street or highway lighting is bright enough so it can be seen at a distance of:

1. ( ) 100 feet.

2. ( ) 200 feet.

3. ( ) 500 feet.

4. ( ) 750 feet.

29. Section 392.22(b)(2)(v) If a vehicle has a breakdown and stops on a poorly-lit divided

or one way highway, the driver must place one emergency signal:

1. ( ) 200 feet in back of the vehicle in the center of the lane it occupies.

2. ( ) 100 feet in back of the vehicle on the traffic side of the vehicle.

3. ( ) 10 feet in back of the vehicle on the traffic side of the vehicle.

4. ( ) at all of the above locations.

30. Section 392.25 Lighted flame-producing emergency signals, including fuses:

1. ( ) may not be used with vehicles carrying Class A or B explosives.

2. ( ) may not be used with tank vehicles, loaded or empty, which are used to carry flammable liquids or gas.

3. ( ) may not be used with any vehicle using compressed gas as a fuel.

4. ( ) may not be used with any of the above.

31. Section 392.30(a) A driver is required to turn on vehicle lights:

1. ( ) from one-half before sunset to one-half hour before sunrise.

2. ( ) from one-half hour before sunset to sunrise.

3. ( ) from one-half hour after sunset to one-half hour before sunrise.

4. ( ) from sunset to one-half hour before sunrise.

32. Section 392.32(a)(b) When lights are required on the highway, a driver shall use the high beam:

1. ( ) except when within 500 feet of an on-coming vehicle or a vehicle the driver is following.

2. ( ) except when within 400 feet of an on-coming vehicle or a vehicle the driver is following.

3. ( ) except when within 200 feet of an on-coming vehicle or a vehicle the driver is following.

4. ( ) except when within 100 feet of an on-coming vehicle or a vehicle the driver is following.

33. Section 392.32(a) When lights are required, a driver may use lower beam lights:

1. ( ) when fog, dust, or other such conditions exist.

2. ( ) when approaching tunnels or bridges.

3. ( ) when driving on one-way highways.

4. ( ) when within 1,000 feet of business areas or where people live.

34. Section 392.40 Every driver involved in an accident must follow the safety regulation procedures whenever an injury or death is involved or if:

1. ( ) the accident is caused by the driver and property damage of over \$2,000.00 results.

2. ( ) property damage of over \$2,000.00 results, no matter who is at fault.

3. ( ) property damage of over \$100.00 results.

4. ( ) property damage of any kind results.

35. Section 392.41 If a driver strikes a parked vehicle, the driver should first:

1. ( ) stop and call the local police.

2. ( ) stop and call the carrier.

3. ( ) stop and try to find the driver or owner of the parked vehicle.

4. ( ) stop and estimate the damage.

36. Section 392.42 When a driver receives notice of license or permit revocation,



suspension or other withdrawal action, the driver must:

1. ( ) notify the carrier within 72 hours.
2. ( ) notify the carrier within one week.
3. ( ) notify the carrier before the end of the next business day.

4. ( ) take no action since the carrier will get a notice.

37. Section 392.81 Except in emergencies, no driver shall allow a vehicle to be driven by any other person:

1. ( ) except by those the driver knows are capable.

2. ( ) except on roads with little or no traffic.

3. ( ) except by those allowed by the carrier to do it.

4. ( ) unless the driver goes along with the person driving.

38. Section 392.84 A person may ride inside a vehicle's closed body or trailer:

1. ( ) only on short runs.

2. ( ) only if there is an easy way to get out from the inside.

3. ( ) only if the inside of the body or trailer is lighted.

4. ( ) only if there is no cargo in it.

39. Section 392.86 If carbon monoxide is inside a vehicle or if a mechanical problem may produce a carbon monoxide danger, the vehicle:

1. ( ) may be sent out and driven so long as the windows are left open.

2. ( ) may not be sent out or driven.

3. ( ) may be sent out and driven only if the carrier decides the vehicle has to be used.

4. ( ) may be sent out and driven on short runs.

40. Section 392.88 No motor vehicle shall be operated out of gear:

1. ( ) except when fuel must be saved.

2. ( ) except on hills which are less than 20 degrees.

3. ( ) except when it is necessary for stopping or shifting gears.

4. ( ) except when the vehicle's speed is under 25 miles per hour.

41. Section 393.1(a) Under the Federal Motor Carrier Safety Regulations, no vehicle may be driven:

1. ( ) until a list of all missing or defective equipment has been prepared and given to the carrier.

2. ( ) until all equipment has been inspected and replacements for defective parts have been ordered.

3. ( ) unless all missing equipment is to be replaced no later than the end of the vehicle's next run.

4. ( ) until it meets all of the equipment requirements of the regulations.

42. Section 393 Minimum requirements for lighting, reflecting and electrical equipment and devices on buses and trucks:

1. ( ) are set by the vehicle makers.

2. ( ) are set by the National Safety Council.

3. ( ) are specified in the safety regulations.

4. ( ) are set by the trucking associations.

43. Section 393.18(a)(b) Every motor vehicle which has a load sticking out over its sides must be specifically marked with flags and lamps. Additional flags and lamps must be added if the load or tailgate sticks out beyond the rear of the vehicle by more than:

1. ( ) 2 feet.

2. ( ) 4 feet.

3. ( ) 6 feet.

4. ( ) 8 feet.

44. Section 393.41(a) Every vehicle shall have a parking brake system which will hold it, no matter what its load:

1. ( ) on any grade on which it is operated which is free from ice and snow.

2. ( ) on all grades under 15 degrees which are free from ice and snow.

3. ( ) on all grades under 20 degrees which are free from ice and snow.

4. ( ) on all grades under 25 degrees which are free from ice and snow.

45. Section 393.77(b)(6) A portable heater may not be used in any vehicle cab:

1. ( ) unless the heater is secured.

2. ( ) unless the heater is of the electric filament type.

3. ( ) at any time.

4. ( ) without approval from the carrier.

46. Section 395.3(a) A driver is not generally allowed to drive for more than:

1. ( ) 6 hours following 8 straight hours off duty.

2. ( ) 8 hours following 8 straight hours off duty.

3. ( ) 10 hours following 8 straight hours off duty.

4. ( ) 12 hours following 8 straight hours off duty.

47. Section 395.3(a) Most drivers of large vehicles are *not* allowed to drive:

1. ( ) after they have been *on duty* for 16 hours.

2. ( ) after they have been *on duty* for 15 hours.

3. ( ) after they have been *on duty* for 14 hours.

4. ( ) after they have been *on duty* for 12 hours.

48. Section 395.3(b) Generally, a driver may not be "on-duty":

1. ( ) for more than 40 hours in any 7 straight days.

2. ( ) for more than 50 hours in any 7 straight days.

3. ( ) for more than 60 hours in any 7 straight days.

4. ( ) for more than 70 hours in any 7 straight days.

49. Section 395.7 When a driver is riding in a vehicle, but is not driving and has no other responsibility, such time shall be counted as:

1. ( ) on-duty time.

2. ( ) on-duty time unless the driver is allowed 8 straight hours off duty upon arrival at the destination.

3. ( ) on-duty time unless the driver is allowed 6 straight hours off duty upon arrival at the destination.

4. ( ) on-duty time unless the driver is allowed 4 straight hours off duty upon arrival at the destination.

50. Section 395.8(f)(1) Every driver must prepare an original and one copy of the driver's record of duty status which must be kept current by updating it:

1. ( ) every time a change of duty status is made.

2. ( ) every 24 hours.

3. ( ) every 8 hours.

4. ( ) at the end of each trip.

51. Section 395.8(f)(2) Except for the name and main address of the carrier, all entries relating to the driver's record of duty status:

1. ( ) must be printed in ink or typed.

2. ( ) must be made by the carrier dispatcher.

3. ( ) must be made in front of a witness.

4. ( ) must be in the driver's handwriting.

52. Section 395.8 (f)(5) and (h)(2) Which of the following is required to be put in a driver's record of duty status?

1. ( ) time spent in a sleeper berth.

2. ( ) total hours in each duty status.

3. ( ) origin and destination.

4. ( ) the name and make of the vehicle.

53. Section 395.11 If any emergency delays a run which could normally have been completed within hours of service limits, the driver:

1. ( ) must still stop driving when the hours of service limits is reached.

2. ( ) may drive for 1 extra hour.

3. ( ) may drive for 2 extra hours.

4. ( ) may finish the run without being in violation.

54. Section 395.13 A driver declared "Out of Service":

1. ( ) must take a road test before driving again.

2. ( ) must wait 72 hours before driving again.

3. ( ) must appeal to the Director of the Bureau of Motor Carrier Safety to drive again.

4. ( ) can drive again only after hours of service requirements are met.

55. Section 396.7 If a vehicle on a trip is in a condition likely to cause an accident or breakdown:

1. ( ) the driver should report it at the end of the run so repairs can be made.

2. ( ) the driver should drive at lower speeds for the rest of the run.

3. ( ) the driver should stop immediately unless going on to the nearest repair shop is safer than stopping.

4. ( ) the driver should change the route so as to get away from heavily traveled roads.

56. Section 396.9(c) If authorized Federal inspectors find a vehicle which is likely to cause an accident or breakdown:

1. ( ) it will be reported to the carrier for repair as soon as the vehicle is not scheduled.

2. ( ) it will be reported to the carrier for repair at the end of the trip.

3. ( ) it will be marked with an "Out of Service Vehicle" sticker and not driven until repairs are made.

4. ( ) the drive will be held responsible and declared "Out of Service."

57. Section 396.9(c)(4) If the driver personally makes repairs on an "Out of Service" vehicle:

1. ( ) the work must be approved by a mechanic.

2. ( ) the driver must complete and sign a "Certification of Repairman" form.

3. ( ) the work must be approved by a supervisor.

4. ( ) the work must be approved by a Federal inspector.

58. Section 397.3 Department of Transportation regulations covering the driving and parking of vehicles containing hazardous materials:

1. ( ) replace State and local laws.

2. ( ) prevent States and cities from having their own laws.



3. ( ) must be obeyed even if State or local laws are less strict or disagree.

4. ( ) should not be obeyed if State or local laws disagree.

59. Section 397.5(c) A vehicle which contains hazardous materials other than Class A or B explosives must be attended at all times:

1. ( ) by the driver.

2. ( ) by the driver except when involved in other driver duties.

3. ( ) by the driver or a person chosen by the driver.

4. ( ) by the driver or a police officer.

60. Section 397.5(d)(1) A vehicle containing Class A or B explosives or other hazardous materials on a trip is "attended":

1. ( ) when the person in charge is anywhere within 100 feet of the vehicle.

2. ( ) as long as the driver can see the vehicle from 200 feet away.

3. ( ) when the person in charge is within 100 feet and has a clear view of the vehicle.

4. ( ) when the person in charge is resting in the berth.

61. Section 397.7(a)(3) Except for short periods when operations make it necessary, trucks carrying Class A or B explosives cannot be parked any closer to bridges, tunnels, buildings or crowds of people than:

1. ( ) 50 feet.

2. ( ) 100 feet.

3. ( ) 200 feet.

4. ( ) 300 feet.

62. Section 397.13(a) Smoking or carrying a lighted cigarette, cigar, or pipe near a vehicle which contains explosives, oxidizing or flammable materials is not allowed:

1. ( ) except in the closed cab of the vehicle.

2. ( ) except when the vehicle is moving.

3. ( ) except at a distance of 25 feet or more from the vehicle.

4. ( ) except when approved by the carrier.

63. Section 397.15(b) When a vehicle containing hazardous materials is being fueled:

1. ( ) no person may remain in the cab.

2. ( ) a person must be in control of the fueling process at the point where the fuel tank is filled.

3. ( ) the area within 50 feet of the vehicle must be cleared.

4. ( ) the person who controls the fueling process must wear special clothes.

64. Section 397.17(a) If a vehicle carrying hazardous materials is equipped with dual tires on any axle, the driver must examine the tires:

1. ( ) at all fueling stops only.

2. ( ) only at the end of each day or tour of duty.

3. ( ) at the beginning of each trip and each time the vehicle is parked.

4. ( ) at the beginning of each trip only.

65. Section 397.17(c) If a driver of a vehicle carrying hazardous materials finds a tire which is overheated, the driver must:

1. ( ) wait for the overheated tire to cool before going on.

2. ( ) remove and replace the overheated tire, store it on the vehicle and drive on.

3. ( ) remove the tire, place it a safe distance from the vehicle and not drive the vehicle until the cause of the overheating is fixed.

4. ( ) drive slowly to the nearest repair shop and have the cause of the overheating fixed.

66. Section 177.823(a) When required, specified hazardous materials markings or signs must be placed:

1. ( ) wherever they can be seen clearly.

2. ( ) on the sides and rear of the vehicle.

3. ( ) on the front, rear, and sides of the vehicle.

4. ( ) on the front and rear bumpers of the vehicle.

#### SCORING KEY—WRITTEN EXAMINATION

Section	Answer
(1) 390.32	4
(2) 391.11(b)(1)	4
(3) 391.15(c)(2)(3)	4
(4) 391.21(b)(7)(8)(10)	4
(5) 391.27(a)(b)	1
(6) 391.33(a)(2)	2
(7) 391.41(b)(5)	1
(8) 391.41(b)(7)	2
(9) 391.41(b)(8)	2
(10) 391.41(b)(9)(12)(13)	4
(11) 391.45(c)	4
(12) 392.2	2
(13) 392.2	4
(14) 392.5(a)(1)	1
(15) 392.7	2
(16) 392.8	1
(17) 392.9(a)(3)	2
(18) 392.9(a)	2
(19) 392.9(b)	4
(20) 392.10(a)	3
(21) 392.10(a)	3
(22) 392.13	1
(23) 392.15(a)	4
(24) 392.16	1
(25) 392.21	4
(26) 392.22(b)(1)	4
(27) 392.22(b)(1)(i)	4
(28) 392.22(b)(2)(iii)	3
(29) 392.22(b)(2)(v)	4
(30) 392.25	4
(31) 392.30(a)	3
(32) 392.32(a)(b)	1
(33) 392.32(a)	1
(34) 392.40	4
(35) 392.41	3
(36) 392.42	3
(37) 392.61	3
(38) 392.64	2
(39) 392.66	2
(40) 392.66	3
(41) 393.1(a)	4
(42) 393	3
(43) 393.18(a)(b)	2
(44) 393.41(a)	1
(45) 393.77(b)(6)	3
(46) 395.3(a)	3
(47) 395.3(a)	2
(48) 395.3(b)	3
(49) 395.7	2
(50) 395.8(f)(1)	1
(51) 395.8(f)(2)	4
(52) 395.8 (f)(5) and (h)(2)	1
(53) 395.11	4
(54) 395.13	3
(55) 396.7(b)	4
(56) 396.9(c)	3
(57) 396.9(c)(4)	2
(58) 397.3	3
(59) 397.5(c)	2
(60) 397.5(d)(1)	3
(61) 397.7(a)(3)	4
(62) 397.13(a)	3
(63) 397.15(b)	2
(64) 397.17(a)	3
(65) 397.17(c)	3
(66) 177.823(a)	3

(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: January 10, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 83-1013 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-22-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1160

[Ex Parte No. 55 (Sub-56)]

#### Availability of Form OP-1

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Announcement of availability of revised application Form OP-1 (Revised 11/82).

**SUMMARY:** In Ex Parte No. 55 (Sub-No. 56), Applications for Operating Authority—Motor Passenger Carriers (47 FR 53260, November 24, 1982) the Interstate Commerce Commission adopted a new application, Form OP-1 (Revised 11/82), which is used by applicants for motor and water carrier, freight forwarder, and property broker operating authority. That form has now been approved by the Office of Management and Budget and is available from the locations named below. Applications filed on the revised OP-1 form will be accepted after publication of this Notice.

Applications filed on the old Form OP-1 (Revised 1/81) will continue to be accepted until March 1, 1983. After that date all applications must be filed on the new form.

**ADDRESS:** Form OP-1 (Revised 11/82) is available from:

Publications Room, B-221, Office of the Secretary, Washington, D.C. 20423, 202-275-7833

or the following Interstate Commerce Commission Regional Offices:

Region 1, 150 Causeway St., Room 501, Boston, MA 02114, 617-223-2372

Region 2, Federal Reserve Bank Bldg., 101 North Seventh St., Room 620, Philadelphia, PA 19106, 215-597-4449

Region 3, 1776 Peachtree St., N.W., Rm. 300, Atlanta, GA 30309, 404-881-4371

Region 4, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Rm. 1304, Chicago, IL 60604, 312-353-6204

Region 5, 411 West 7th St., Suite 600, Fort Worth, TX 76102, 817-334-3101

Region 6, 211 Main St., Suite 500, San Francisco, CA 94015, 415-974-7011

**FOR FURTHER INFORMATION CONTACT:** For assistance in filing an application: Public Assistance Branch, 202-275-7863



or any of the Commission's 6 regional offices listed above.

**SUPPLEMENTARY INFORMATION:** Both the current Form OP-1 (Revised 1/81) and the new Form OP-1 (Revised 11/82) include an Appendix entitled Certification of Witness or Shipper Support. The Appendix is used for applications which require public support. Since the Appendix to both the current and revised Form OP-1 are essentially the same, the Appendix from either Form OP-1 will be accepted by the Commission provided the original signed copy is submitted and other requirements are met.

Applicants and their representatives are encouraged to review carefully the new Form OP-1 (Revised 11/82) before they submit an application. If anyone has questions about the new form, they should contact the Commission's Public Assistance Branch at 202-275-7863.

Decided: January 11, 1983.

By the Commission, Reese H. Taylor, Jr.,  
Chairman.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-1177 Filed 1-14-83; 8:45 am]

BILLING CODE 7035-01-M



# Proposed Rules

Federal Register

Vol. 48, No. 11

Monday, January 17, 1983

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

## DEPARTMENT OF AGRICULTURE

### Federal Grain Inspection Service

#### 7 CFR Part 800

#### Regulation Review—Deceptive Practices

**AGENCY:** Federal Grain Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS or Service) has reviewed in its regulation on Deceptive Practices. FGIS proposes to amend this regulation by substituting the term "agency" for "official agency", thereby clarifying that the regulation is applicable to delegated States as well as designated agencies and the Service.

**DATE:** Comments must be submitted on or before March 18, 1983.

**ADDRESS:** Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 1636, South Building, 14th Street and Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-0231. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** Lewis Lebakken, Jr., (address above), telephone (202) 382-0231.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1. The action has been classified as nonmajor, because it does not meet the criteria for a major regulation established in the Order.

#### Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator FGIS, has determined that this proposed

rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the inspection and weighing services do not meet the requirements for small entities, and this action poses no new or additional duties or obligations to business entities involved in the loading, weighing, handling, or sampling of grain.

#### Review of Regulation

The review of the regulation on Deceptive Practices included a determination of the continued need for and consequences of the regulation. An objective was to assure that the language of the regulation is clear and that the regulation is consistent with FGIS policy. FGIS has determined that the regulation is serving the best interest of the U.S. grain industry; affords protection from deceptive practices to buyers and sellers of U.S. grain; is consistent with FGIS policy; and should remain in effect. FGIS proposes, however, to amend this regulation by substituting the term "agency" for "official agency," thereby clarifying that the regulation is applicable to delegated States as well as designated agencies and the Service. It was originally intended that delegated States would be included in this regulation. Strictly interpreted, the definition for official agency in § 800.0(b)(48) excludes delegated States. Agency is defined in § 800.0(b)(3) as a delegated State or a designated agency, as appropriate.

#### List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

#### PART 800—[AMENDED]

Accordingly, it is proposed that § 800.60 be revised by substituting the term "agency" for "official agency," to read as follows:

#### § 800.60 Deceptive actions and practices.

In the absence of prior adequate notice to appropriate official personnel, any action or practice, including the loading, weighing, handling, or sampling of grain that knowingly causes or is an attempt to cause the issuance by official personnel of a false or incorrect official certificate or other official form, is deemed to be deceptive and, as such, is a violation of Section 13(a)(3) of the Act.

For the purposes of this paragraph, adequate notice is written or oral notice given to an agency or the Service, as applicable, before official personnel begin to perform official inspection or weighing services. If oral notice is given, it must be confirmed in writing within 2 business days. To be adequate, the notice must explain the nature and extent of the action or practice in question and must identify the grain, storage container, equipment, facility, and the official personnel actually or potentially involved.

(Secs. 15, 18, Pub. L. 94-582, 90 stat. 2883, 2884; (7 U.S.C. 87b, 87e))

Kenneth A. Gilles,  
Administrator.

[FR Doc. 83-1111 Filed 1-14-83; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 82-NM-116-AD]

#### Airworthiness Directives; Boeing Model 727 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes a new Airworthiness Directive (AD) which would require inspection and repair, if necessary, of the wing upper surface stringers on Boeing Model 727 series airplanes. The proposed AD is prompted by numerous reports of fatigue cracks originating in the wing upper stringers. This action is necessary to ensure the structural integrity of the wing.

**DATES:** Comments must be received on or before February 16, 1983.

**ADDRESSES:** The applicable service bulletins may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information also may be examined at the Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Don Gonder, Airframe Branch, ANM-120S, at the above address.



telephone (206) 767-2516. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

##### Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-NM-116-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

##### Discussion

There have been numerous reports of cracks in the wing upper surface stringers. Specifically, thirteen operators have reported finding 84 cracks at rib locations, Wing Station 601.5, 629, 656.5, 686.5, and 738.5. One report indicated that every stringer was either cracked or broken at three consecutive ribs. Typically, cracking has occurred in either the stringer lower horizontal flanges at a stringer to rib attachment or in the stringer lower horizontal flange to vertical leg radius. The cracking has been attributed to fatigue. Airplanes with several adjacent cracked or broken stringers could experience rapid crack growth and the subsequent loss of the wing upper skin.

Boeing has issued Service Bulletin No. 727-57A159, Revision 1 which provides inspection, repair, and preventive modification instructions. Repair or modification in accordance with this service bulletin would eliminate the

need for repetitive inspections and constitute terminating action for the requirements of this proposed AD.

Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require periodic inspection of the wing upper surface stringers at the affected locations and repair, if necessary, of cracked structure.

Approximately 1200 airplanes of U.S. registry would be affected by this proposed AD. It is estimated that the preferred eddy current inspections would take approximately 80 manhours and that the average labor cost would be \$40 per manhour. Based on these figures, the total inspection cost is estimated not to exceed \$3,840,000. This estimate does not include repair costs because of the difficulty in determining the extent of present and future damage in the fleet. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

##### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

##### The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

**Boeing:** Applies to Model 727 series airplanes line numbers 1 through 1817 certificated in all categories.

Compliance required as indicated unless already accomplished.

To detect cracks in the wing upper surface stringers, accomplish the following in accordance with Boeing Alert Service Bulletin No. 727-57A159, Revision 1, or later FAA approved revisions.

A. Using Eddy current, x-ray or visual inspection techniques, inspect affected wing upper stringers for cracks in accordance with the following time:

1. For airplanes with 45,000 or more landings inspect within the next 1000 landings after the effective date of this AD.
2. For airplanes with at least 40,000 and less than 45,000 landings inspect within the next 2,000 landings after the effective date of this AD.
3. For all other airplanes inspect within the next 3,000 landings or prior to accumulating 33,000 total landings, whichever occurs later.
4. For affected wing stringer rib attach locations previously repaired in accordance with Structural Repair Manual Subject 57-10-4 or any other FAA approved method, except when in accordance with Service Bulletin 727-57A159, Revision 1 or later FAA approved revisions, inspect within the next

3000 landings or prior to accumulating 10,000 landings after repair, whichever occurs later.

B. Reinspect the affected structure at the following intervals:

1. If eddy current methods are used, reinspect using eddy current at intervals not to exceed 16,000 landings and visually inspect at intervals not to exceed 4000 landings until the next eddy current inspection.
2. If x-ray or visual methods are used, reinspect at intervals not to exceed 2400 landings.

C. Any cracked structure is to be repaired prior to further flight in accordance with procedures listed in Boeing Service Bulletin No. 727-57A159, Revision 1, or later FAA approved revision.

D. Repair or modification in accordance with Service Bulletin No. 727-57A159, Revision 1, or later FAA approved revisions eliminates the repetitive inspection requirements of paragraph B, and constitutes terminating action for the requirements of this AD.

E. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and 21.199.

F. For the purpose of this AD, and when approved by an FAA maintenance inspector, the number of landings may be computed by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

G. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

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

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

**Note.**— For the reasons discussed earlier in the preamble: The FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.



Issued in Seattle, Wash. on December 23, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-1004 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 82-NM-72-AD]

##### Airworthiness Directive; Boeing Model 747 Series Airplane

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document reopens the comment period for a Notice of Proposed Rulemaking issued on September 30, 1982 (47 FR 43072). That NPRM proposed: (1) Revision of the limitations section in the FAA approved Boeing Model 747 Airplane Flight Manual (AFM) and (2) installation on the pilot's panel of low engine fan rotor rpm N1 caution indication for each engine. The minimum N1 caution and AFM information is needed to ensure engines are not operated below a safe level during icing conditions.

**DATES:** The comment period for this NPRM is hereby reopened and extended from December 3, 1982 to January 17, 1983.

**ADDRESSES:** Submit written comments on the proposed rule in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 82-NM-72-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98166.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kanji K. Patel, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2520.

**SUPPLEMENTARY INFORMATION:** Notice of Proposed Rulemaking (NPRM), Docket No. 82-NM-72-AD, was published in the Federal Register on September 30, 1982 (47 FR 43072). The proposed rule would require a revision of the limitations section in the FAA approved Boeing Model 747 Airplane Flight Manual (AFM) and installation on the pilots' panel of low engine fan rotor N1 rpm caution indication for each engine. The AFM information and Low N1 caution is needed to ensure engines are not operated below a safe level during icing conditions.

The original comment period expired on December 3, 1982. At the request of Air Transport Association of America (ATA) in their telex of November 23, 1982, the comment period is hereby reopened and extended to January 17, 1983. ATA requested additional time to allow the ATA member airlines to evaluate the impact of the NPRM on their revenue flight operations, training, and the fuel consumption. ATA is also planning to develop a definition of icing conditions which may be different from the definition published in the NPRM.

The FAA considers the reasons for the requested reopening of the comment period to be valid, and after evaluating the service history of the aircraft involved has determined that the request can be granted without compromising safety.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

**Note.**—Since this action merely reopens and extends the time period for public comment on a Notice of Proposed Rulemaking and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor a final rule, and therefore, is not subject to Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington on December 23, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-1003 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 82-ANE-50]

##### Airworthiness Directives; Detroit Diesel Allison, Models 501-D13, -D13A, -D13D, and -D13H Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to adopt a new Airworthiness Directive (AD), which would require modifying certain Thrust Sensitive Switch Assemblies installed in Detroit Diesel Allison (DDA) Models 501-D13, -D13A, -D13D, and -D13H engines. The proposed AD is needed to prevent the possibility of either an unwanted autofeather or the inability to autofeather when required.

**DATE:** Comments must be received on or before February 24, 1983.

**ADDRESSES:** Send comments on the proposed AD in duplicate to: Federal Aviation Administration, Office of Regional Counsel, Attn: Rules Docket No. 82-ANE-50, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable service bulletins may be obtained from: Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206.

Copies of the service bulletins<sup>1</sup> are contained in the Rules Docket at the above FAA address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Royace Prather, Chicago Aircraft Certification Office, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone (312) 694-7132.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that Allison Models 501-D13, -D13A, -D13D, and -D13H turboprop engines Reduction Gear Assemblies with Thrust Sensitive Switch Assembly P/Ns 6794359, 6807776, 6792891, or 6794122 are subject to malfunction. Investigation has indicated that only later production Hermetically Sealed Switches, two per assembly, in Thrust Sensitive Switch Assemblies P/Ns 6794359 and 6807776 were subject to the normally open contacts becoming loose on their terminal posts. This can result in either a short circuit opening the circuit breaker rendering the autofeather system inoperative, or contact being made internally causing unwanted autofeather. Detroit Diesel Allison (DDA) issued Commercial Engine Alert Bulletin CEB-A-73-82 to require replacement of the Hermetically Sealed Switches in Thrust Sensitive Switch Assembly P/Ns 6794359 and 6807776. Since the issuance of CEB-A-73-82, it has been discovered that the earlier production P/Ns 6792891 and 6794122 Thrust Sensitive Switch Assemblies may also be subject to malfunction. Detroit Diesel Allison subsequently issued Revision No. 2 to CEB-A-73-82 to require replacing the Hermetically Sealed Switches, two per assembly, in Thrust Sensitive Assemblies P/Ns 6792891 and 6794122. Voluntary compliance, estimated at 95% of the engine fleet, to date, with CEB-A-73-82 has corrected the problem in the modified Switch Assemblies. An AD is being proposed to require mandatory compliance with CEB-A-73-82 to preclude the possibility of unwanted autofeather or the inability to autofeather when required. This action, required to ensure 100% fleet compliance, is estimated to have a total

<sup>1</sup> The service bulletin is filed with the original.



economic impact of approximately \$25,000.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire.

Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the regulatory docket number and be submitted in duplicate to the New England Regional Office address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

#### List of Subjects in 14 CFR Part 39

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

#### The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

**Detroit Diesel Allison:** Applies to all Models 501-D13, -D13A, -D13D, and -D13H Engine Reduction Gear Assemblies equipped with Thrust Sensitive Switch Assembly P/Ns 679359, 6807776, 6792891, or 6794122.

Compliance required within 60 days after the effective date of this AD, unless already accomplished.

To prevent the possibility of unwanted autofeather or the inability to autofeather when required, accomplish the following:

(a) Modify and reidentify Thrust Sensitive Switch Assembly P/Ns 6794122, 6794359, 6792801, or 6807776 in accordance with the detailed instructions provided in Detroit Diesel Allison Commercial Engine Alert Bulletin CEB-A-73-82, Revision 2 dated May 28, 1982, or later FAA approved revision; or, (b) As alternative compliance, Thrust Sensitive Switch Assemblies P/Ns 6794122, 6794359, 6792891, or 6807776 may be replaced with P/N 6870559, a single carbon switch assembly, in accordance with the detailed instructions provided in Detroit Diesel Allison Commercial Engine Bulletin CEB-73-84 dated December 15, 1982, or later FAA approved revisions.

Upon request of the operator, an equivalent means of compliance with the requirements of this AD may be approved by the Manager,

Chicago Aircraft Certification Office, FAA, Central Region. The manufacturer's specifications and procedures identified and described in this directive are available upon request to Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206. These documents may also be examined at the New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts 01803. A historical file on this AD is maintained by the FAA at the New England Regional Office.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

**Note.**—The FAA has determined for the reasons stated in the "SUPPLEMENTARY INFORMATION" section that this document involves a proposed regulation which is not considered to be major under Executive Order 12291 of significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified that the final rule will not, at promulgation, have a significant economic impact on a substantial number of small entities because of the nominal cost and the minimum downtime required for compliance.

A draft regulator evaluation prepared for this document is contained in the public docket, and a copy may be obtained by writing to: Office of Regional Counsel, FAA, Attn: Rules Docket No. 82-ANE-50, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts on January 6, 1983.

Robert E. Whittington,  
Director, New England Region.

(FR Doc. 83-1005 Filed 1-14-83; 8:45 am)  
BILLING CODE 4910-13-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 13

[Docket No. 9153]

#### Gulf & Western Industries, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** In settlement of alleged violation of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a New York City corporation engaged in the burial casket industry, among other things, to timely divest to a Commission-approved buyer, Alabama-Indiana Metal Products, Inc., located in Anniston, Alabama. The order would also require the corporation to permit prospective purchasers to inspect the Anniston facility and supply them with

information concerning the facility's operation. Further, the corporation would be barred from acquiring any stock or interest in any concern engaged in the manufacture or sale of burial caskets or their components, without prior Commission approval for a period of ten years.

**DATE:** Comments must be received on or before March 18, 1983.

**ADDRESS:** Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** FTC/CS-2, Robert W. Doyle, Jr., Washington, D.C. 20580. (202) 254-8577.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

### List of Subjects in 16 CFR Part 13

Burial caskets.

In the Matter of: Gulf & Western Industries, Inc., a corporation; agreement containing consent order; Docket No. 9153.

The Federal Trade Commission ("Commission") having issued a complaint challenging the acquisitions of Wallace Metal Products, Inc. ("Wallace") and National Casket Co. ("National") by Gulf & Western Industries, Inc. ("G&W"), and it now appearing that counsel for the Commission and G&W are willing to enter into an agreement containing an order in settlement of that complaint:

It is hereby agreed by and between G&W, by its duly authorized agent and its attorney, and counsel for the Commission, that:

1. Respondent, G&W, is a corporation organized, existing, and doing business under the laws of the State of Delaware, with its principal offices at 1 Gulf & Western Plaza, New York, New York 10023.

2. Respondent has been served with a copy of the complaint issued by the Federal Trade Commission charging it with violations of Section 7 of the



Clayton Act, as amended (15 U.S.C. § 18), and Section 5 of the Federal Trade Commission Act, as amended (15 U.S.C. § 45), and has filed an answer to the complaint denying the charges.

3. Respondent admits all the jurisdictional facts set forth in the complaint.

4. Respondent waives:

- (a) Any further procedural steps;
- (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;
- (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and
- (d) Any claim under the Equal Access to Justice Act.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the complaint issued by the Commission will be placed on the public record for a period of sixty (60) days and non-confidential information in respect thereto will be publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Respondent, in which event it will take such action as it may consider appropriate or issue and serve its decision in accordance with the terms of this agreement in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by Respondent that the law has been or would be violated as alleged in the complaint issue by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to provisions of § 3.25(f) of the Commission's Rules, the Commission may, without further notice to Respondent, issue its decision containing the following Order disposition of the proceeding and make non-confidential information public with respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other Orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the Order to Respondent shall constitute service. Respondent waives the right it may have to any other manner of service. The complaint may be used in construing the terms of the Order, and

no agreement, understanding, representation, or interpretation, not contained in the Order or the agreement, may be used to vary or contradict the terms of the Order.

8. Respondent has read the complaint and Order contemplated hereby. It understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Order. Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

## Order

### I

It is ordered that for the purposes of this Order the following definitions shall apply:

1. "G&W" or Respondent means Gulf & Western Industries, Inc., a corporation organized, existing, and doing business under the laws of the State of Delaware, with its principal offices at 1 Gulf & Western Plaza, New York, New York 10023, as well as its officers, employees, agents, its parents, divisions, subsidiaries, affiliates,<sup>1</sup> successors, assigns, and the officers, employees or agents of G&W's parents, divisions, subsidiaries, affiliates, successors, or assigns.

2. Gulf & Western Casket Corporation, a subsidiary of G&W, is engaged in the burial casket industry through various subsidiaries and divisions.

3. "Anniston" means the Anniston, Alabama facility of Alabama-Indiana Metal Products, Inc., a subsidiary of G&W. Anniston, at the time of divestiture, shall include the assets listed in Appendix A.

4. The term "burial casket" means a container used to display, transport and bury the deceased.

5. The Term "KD" means an unassembled metal burial casket side, end, bottom, top or lid, and bridge which when assembled is referred to as a burial casket shell.

6. The term "burial casket shell" means a metal burial casket which has not been finished or trimmed with the requisite cloth interiors, decorative exterior hardware, and other finishings.

7. "Eligible person" means any individual, corporation (including subsidiaries thereof), partnership, joint venture, trust, unincorporated

<sup>1</sup> For purposes of this Order, the term "affiliates" shall mean any entity over which Gulf & Western Industries, Inc. exercises control. The term "control" shall mean the direction or causing the direction of the management and policies of an entity, in any way.

association, other business or legal entity, or any combination thereof, approved in advance by the Commission.

### II

It is further ordered that G&W shall divest absolutely and unqualifiedly the Anniston facility to an eligible person within one hundred and eighty (180) days from the date of the issuance of this Order.

### III

It is further ordered that divestiture under Paragraph II shall be in a manner which preserves the assets and business divested as a viable, ongoing, competitor in the KD market.

### IV

It is further ordered that, pending the divestiture required by Paragraph II of this Order, G&W will continue to operate Anniston and shall not take any action, other than in the ordinary course of business, without the consent of the Federal Trade Commission, to inhibit the ability of Anniston to operate as a viable competitor in the KD market.

### V

It is further ordered that G&W provide prospective purchasers with all information concerning the operations of Anniston requested by such purchasers and permit any inspections that may be required.

### VI

It is further ordered that, for a period of ten (10) years from the date of issuance of this Order, G&W shall not, directly or indirectly, acquire any stock or share capital of, interest in, or assets used in the manufacture of burial caskets or KDs in the United States by any concern, corporate or non-corporate, engaged in the manufacture or sale of burial caskets or KDs in the United States without the prior approval of the Federal Trade Commission.

### VII

It is further ordered that G&W shall, within sixty (60) days from the date of issuance of this Order, and every sixty (60) days thereafter until the divestiture is completed, submit in writing to the Commission a report setting forth in detail the manner and form in which G&W intends to comply, is complying, and has complied with the terms of this Order and such additional information relating thereto as may from time to time reasonably be required. All such reports shall include a summary of contacts or negotiations with anyone for the



specified assets, the identity of all such persons, and copies of all written communications to and from such persons.

### VIII

It is further ordered that for a period of ten (10) years from the date of issuance of this Order, G&W shall notify the Commission at least thirty (30) days prior to any change in G&W which affects compliance with the obligations arising out of this Order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation.

### Appendix A

This Appendix A is annexed to and made a part of this Order in Docket No. 9153. For purposes of this Order, Anniston shall mean: all assets, properties, titles for properties, interests, rights and privileges of whatever nature, tangible and intangible, located at the Anniston facility on the date of this Order, including, but not limited to, all real property, buildings, machinery, equipment, raw materials, inventory, dies and fixtures as described below, presses, as well as all G&W customer lists relating to the sale of KDs, copies of all G&W KD sales invoices describing KD sales processed through Anniston and every other G&W KD facility since January 1, 1982, trade names, trademarks, patents, patent applications, orders for purchase, and all other property owned or operated at the Anniston facility on said date, except that after the date of this Order, G&W may enter into transactions in the ordinary course of business.

On the date of the Order, the assets described above shall include, but shall not be limited to:

One Cincinnati 500-ton Press, serial number 38743  
 One Dallas Feeder for use in connection with the Cincinnati 500-ton Press, serial number 38743  
 One Rowe Reel for use in connection with the Cincinnati 500-ton Press, serial number 38743  
 One Cincinnati 500-ton Press, serial number 39051  
 One Verson 1,000-ton Press, serial number 25172  
 One Niagara Shear, serial number 61373  
 One Tannwitz Saw, serial number 15883  
 One Foley Saw Filer, Model 387  
 One Rockwell Drill Press  
 One Thorbob Bench Grinder  
 One Peer Spot Welder, serial number 13435  
 One Lincoln Arc Welder, serial number 246886

One Lincoln Arc Welder, serial number 246794  
 One Quincy Air Compressor, serial number 954830-L  
 One Catch Hole Punch Press  
 One Baron Blakelslee Degreaser  
 One Chicago D&K 150-ton Flange Brake, serial number P9687  
 One Chicago D&K Power Brake, serial number L17540  
 Three Semi-automatic body Saws  
 One Round Corner "A" Punch, serial number 40720  
 One Square Corner "A" Punch, serial number 50968  
 One Welty-Weigh Uncoiler, serial number UC7792  
 One Welty-Weigh Slitter, serial number 87707  
 One Welty-Weigh Stack, serial number SC7703  
 One Body Side Panel Punch Unit  
 One Ingersoll Rand Air Compressor, serial number 23408  
 One steel coil crane system  
 One basket and rack system  
 One scrap conveyor system  
 Five forklifts  
 Dies and fixtures sufficient to make the following part numbers, or such other dies and fixtures agreed to by an eligible person:

Tops	Bodies	Bridges
10.....	140.....	28 A Steel.
20.....	427.....	Copper, Bronze.
28.....	499.....	50 A Steel.
50.....	700 Embossed.....	Copper, Bronze.
70.....	750.....	27 A Steel.
70 Embossed.....	427 A.....	Copper, Bronze.
200.....	427 A Embossed.....	200 A Steel, Copper.
32 A.....	490 A.....	# 1 Oversize.
35 A.....	750 A.....	32 A.
37 A.....	770 A.....	35 A.
37 A Embossed.....	790 A.....	37 A.
38 A.....	809 A Steel.....	38 A.
37 A Stainless.....	Copper, Bronze.....	10.
Steel.....	990 Steel.....	20.
Full Couch Cap.....	Copper, Bronze.....	50.
Steel, Copper.....	427 A Stainless Steel.....	28.
Bronze.....	110.....	200.
Half Couch Cap.....	120.....	70.
# 1 Oversize.....	150.....	Cap ovals.
28-AR.....	180, 200, 700, 809-AR and bottom filler plates.	

### Bottom

### Universal

### Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent Order from Gulf & Western Industries, Inc. (G&W).

The proposed consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of

the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed Order.

On March 15, 1981, the Commission issued a complaint against G&W which alleged that G&W's acquisitions of Wallace Metal Products, Inc. (Wallace) in 1979 and of National Casket Company (National) in 1980 violated Section 7 of the Clayton Act and Section 5 of the FTC Act. Specifically, the complaint alleged that the acquisitions threatened to substantially lessen competition in the markets for metal knockdowns (KDs), components used in the manufacture of metal burial caskets by eliminating Wallace and National as competitors of G&W and increasing concentration in the market. The complaint also alleged that the National acquisition threatened to substantially lessen competition in the finished burial casket market by eliminating National as a competitor of G&W and increasing concentration in the market.

Prior to agreeing to the proposed Order, G&W sold certain of the burial casket assets it had acquired through the National acquisition to AMEDCO, Inc., a manufacturer of KDs and burial caskets. This sale, while unsupervised by the Commission, provides a partial remedy to the competitive concerns reflected in the complaint. The proposed Order represents the additional relief necessary to remedy competitive concerns alleged in the complaint.

Paragraph I defines the terms used throughout the Order. Appendix A, incorporated by reference into Paragraph I, describes in detail the assets to be divested. Among these assets are specified dies and fixtures unless the acquirer of the assets agrees to accept other dies and fixtures.

Paragraph II of the proposed Order requires G&W to divest its Anniston, Alabama KD facility (as defined in Appendix A) to an acquirer approved by the Commission within one hundred and eighty days of the issuance of the Order. Paragraph III requires the Anniston facility be divested as a viable, ongoing competitor. Pending divestiture, Paragraph IV requires G&W to preserve the assets, continue to operate the Anniston facility, and take no action, other than in the normal course of business, to inhibit Anniston's viability without Commission approval. Paragraph V requires that all necessary information be provided to prospective purchasers of the Anniston facility.

Paragraph VI of the proposed Order prohibits G&W from acquiring any



entity involved in the manufacture of KDs or burial caskets without prior Commission approval for ten years.

Paragraphs VII and VIII of the proposed Order require that G&W submit periodic reports to the Commission on its compliance with the Order and also notify the Commission of any changes in its corporate structure which would affect its obligations under the Order.

The purpose of the proposed Order, when viewed in conjunction with the unsupervised sale of burial casket assets to AMEDCO, is to reduce G&W's power in the KD and burial casket markets and restore an independent competitor to the KD market, thereby resulting in a more competitive market structure than existed prior to the issuance of the complaint.

The purpose of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the agreement and proposed Order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 83-1212 Filed 1-14-83; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

### 27 CFR Part 9

[Notice No. 448]

#### Paso Robles Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** This notice proposes the establishment of a viticultural area in San Luis Obispo County, California, to be known as "Paso Robles." The petition was submitted by Martin Brothers Winery.

ATF believes the establishment of American viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising allows wineries to better designate the specific grape-growing area where their wines come from and allows consumers to better identify the wines they purchase.

**DATE:** Comments must be received on or before February 16, 1983.

**ADDRESS:** Comments must be addressed to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 448).

#### FOR FURTHER INFORMATION CONTACT:

Roger Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (202) 566-7626.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising the wine labeling regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas, and allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertising.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56092) adding a new Part 9 to 27 CFR for the listing of approved American viticultural areas.

27 CFR 9.11 defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features. 27 CFR 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition must include:

(a) Evidence that the name of the proposed area is locally and/or nationally known as referring to the area specified in the petition.

(b) Historical or current evidence that the boundaries of the proposed area are as delineated in the petition.

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from the surrounding areas.

(d) A description of the proposed boundaries of the proposed viticultural area, based on features found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale.

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

##### Petition for Paso Robles

The petition for the establishment of the "Paso Robles" viticultural area was filed by Martin Brothers winery and was accompanied by signatures of the grape-growers and wineries of the proposed area. ATF believes the petition contained the necessary elements with sufficient evidence to warrant a notice of proposed rulemaking to establish the area as a viticultural area. The following discussion of the evidence is taken from the petition.

##### Evidence Relating to the Name

The name of the proposed area dates from the late 18th Century, the missionary period of the area. The full Spanish name is "El Paso de Robles" or "the Pass of the Oaks." This name was given by travelers between the mission of San Miguel, located within the proposed viticultural area, and Mission San Luis Obispo. A land grant, in this name, was conveyed by Governor Micheltorena to Pedro Narvaez on May 12, 1844. This land grant includes the present areas of Paso Robles, Templeton, and Adelaida. The land grant was patented on July 20, 1866, to Petronillo Rios.

In 1857 the Paso Robles land grant was purchased by three men. These men, capitalizing on the hot springs and mud baths of the area, set out to make the Paso Robles Hot Springs one of the finest resort spas in the Country and built the first of the famous hotels. The community serving the hotel and resort visitors was incorporated as the City of El Paso de Robles on February 25, 1889. Since that time, the entire area of the proposed viticultural area has been referred to as the Paso Robles area.

There are numerous streams, hills, and small rural areas within this general area known by other names, however, the one unifying name of the entire area is "Paso Robles."

ATF believes this evidence supports "Paso Robles" as the name of the proposed viticultural area.

##### Historical and Current Evidence

Wine grapes have been grown in the Paso Robles area since the founding of the California missions. Mission San Miguel, founded in 1797, produced wine and it is assumed that the grapes were harvested in nearby areas. The records of the San Luis Obispo County assessor's office show grape plantings of the county and presumably most of the planting were within the boundaries of the proposed viticultural area. The earliest date was 1873 showing that approximately 40 acres were in vineyards.

Two wineries established in the last century are still involved in wine production; York Mountain Winery (1882), and Rotta Winery, now Las Tablas Winery (1890). In addition to these two wineries, there are twelve others and one under construction. Total vineyard plantings in the area today comprise approximately 4,000 acres. The proposed area comprises approximately 637,000 acres.

In 1914, Ignace Paderewski, the famous Polish pianist, conductor, and



statesman, established a vineyard on his ranch. The Zinfandel grape was introduced to the area in this vineyard. Wine produced by York Mountain Winery from this vineyard was awarded a gold medal at the California State Fair.

ATF believes this evidence supports the contention of the proposed viticultural area as being a well-known grape-growing area, both historically and currently.

#### Geographical Characteristic

The proposed Paso Robles viticultural area is generally characterized by rolling hills and valleys with an average elevation between 600 and 1,000 feet. The soils of the area are generally alluvial and terrace deposits, usually fertile and well-drained.

The proposed area is bounded on the west and south by the Santa Lucia Mountain range whose crest averages between 2,300 and 2,850 feet. The Cholame Hills to the east crest at about the 3,000-foot elevation. The Salinas River has its headwaters at Santa Margarita Lake just south of the proposed boundary and flows northward through the proposed area into the Salinas valley located in Kings and Monterey Counties. The Salinas River is the major drainage of the proposed area, although the area is also characterized by numerous creeks and streams.

The proposed area is protected from marine air intrusion and coastal fogs by the Santa Lucia Mountains on the west and south. This is a marked contrast to the area to the west and south where such coastal fogs are common with cooler temperatures in the summer months.

The Paso Robles area is classified as Regin III, with 3,001 to 3,500 degree days of heat. This characterizes the proposed area with a warmer climate by 500 to 1,000 degree days than the area to the west and south, and a cooler climate by 500 or more degree days than the area lying to the west.

Rainfall within the proposed area averages between 10 and 25 inches annually. Rainfall within the area is highest on the crest of the Santa Lucia Mountain range and decreases regularly to the east. Growers generally augment the rainfall by irrigation from well and reservoirs. Most of the rainfall in the area occurs during the vines dormant period.

The proposed area has a diurnal (beginning and ending of the day) temperature change of 40 to 50 degrees. This results from low to moderate humidity which is conducive to radiant cooling of the land surface. Regular afternoon winds disturb the local

inversions, thereby promoting radiative cooling. The warm to hot day temperatures with cool nights promote good sugar-acid balance of the grapes cultivated within the proposed area.

The area to the west and south of the proposed area has a diurnal fluctuation of between 20 and 30 degrees caused by the flow of cool, moist marine air accompanied by fog intrusions. The area east of the proposed area has a climate associated with the San Joaquin Valley; that is, less radiative cooling, more stable inversions, and higher evening temperatures.

#### Proposed Boundaries

The proposed boundaries of the Paso Robles area are characterized by township and range lines, the county line, and straight lines from points of reference. Although the petition proposed the ridge-line of the Santa Lucia Mountains as the western boundary, ATF has amended this to reference points. Ridge-lines are difficult to follow and the amended line very closely approximates the ridge line, but is less difficult to identify on the U.S.G.S. map.

Although the proposed boundaries are based on man-made features, the petitioner states the boundaries, as proposed, delineate the area historically and currently known as "Paso Robles," and further delineate an area as being distinguishable from the surrounding areas based on geographical characteristics.

The northern boundary begins at the common point between Kings and San Luis Obispo Counties, and Monterey and San Luis Obispo Counties, and runs westward approximately 42 miles to the range line between R.9E./R.10E.; then southward along this range line to the township line of T.26S./T.27S.; then in a straight southeasterly line to a point of intersection of the township line of T.29S./T.30S. and the range line of R.12E./R.13E., just east of the town of Cuesta on Highway 101; then eastward along the township line to where it intersects the range line of R.13E./R.14E.; then northward along this range line to where it intersects the township line of T.28S./T.29S.; then eastward along the township line to where it intersects the range line of R.16E./R.17E.; then northward along the range line to the point of beginning.

The points of reference for the boundaries of the proposed Paso Robles viticultural area are found on one U.S.G.S. map entitled: "San Luis Obispo," scale 1: 250,000.

#### Public Participation

ATF requests comments from all interested persons. Comments are specifically requested on, but not limited to, the following areas:

(a) Is the proposed area logically and reasonably delineated, or are there alternative boundaries that would more closely define the grape-growing of Paso Robles?

(b) Do the boundaries as proposed include an area having common geophysical characteristics even though the boundaries are based on man-made features? If alternative boundaries were proposed, for example, along the 1,000-foot contour line, would the area lose its distinguishing characteristics? Would such an alternative delineate an area with more specific geophysical characteristics?

ATF welcomes any additional data and information concerning the proposed area, particularly geographic evidence that distinguishes the proposed area from the surrounding area.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future action.

ATF will not recognize any material as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

#### Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this notice of proposed rulemaking, if promulgated as a final rule, will not be a "major rule" since it will not result in:

(a) An annual effect on the economy of 100 million dollars or more;

(b) Major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investments, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.



**Regulatory Flexibility Act**

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is certified under the provisions of 5 U.S.C. 604(b) of the Regulatory Flexibility Act that this notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

**Disclosure**

Copies of the petition, the map, this notice, and all comments are available for public inspection during normal business hours at: Office of Public Affairs and Disclosure, Room 4405, 12th & Pennsylvania Avenue, NW, Washington, DC.

**Drafting Information**

The principal author of this document is Roger Bowling, Research and Regulations Branch.

**List of Subjects in 27 CFR Part 9**

Administrative practice and procedures, Consumer protection, Viticultural areas, Wine.

**Authority and Issuance**

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended; 27 U.S.C. 205, 27 CFR Part 9 is proposed to be amended as follows:

**PART 9—AMERICAN VITICULTURAL AREAS**

Paragraph 1. The table of sections in Subpart C is amended to add § 9.84 to read as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.

\* \* \* \* \*

9.84 Paso Robles.

Par. 2. Subpart C is amended to add a new § 9.84, to read as follows:

**Subpart C—Approved American Viticultural Areas**

\* \* \* \* \*

**§ 9.84 Paso Robles.**

(a) *Name.* The name of the viticultural area described in this section is "Paso Robles".

(b) *Approved map.* The map showing the boundaries of the Paso Robles viticultural area is: "San Luis Obispo", NI 10-3, scale 1:250,000 (1956, revised 1969).

(c) *Boundaries.* The Paso Robles viticultural area is located within San Luis Obispo County, California. From the point of beginning where the county lines of San Luis Obispo, Kings and Kern Counties converge, the county line also being the township line between T.24S. and T.25S., in R.16E.;

(1) Then in a westerly direction along this county line for approximately 68 kilometers (42 miles) to the range line between R.9E. and R.10E.;

(2) Then in a southerly direction along this range line for approximately 19.5 kilometers (12 miles) to the township line between T.26S. and T.27S.;

(3) Then in a southeasterly line for approximately 42 kilometers (26 miles) to the point of intersection of the township line between T.29S. and T.30S. and the range line between R.12E. and R.13E.;

(4) Then in a easterly direction for approximately 9.6 kilometers (6 miles) to the range line between R.13E. and R.14E.;

(5) Then in a northerly direction for approximately 9.6 kilometers (6 miles) to the township line between T.28S. and T.29S.;

(6) Then in an easterly direction for approximately 30 kilometers (18 miles) to the township line between T.16E. and T.17E.;

(7) Then in a northerly direction for approximately 38.4 kilometers (24 miles) to the point of beginning.

Signed: December 27, 1982.

Stephen E. Higgins,  
Acting Director.

Approved: January 4, 1983.

David Q. Bates,  
Deputy Assistant Secretary (Operations).

[FR Doc. 83-1199 Filed 1-14-83; 8:45 am]

BILLING CODE 4810-31-M

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 917****Consideration of Amendments to the Kentucky Permanent Program Under the Surface Mining Control and Reclamation Act of 1977**

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

**ACTION:** Reopening of public comment period.

**SUMMARY:** OSM is reopening the period for review and comment on certain amendments submitted by the Commonwealth of Kentucky to its program for the regulation of surface coal mining and reclamation in the State. OSM is reopening the comment period to allow the public sufficient time to consider and comment on additional materials submitted by Kentucky subsequent to the close of the initial public comment period. Comments on program portions not affected by the additional documents will not be considered.

**DATES:** Written comments, data or other relevant information must be received on or before 4:00 p.m. February 16, 1983 to be considered.

**ADDRESSES:** Comments on the supplemental material to the program submission should be sent or hand-delivered to: W. H. Tipton, Director, Kentucky Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

**FOR FURTHER INFORMATION CONTACT:** W. H. Tipton, Director, Kentucky Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504. Telephone: (606) 233-7320.

**SUPPLEMENTARY INFORMATION:** On July 23, 1982, OSM published a notice in the *Federal Register* announcing receipt of certain amendments to the Kentucky program and inviting public comment thereon (47 FR 31890-31896). The public comment period ended August 23, 1982. A public hearing was held August 12, 1982. OSM published a second notice in the *Federal Register* on September 8, 1982, announcing receipt of provisions to satisfy conditions (k) and (l), and inviting public comment on whether the proposed amendments corrected these deficiencies (47 FR 39536-39537). The public comment period ended October 8, 1982. A public hearing scheduled September 22, 1982, was not held.



because no one expressed a desire to present testimony.

On January 4, 1983 (48 FR 245-252), OSM published a notice in the Federal Register which (1) removed and amended certain conditions; (2) approved certain other program amendments; (3) deferred Secretarial action on the following proposed Kentucky rule revisions: 405 KAR 7:020 Section 1(86), 8:050 Section 2, 16:020 Section 4 and 16:190 Section 2(2); (4) deferred Secretarial action on the following proposed Kentucky statutory revisions: KRS 350.060 Sections 5(21) and 5(22), 350.093 Section 10(2), and 350.062(9), contained in Senate Bill 218; (5) approved certain clarifications to the Kentucky program contained in a letter from the State, dated June 18, 1982; (6) deferred Secretarial action on the clarification in the June 18, 1982, letter relating to incidental boundary revisions; and (7) deferred Secretarial action on whether the material submitted by Kentucky satisfies condition (1).

Subsequent to the close of the second public comment period, OSM Field Office personnel and Kentucky regulatory officials met in executive session on November 5, 1982, and November 8, 1982 (Administrative Record KY-471). Kentucky has submitted clarifying material to OSM in letters, dated October 29, 1982, November 5, 1982, and December 17, 1982. Further, Kentucky has issued Reclamation Advisory Memorandum #53, dated November 17, 1982, and #55, dated December 1, 1982 (Administrative Record KY-475). The summaries of these two meetings, the two reclamation advisory memoranda and the new material submitted by Kentucky relate to certain of the items listed above on which the Secretary deferred action in the January 4, 1983 Federal Register notice.

OSM is reopening the public comment period to allow the public sufficient time to review and comment on the summaries of the above two meetings, the two reclamation advisory memoranda, and the new material submitted by Kentucky.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: January 11, 1983.

J. Steven Griles,

*Acting Director, Office of Surface Mining.*

[FR Doc. 83-1232 Filed 1-14-83; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 110

[CGD13 82-18]

#### Anchorage Ground; Elliott Bay, Seattle, Washington

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

**SUMMARY:** The Coast Guard proposes to amend the current regulations which establish the general anchorage grounds in Puget Sound, Washington. These amendments involve expanding three of the current anchorage grounds in Elliott Bay so that a greater safety margin will be available to anchored vessels from the other vessels anchored or underway in the vicinity. The intended effect of the proposed action is to provide safer general anchorage grounds in Puget Sound while still providing for the reasonable needs of navigation.

**DATES:** Comments must be received on or before March 3, 1983.

**ADDRESSES:** Comments should be mailed to Commanding Officer, Puget Sound Vessel Traffic Service, 1519 Alaskan Way South, Bldg. 1, Room 411, Seattle, WA 98134. The comments will be available for inspection and copying at this location. Normal office hours are between 7:30 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

#### FOR FURTHER INFORMATION CONTACT:

Lt. T. C. Julich, Puget Sound Vessel Traffic Service, 1519 Alaskan Way South, Bldg. 1, Room 411, Seattle, WA 98134. Telephone: (206) 442-4124.

#### SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD13 82-18), and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The proposed rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to

make oral presentations will aid the rule making process.

#### Drafting Information

The drafters of this notice are Lt. T. C. Julich, USCG, project officer, Puget Sound Vessel Traffic Service, Seattle, WA, and Lcdr. Richard R. Clark, USCG, project attorney, Thirteenth Coast Guard District Legal Office.

#### Discussion of Proposed Regulation

The anchorage grounds which are proposed for expansion are described in 33 CFR 110.230(a)(8), 33 CFR 110.230(a)(9) and 33 CFR 110.230(a)(10). They lie in Elliott Bay, Seattle, Washington. This proposal would increase the size of the existing anchorage ground described in 33 CFR 110.230(a)(9) by approximately one-tenth, and would approximately double the size of the existing anchorage grounds described in 33 CFR 110.230(a)(8) and 33 CFR 110.230(a)(10).

Elliott Bay is heavily used by commercial vessels, passenger carrying vessels and recreational vessels. In an effort to minimize conflicts between these vessels and vessels anchored in Elliott Bay, the Coast Guard has identified certain areas of Elliott Bay where vessels may anchor without presenting an unacceptably high risk of danger to navigation. This proposal redefines the Elliott Bay anchorage grounds.

Vessels presently anchor within the proposed expanded areas of the Elliott Bay anchorage grounds. For this reason, the proposed expansions are not expected to add any additional burdens to the navigation of any class of vessel in Elliott Bay. Vessels transiting Elliott Bay presently do not have nautical charts showing the expanded areas of Elliott Bay where vessels may be anchoring. Adoption of this proposed rule will ensure that the locations of the expanded anchorage grounds are placed on nautical charts and thereby significantly increase navigational safety by alerting transiting vessels to the possibility of anchored vessels. Additionally, increasing the size of the areas where vessels are allowed to anchor will allow for a greater separation between anchored vessels with a resulting greater potential for safety for vessels within the anchorage.

#### Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT policies and procedures for simplification, analysis, and review of regulations (DOT Order 2100.5). Its economic impact is expected



to be minimal since it expands the existing anchorage area without infringing on vessel transit lanes. As discussed earlier, vessels are presently allowed by the Coast Guard to anchor within the proposed expanded anchorage areas. To date, no difficulties or adverse economic impacts have been observed or reported by the Puget Sound users.

#### List of Subjects in 33 CFR Part 110

Anchorage grounds.

#### PART 110—[AMENDED]

##### Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by revising § 110.230(a)(8), (a)(9), and (a)(10) to read as follows:

#### § 110.230 Puget Sound area, Washington.

(a) \* \* \*

(8) *Smith Cove General Anchorage (east)*. Shoreward of a line beginning at Latitude 47°37'36.3" N., longitude 122°22'38" W.; thence due south 1,350 yards to Latitude 47°36'56.6" N., longitude 122°22'38" W.; thence due east to the shore to Latitude 47°36'56.6" N., longitude 122°21'18.8" W.

(9) *Elliott Bay General Anchorage (east)*. Shoreward of a line beginning at the northeast corner of Harbor Island at Latitude 47°35'26.2" N., longitude 122°20'41" W.; thence due north 1,025 yards to Latitude 47°35'56.5" N., longitude 122°20'41" W.; thence due west on said line to its intersection with the east line of the West Waterway at Latitude 47°35'56.5" N., longitude 122°21'25.5" W.; thence due south to the northwest corner of Harbor Island at Latitude 47°35'17.3" N., longitude 122°21'25.5" W.

(10) *Elliott Bay General Anchorage (west)*. Shoreward of a line beginning at Latitude 47°35'06.7" N., longitude 122°21'38.8" W.; thence due north to Latitude 47°35'46" N., longitude 122°21'36.8" W.; thence on a bearing 355° T for 400 yards to Latitude 47°35'56.5" N., longitude 122°20'44" W.; thence due west to Duwamish Head light; thence due south to the shoreline

[33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46 and; 33 CFR 1.05-1(g)]

Dated: December 23, 1982.

C. F. DeWolf

Real Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 83-064 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-14-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 81

[A-2-FRL 2256-5]

#### Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designations for the State of New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** The Purpose of this notice is to announce the Environmental Protection Agency's proposed approval of a request from the State of New Jersey to revise certain designations made under the Clean Air Act which relate to an area's attainment of national ambient air quality standards. This action affects two locations with regard to the carbon monoxide standard. Such designations are required by Section 107(d) of the Clean Air Act and may be revised from time to time at the request of a state.

**DATE:** Comments must be received on or before February 16, 1983.

**ADDRESSES:** All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the State's request are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

New Jersey State Department of Environmental Protection, Division of Environmental Quality, John Fitch Plaza, Trenton, New Jersey 08625

**FOR FURTHER INFORMATION CONTACT:** William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

**SUPPLEMENTARY INFORMATION:** Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been

revised from time to time at a state's request.

On August 24, 1982 the New Jersey Department of Environmental Protection (NJDEP) submitted a redesignation request which it subsequently modified on October 29, 1982. Redesignation was requested with regard to carbon monoxide for the following two areas:

- The City of Asbury Park in Monmouth County from "does not meet primary standards" to "better than national standards."

- The Borough of Penns Grove in Salem County from "does not meet primary standards" to "better than national standards," except within 100 yards of the intersections of U.S. Route 130 and County Road 675 and County Roads 675 and 607 where the State has requested a redesignation from "does not meet primary standards" to "cannot be classified."

The following criteria are used by EPA to determine whether or not to approve a proposed carbon monoxide redesignation:

(1) No contraventions of any air quality standards are observed during the last consecutive eight calendar quarters, or

(2) No contraventions of any air quality standards are observed during the last consecutive four quarters provided there has been a steady and substantial decrease in pollutant concentrations over the last consecutive eight quarters which can be attributed to a significant and quantifiable reduction in emissions.

(3) Although monitoring data are preferred, determination of non-attainment boundaries may also be based on air quality modeling.

The State's carbon monoxide redesignation request is based on monitoring data and an air quality modeling analysis. Carbon monoxide monitors located in the Central Business Districts (CBD's) of Asbury Park and Penns Grove have shown no contraventions of the national ambient air quality standards for carbon monoxide during the past eight calendar quarters (criterion 1, cited earlier). These monitors were used in 1977 when NJDEP designated these two towns as "does not meet primary standards." However, due to the localized nature of high carbon monoxide concentrations, it was recognized that a monitoring site may not be representative of other intersections in the CBD. Therefore, in both Asbury Park and Penns Grove, an analysis was performed to identify other areas, known as "hot-spots," which have the potential to experience high carbon monoxide concentrations. These



studies were performed under the auspices of the NJDEP and EPA as part of a county-wide program.

No "hot-spot" sites were found in Asbury Park. Consequently, based on the monitoring data and the air quality modeling analysis, EPA agrees with the State's request to redesignate the entire Asbury Park CBD to "better than national standards."

In Penns Grove the "hot-spot" analysis indicates that violations of the national ambient air quality standards for carbon monoxide were possible at two intersections. These two intersections are U.S. Route 130 and County Road 675, and County Roads 675 and 607. Both intersections are located within the Penns Grove CBD. At these two intersections the State has proposed that the area within 100 yards of these two intersections be redesignated to "cannot be classified." In the remainder of the Penns Grove CBD the State is requesting a redesignation to "better than national standards."

While the "hot-spot" analysis showed that, under worst-case traffic and meteorological conditions, a potential for violation of the eight-hour carbon monoxide standard exists, it also indicated that, based on tailpipe emission reductions from the Federal Motor Vehicle Emission Control Program and New Jersey's automobile emissions inspection and maintenance program, the two Penns Grove intersections would be in attainment of the standard by 1987. (The State was granted extension to December 31, 1987 for attaining the standard.) Specifically, the intersection of County Roads 675 and 607 is expected to attain the carbon monoxide standard by 1983 and the U.S. 130 and County Road 675 intersection by 1986. Given the lack of a monitored violation at these two intersections, EPA believes that the State's request to redesignate them to "cannot be classified" is appropriate. In the remainder of the Penns Grove CBD, EPA believes a redesignation request to "better than national standards" is supported by actual air quality monitoring data and the results of the air quality modeling analysis.

EPA's proposed approval of these redesignations is based on their meeting the requirements of Sections 107 and 301 of the Clean Air Act and applicable EPA guidelines.

Interested persons are invited to comment on any element of the subject proposal and on whether it meets Clean Air Act requirements. Comments received by February 16, 1983 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II Office of EPA

at 26 Federal Plaza, Room 1005, New York, New York 10278.

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

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. (Sections 107 and 301 of the Clean Air Act, as amended [42 U.S.C. 7407, 7601]).

#### List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: November 19, 1982.

Richard Dewling,  
Regional Administrator, Environmental  
Protection Agency.

[FR Doc. 83-1206 Filed 1-14-83; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[BC Docket No. 82-833; RM-4194, RM-4199]

#### FM Broadcast Stations in Clinton and Elk City, Oklahoma; Changes in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes and solicits comments on two alternatives for the assignment of commercial FM Class C Channel 253 to either Elk City, Oklahoma, as requested by Joe Tilton or to Clinton, Oklahoma, as requested by Clinton-Cordell Broadcasting Company, Inc.

**DATES:** Comments must be filed on or before February 14, 1983, and reply comments on or before March 1, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Philip S. Cross, Mass Media Bureau, (202) 632-5414.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: December 21, 1982.

Released: December 30, 1983.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Clinton and Elk City, Oklahoma); MM Docket Nos. 82-333, RM-4194, RM-4199.

1. The Commission has under consideration two conflicting petitions for the assignment of commercial FM Class C Channel 253. Joe Tilton ("Tilton") requests that Channel 253 be assigned to Elk City, Oklahoma. Clinton-Cordell Broadcasting Company, Inc. ("KCLI"), licensee of FM Station KCLI, Channel 237A, Clinton, Oklahoma, requests that Channel 253 be assigned to Clinton in place of its present Channel 237A and that the license for Station KCLI be modified to specify operation on Channel 253.

2. Channel 253 cannot be assigned to both communities. Section 73.207 of our Rules requires that co-channel Class C stations be separated by a minimum of 180 miles. The separation between Elk City and Clinton is approximately 25 miles. Our study shows that no other Class C channel is available for assignment to either community.

3. The threshold question before us is whether Elk City or Clinton is in greater need of the assignment pursuant to section 307(b) of the Communications Act of 1934, as amended. Elk City has one existing Class C FM station (KECO, Channel 243) and one AM station (KADS, unlimited time). The population of Elk City is 9,579<sup>1</sup> and the population of Beckham County is 19,243.

4. Clinton has two existing FM stations, (KCLI, Channel 237A; and KKCC(FM) Channel 295) and one AM station (KKCC, daytime only). The populations of Clinton and Custer County are reported to be 8,796 and 25,995, respectively.

5. Priorities for the assignment of FM stations are set forth in the *Second Report and Order in the matter of Revision of FM assignment Policies and Procedures*, BC Docket No. 80-130, June 21, 1982, 90 F.C.C. 2d 88.

The priorities are:

- (1) First full-time aural service.
- (2) Second full-time aural service.
- (3) First local service.
- (4) Other public interest matters.

Co-equal weight is given to priorities (2) and (3). Since none of the first three factors is relevant here, we set forth the following information: Two FM stations place a 60 dBu signal or better over Elk City. Four FM stations place a 60 dBu signal or better over Clinton. Comments in this proceeding should address the matter of priorities with respect to Elk City and Clinton.

6. Our study also shows that, while Channel 253 is the only Class C channel which can be assigned to either of the communities, there are Class A channels

<sup>1</sup> Population data are taken from the 1980 U.S. Census, Advance Reports.



which could be assigned to Elk City should an interest be expressed.

7. As to KCLI's request for a modification of license, it is the Commission's established policy that, when a superior Class C channel is substituted for a Class A channel on which it is operating, the public interest is best served by affording other interested parties an equal opportunity to file an application and be given consideration for the new channel. *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). Only in the absence of an expression of interest by the comment deadline could the modification take place. KCLI states that it does not want to risk deletion of its present Class A assignment and, therefore, if any other party expresses an interest in the requested facility, KCLI will withdraw its request.

8. The assignment of Channel 253 to Elk City would require a site restriction of approximately 4.5 miles east of the community to protect Station KYTX(FM), Amarillo, Texas. The assignment of Channel 253 to Clinton would require a site restriction of approximately 9.8 miles southwest of the community to protect Station KCFO, Tulsa, Oklahoma.

9. In view of the foregoing, we consider it appropriate to solicit comments on the proposed amendment of the FM Table of Assignments, § 73.202(b) of the Commission's Rules as follows:

City	Channel No.	
	Present	Proposed
Option I: Clinton, Oklahoma	237A, 295	253, 295
Option II: Elk City, Oklahoma	243	243, 253

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *Note:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before February 14, 1983, and reply comments on or before March 1, 1983, and are advised to read the Appendix for the proper procedures.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules.

See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

#### Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following

procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead this Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-890 Filed 1-14-83; 8:45 am]  
BILLING CODE 6712-01-M



## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 571

[Docket No. 81-11; Notice 2]

## Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The purpose of this notice is to propose possible amendments to Federal Motor Vehicle Safety Standard No. 108 which might reduce or eliminate design restrictions that could be serving to impede implementation of enhanced lighting technologies that could improve the safety and fuel economy performance of automobiles. Three options for motor vehicle headlamp systems are proposed that might lead to improved safety and enhance fuel economy by allowing improved aerodynamic designs of passenger cars, multipurpose passenger vehicles, trucks, and buses. All headlamp systems for these vehicles are now required by FMVSS 108 to be fully sealed.

The first proposed option is undertaken in response to a petition from, and is primarily directed towards, a type of such headlamp system proposed by Ford Motor Company. Ford has developed and proposes to offer a semi-sealed headlamp with a standardized replaceable bulb, which it alleges would conform to a proposed set of environmental performance requirements which would be equivalent or superior to those currently imposed on headlamp systems. The second proposed option would generally allow aerodynamically-styled, sealed lens-reflector headlamps with replaceable bulbs. The third option is identical to the first except that it would omit some or all of the proposed detailed environmental and performance requirements urged by Ford.

This notice incorporates suggestions made in response to the agency's Notice of Request for Comments on new headlighting systems published on August 31, 1981, and implements the grant of a petition by Ford Motor Company for rulemaking to amend Motor Vehicle Safety Standard No. 108.

**DATES:** Comment closing date March 3, 1983. Proposed effective date: 30 days after publication of final rule in the Federal Register.

**ADDRESS:** Comments should refer to the docket number and notice number and

be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours are from 8:00 a.m. to 4:00 p.m., Monday through Friday.)

**FOR FURTHER INFORMATION CONTACT:** Marx Elliott, Office of Vehicle Safety Standards, NHTSA, Washington, D.C. 20590 (202-426-1714).

**SUPPLEMENTARY INFORMATION:** This notice initiates rulemaking based upon comments received in response to the agency's Notice of Request for Comments on new headlighting systems published on August 31, 1981 (46 FR 43719) and implements the grant of a petition for rulemaking submitted on August 28, 1981, by Ford Motor Company.

## Background of the Rulemaking Action

The headlamp is the most important forward illuminating device on a motor vehicle, lighting the roadway during darkness and marking the approach of the vehicle during periods of reduced visibility. Unlike other lighting systems, the size and design of headlamps has been rigorously prescribed, since 1940 by an industry standard adopted by the Society of Automotive Engineers (SAE) and, since 1967, by the National Highway Traffic Safety Administration through 49 CFR 571.108, Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*.

Paramount among the restrictions imposed by FMVSS 108 on headlamps used on four-wheeled vehicles is the requirement that they be hermetically sealed. This requirement was adopted to prevent corrosion of the reflector surface, and to protect the complete lamp assembly from the adverse effects on moisture and dust.

Another requirement is that the lamp be capable of being mechanically aimed, the simplest, most reliable way of insuring glare-free lighting.

Known as the "sealed beam," this type of headlamp is an indivisible, one-piece unit. Upon breakage or burn-out, the entire unit must be replaced.

Although critics have complained that the lighting technology of this type of headlamp is outmoded, photometrics have been upgraded since 1940. Three additional sealed beam lighting systems are now permitted, two of which were implemented through Standard No. 108.<sup>1</sup>

<sup>1</sup>As originally adopted, FMVSS 108 allowed two systems: a two-lamp system incorporating seven inch diameter round lamps, or a four-lamp system involving two sets of dual five and three-quarter inch diameter round lamps each. This requirement was in effect from 1968 to 1974, when the first of several specific size and shape alternative lamp

The Motor Vehicle Safety Act defines the term "motor vehicle safety standard" in terms of performance, not design specification. Although FMVSS 108 is design restrictive in the sense that sealed beam headlamp dimensions are prescribed, such dimensional restrictions have been upheld by the courts as elements of headlamp performance. (*Chrysler Corporation v. Dept. of Transportation*, 515 F.2d 1053 (6th Cir. 1975)).

The prior use of different lamps and systems by different manufacturers or car lines had created problems, because of the lack of ready availability of replacement parts to the public. To the degree that it was difficult or impossible timely to replace nonfunctioning systems, the interests of safety would not be served.

Because the sealed beam headlamp was originally a standardized product, it was easily and inexpensively purchased when a replacement was needed. This factor of ease of replaceability has been and continues to be considered by the agency to be an important safety factor. A proliferation of lens designs that reduced the availability of any given unit in the market could inhibit or prevent timely replacement of nonfunctioning lamps.

Proliferation is not considered to be a problem today, even with several approved headlamp sizes or types, because of the increased sophistication of the distribution system. However, NHTSA remains convinced that the concept of replaceability is important. A headlamp system in which the light source alone would be replaceable and of a standard size has material safety advantages. A bulb that was common to all replaceable bulb headlamps could be stocked by all retail outlets, no matter how small, and even carried in the vehicle on a regular basis for use when needed.

The agency has for several years been exploring the concept of a headlamp standard that would accommodate each of these concerns and yet also allow greater freedom to use innovative designs that could improve lighting system performance, reduce vehicle weight and improve aerodynamic performance. Such design improvement potential has become especially desirable as increased emphasis has been placed upon finding ways to improve fuel economy.

configurations was adopted. Currently, FMVSS 108 allows four different size lamps, each of which size may include high beam only or high/low beam filaments, of either low (tungsten) or high (halogen) intensity light source.



In 1979, the agency noted the possibility that use of smaller headlamp systems could contribute to improved fuel economy through reduction in weight and a more efficient aerodynamic vehicle design. This was the basis both of the Notice of Request for Comments of August 1981, and the agency's more recent proposal to allow a two-lamp rectangular headlamp system equivalent in size to the four-lamp system (Docket 82-17; 47 FR 45889, October 14, 1982). In its August 1981 Notice, NHTSA observed that headlamps with contoured lenses mounted flush with the fenders had been in use for many years on certain European automobiles, (the 1961 Ford Taunus of Germany appears to have been the first modern car to use a shaped headlamp) and that such a design could reduce aerodynamic drag.

#### Current Proposal

##### *Proposed System*

In this notice, NHTSA is presenting several regulatory options that would allow for the use of semi-sealed headlighting systems. Each of these would involve the use of two separate components, the lens and reflector unit and a replaceable bulb unit. Options being presented are (1) the allowance of a Ford-type semi-sealed contoured lamp with a standardized replaceable light source designed to meet detailed performance requirements; (2) the allowance of a fully sealed contoured reflector unit with a standardized replaceable light source required to meet similar standards; and (3) the less detailed requirement only of a mechanically aimable such unit which would be designed to meet minimum photometric requirements and incorporate a standardized, replaceable light source. Each of these options would facilitate enhancing the aerodynamic efficiency of motor vehicles by allowing changes to the size and/or contour of headlamps and surrounding sheet metal.

Each such option would also facilitate ease of replacement of the light source. As alternatives to the systems currently permitted, the new systems would allow the manufacturer to choose the size and shape of headlamps best suited to his product plans but ensure adequate illumination with a standardized light source which is replaceable at the end of its life. Such a light source could be used across some or all of one or more manufacturers' entire product line, regardless of the shape of the headlamp.

This would enhance the likelihood of easy replacement, and help reduce the adverse effects of system proliferation.

The consumer should encounter less difficulty in obtaining a replacement than he might otherwise be faced with at present for any given one of the several sealed beam systems in common use. (This result appears to be the case at present with respect to replacement bulbs for other lighting devices whose design is not dictated by Standard No. 108, such as stop lamps, turn signals, etc.)

#### Option 1—The Ford Semi-Sealed/Replaceable Bulb System

The system developed by Ford seeks to incorporate the advantages of both the European and American lighting practices. The Ford headlamp consists of two discrete components: A plastic lens bonded to a plastic reflector, and a replaceable light source capsule of standardized design that is inserted through an opening in the rear of the reflector, and sealed by an "O-ring" seal on the capsule. Although contoured, the headlamp is mechanically aimable with an adapter to the current aiming equipment. In Ford's view, the possibility of reflector contamination is minimized because of the lens/reflector bond and the seal at the base of the light source. Further, Ford's suggested tests include moisture and dust tests developed to verify reflector integrity.

The Ford replaceable bulb lamp is stated to have been developed to assure a high reliability of positioning of the filament after repeated replacements of the bulb in different lamp bodies, and to ensure air tight sealing of the capsule into the reflector. Ford asserts that it has rejected the vented European H-4 design with its multi-piece stamped construction as susceptible to contamination and unacceptably complex.

Ford has made a single piece plastic molding the foundation of its new bulb design. It claims that electrical socket molding technology has established that extremely fine dimensional control ( $\pm .004$  inch) is consistently achievable even at elevated temperatures.

The proposed Ford-type lamp would have a bayonet mounting. This type of mounting is stated to have been selected because it provided positive "one way only" insertion of the bulb into the reflector assembly separate from the locking action of the retaining device. Twist lock designs currently used for signal lamp functions do not provide the precise and consistent filament positioning necessary for a headlamp assembly.

Control surfaces have been established between the socket and mounting hole to provide (1) axial location, (2) surface to surface contact

for in-out positioning of filament and (3) a controlled pin location for accurate filament position.

The method chosen for positioning and securing the bulb in the plastic molded base utilizes current technology such that either optical or dimensional filament control techniques are applicable. The bulb capsule can be inserted into a "master parabola" and illuminated, and the bulb can then be adjusted in the capsule using photo cells for optimum filament positioning. An alternative procedure would orient the filament relying strictly on dimensional location using an optical comparator. The tolerance envelope for either of these methods is proposed to be .02 inch in the X, Y, Z directions.

The agency's primary concern about the headlamp systems currently in use in Europe has been corrosion developing on the inside and outside surfaces of lamp reflectors after a relatively short time in service. Painted steel reflectors are most commonly used in Europe, and the lamp assemblies are typically vented to the atmosphere through a controlled path. Ford believes that a sealed, unvented assembly is desirable. With the sealed capsule design, replacement of the bulb may be achieved in a manner which Ford thinks protects the optic surfaces within the lamp as would be the case in sealed beam units. Ford intends to fabricate the reflector from a non-corroding material.

A single oil impregnated silicone O-ring would provide the seal for the bulb. Ford tests have allegedly shown that the pressure build-up inside the sealed headlamp cavity due to the operating temperatures of the lamp is approximately 20 psi. Due to the close tolerances of the mating parts and the use of a low durometer "O" ring seal which would permit sealing across surface irregularities, an internal pressure of 100 psi could be contained within the lamp body. The efficacy of "O" ring seals to contain static pressure is well known.

#### *Proposed Tests*

In addition to retaining certain sealed beam headlamp performance requirements, the Ford proposal includes a series of sequential environmental tests on the same lamp for all replaceable bulb headlamps to assure adequate performance. Based on fleet field test results, the abrasion tests on plastic headlamps appear to be critical. Accordingly, a proposed NHTSA procedure and an alternative Ford procedure are included to generate comment on this critical test phase.



Glass lensed units would be exempt from the tests for abrasion and impact.

The proposed sequential test series would be:

- (1) Photometry.
- (2) Abrasion.
- (3) Vibration.
- (4) Chemical Resistance.
- (5) Corrosion.
- (6) Dust.
- (7) Temperature Cycle.
- (8) Thermal Shock.
- (9) Humidity.
- (10) Internal Heat. [NHTSA]
- (11) Out-of-Focus. [NHTSA]
- (12) Impact. [NHTSA]

There would also be a deflection test for bulbs.

This proposed series is more comprehensive than that initially suggested by Ford. In the text of the proposed amendment, the word "[NHTSA]" indicates additions by NHTSA to the tests as proposed by Ford. Some of the proposed tests differ from those currently being developed by the SAE and, if it is deemed advisable, NHTSA may modify some of the proposed test procedures in light of comments received, including any SAE data.

Initially, the headlamp would be required to meet certain SAE requirements: S4.6 Photometry of J575 "Test for Motor Vehicle Lighting Devices and Components," June 80; S3.1 Test Voltage and S3.5 Photometric Design Requirements, including Figure 3 and Table 1 of J579c SAE J580 "Sealed Beam Headlamp Assembly," Aug. 77.

In the proposed test series, a headlamp would be required to demonstrate photometric durability after the headlamp had been subjected to tests addressed to vibration, chemical resistance, corrosion, dust, temperature cycle, humidity, and internal heat. Under the Ford petition, the photometric requirement would be that the output after the test be within 10 percent of the originally recorded output. The photometry test itself would be that prescribed by SAE Standard J579c, currently a requirement of Standard No. 108 for existing headlamp systems. Establishing a floor of 10 percent as the maximum allowable for degradation of light output is acceptable as a measure of quality control, but may not be suitable as a safety standard, for it would establish an individual standard for individual lights.

Under the Ford petition, a lamp would be required to conform first with the photometric requirements of J579c, but thereafter conformance would be based upon relative degradation from the original light output without reference to

the absolute minimum requirements of J579c. Under this approach, final or intermediate light output could be less than the minimum required by J579c but the lamp would still conform as long as the diminution did not exceed 10 percent of the initial output. This result would not in the agency's view adequately meet the need for safety.

Conversely, a lamp that far exceeded the minimum could "fail" if diminution exceeded 10 percent, even though the safety based J579c minima were still met. Such a result would appear to be excessive as a minimum safety standard.

NHTSA believes it simpler and preferable that photometric measurements be taken at the end of each of the relevant tests in the sequential test series, and that the lamp at each such point comply with the photometrics of J579c.

The abrasion test would be required only if a proposed headlamp had a plastic lens. This is consistent with the agency's abrasion concerns, and with the current absence of any abrasion requirements applicable to glass surfaced lamp systems. The abrasion test proposed by NHTSA would be similar to the Falling Sand Abrasion Test specified in Method A of ASTM D968. Ford's proposed abrasion test would subject a lamp to 11 cycles of abrasion with steel wool. At the end of the abrasion test, Ford proposes to measure photometric output only on four test points on the lower beam. NHTSA does not agree that the effects of the abrasion test can be determined reliably by using only four test points and has concluded that an amendment of this nature would diminish safety.

At the conclusion of the vibration test, there could be no evidence of loose or broken parts in the lamp.

The chemical resistance test would involve total immersion of the test lamp in fluids for a period of five minutes, storage for 48 hours and then an examination for deterioration both in the lamp assembly and the photometrics of the lamp. The proposed test fluids are gasoline [NHTSA], motor oil, brake fluid [NHTSA], power steering fluid, windshield washer fluid, and antifreeze.

The corrosion test would involve subjection of the test lamp to a salt spray test in accordance with ASTM B117-73 "Method of Salt Spray (Fog) Testing" for a period of 240 hours, consisting of ten successive 24-hour intervals. During each interval, the headlamp would be exposed for 23 hours to the salt spray and then allowed to dry for an hour. At the end of the test period, there could not be evidence of internal or external corrosion more than

an eighth of an inch from sharp edges, or any corrosion, on the terminals or elsewhere, which would involve loss of function.

In the dust test, fine powdered cement is diffused through a test box for a period of five hours.

A temperature cycle test would be required from -40°F to 176°F for 10 complete cycles. The headlamp could not show any evidence of specific adverse effects.

In the thermal shock test, the headlamp would be energized on its highest wattage filament for 45 minutes, then plunged into ice water (32°F) for five minutes. The headlamp would be required to show no evidence of fractures, delamination or entry of water in liquid form after this test.

In the humidity test, the headlamp would be operated in a controlled environment of 100°F and humidity from 80 to 100% and could not show any evidence of moisture, fogging, or delamination, after a period of 240 hours during which the headlamp is turned on and off.

NHTSA is also going beyond the Ford petition by proposing an internal heat test in which the lens would be coated with simulated road dirt consisting of Zaccharini dust and water, to reduce light transmission to 25% of original. No lens distortion would be permitted at the end of such test.

An out-of-focus test would also be specified in the NHTSA test sequence. Such a test is similar to that currently required of motorcycle headlamps.

The impact test would require a plastic lens to withstand a single impact by a steel ball bearing 1.76 oz. (50 grams) in weight and dropped from a distance of 15.75 inches (40 cm) above the lens.

A bulb deflection test is proposed by both NHTSA and Ford to simulate the effect of rough handling on the bulb filament alignment, such as might occur during insertion of a replacement bulb. This would apply to all bulbs, whether manufactured as original or replacement equipment.

NHTSA is also proposing that manufacturers be required to provide a replacement bulb with every vehicle equipped with the new headlighting system.

Each lens-reflector unit manufactured as replacement equipment would also have to meet the performance requirements of replaceable bulb headlamps when a standardized replaceable light source is inserted.

Finally, because most existing mechanical aimers are not designed for headlamps with contoured lenses, the



proposal would require that an adapter to facilitate aiming be furnished with each vehicle manufactured during the first model year in which replaceable bulb headlamps are included as standard equipment. The adapter specified has been designed by Ford for this purpose. After that time, an adjustable adapter, also designed by Ford, should be available for mechanical aimers such that all contoured lenses could be aimed by reference to the pad aiming dimensions molded into the lens.

Because Ford intends to construct its lamps of plastic, lens distortion appears to be another important issue. Elevated headlamp operating temperatures caused by dirt on the lens could exceed the thermal limit of some plastics and result in distortion. NHTSA's proposal distinguishes between lamps of plastic and glass, not prohibiting the one or requiring the other. A headlamp using plastics would have to be certified as meeting the currently required tests for plastics of SAE J578c, including a heat test and the 3-year outdoor exposure test.

The resistance of plastics used for lens facings to impact damage (fracture) is superior to that of glass. In addition to providing a light-weight lamp, plastics thus offer the safety benefit of improved impact protection from stone damage. Data indicate that a substantial proportion of required headlamp replacements are required because sealed beam lamps have been broken by means other than collision with another vehicle. Plastic lenses would enhance safety by decreasing the likelihood that a lens on the Ford system or a sealed beam headlamp with a plastic lens will have to be replaced. Such safety benefits could, of course, be offset if in those instances in which fractures do occur, the economic costs of replacement are prohibitive.

The agency's analysis does not indicate that this would be the case, and tends to show a net reduction in lifetime cost to the owner. Today's halogen sealed beam unit is available at a general price range of \$9.50 to \$37.50 per headlamp, depending on size and discounts, and non-halogen at a range of \$2.50 to \$20.50.

NHTSA estimates that the replacement cost of the bulb in the Ford system would be \$9 to \$16 per bulb.

The typical cost of labor and installation would be less for the composite unit, since no grill components or clamping screws need be removed with special tools and no aiming would be required after replacement.

No difference in the frequency of replacement due to burn-out would be

expected between sealed beam lamps and the bulb in composite systems. As noted above, it is expected that the use of plastics will greatly reduce the instances in which on-road damage requires replacement of the facing surface, i.e., the lens unit of a composite system versus the whole unit of a sealed beam lamp. In those instances in which the entire lamp (lens/reflector unit and bulb) of a new system would need replacing, however, the parts costs, as estimated by NHTSA, would be an average of \$30, as opposed to \$9.50 to \$37.50 per halogen sealed beam unit. Offsetting the greater frequency of replacement of sealed beam systems against the greater unit replacement cost of an entire composite unit has led the agency to conclude that an annual benefit of \$4.00 would accrue over the life of a car for the composite system.

The principal issue regarding this option is the efficacy of the proposed test procedures in ensuring that the headlamps will perform adequately in real world conditions. NHTSA believes that its proposed tests would fully meet the need for motor vehicle safety, but realizes that they differ in some respects from Ford's and from those currently under development by the SAE. It therefore invites detailed comments on each of the environmental tests discussed above.

#### Option 2—Sealed Unit/Replaceable Bulb System

Several years ago, CIBIE, a French lighting manufacturer, demonstrated to NHTSA a novel headlighting concept: It consists of a hermetically sealed, conventionally shaped lens/reflector unit, at the rear of which is a glass envelope or bulb compartment projecting into the lens/reflector unit. That projection surrounds a light source mounted behind the reflector. This system, available in both round and rectangular lamps, has three discrete components, lens/reflector, bulb, and protective boot at the juncture of the bulb and reflector. The boot is intended to keep contaminants out of the glass bulb compartment at the rear of the lamp, which could interfere with light output.

NHTSA testing of the lamp has disclosed one problem attributable to the concept, cracking of the glass bulb compartment through heat build up. In addition, heat of the bulb in early tests caused blackening to occur, attributable to decomposition of the protective boot. These problems appear solvable.

Although CIBIE had not designed the subject headlamp to have a contoured lens, there is no technological reason known to NHTSA why an

aerodynamically styled sealed unit with a standardized replaceable light source could not be produced. Such a headlamp would arguably retain the protective aspects of fully sealed beam technology, but allow the favorable economic and replaceability features of replaceable bulb systems to be enjoyed as well.

NHTSA is considering a combination of the CIBIE and Ford concepts which would authorize use of a plastic or glass sealed lamp of no specified dimensions incorporating the Ford standardized replaceable light source. Under such an approval, the bulb compartment of the lamp would be required to demonstrate no breaking, cracking or haze after the tests, which would be otherwise identical to those required of sealed beam lamps. The lamp would also be required to pass an out-of-focus test.

NHTSA seeks comments on the desirability of such a second option, the approximate amount of time needed to tool and produce such a system, and other views commenters may wish to submit.

#### Option 3—Semi Sealed/Replaceable Bulb System Subject Only to Photometric, Bulb and Aiming Requirements

The agency is interested in exploring the possibility of limiting headlamp requirements to the minimum objective criteria requisite for safety. Currently Standard No. 108 imposes a number of design restrictions, not only on the headlamps themselves, but also on the mounting hardware and trim. Although the Ford proposal, reflected in option 1, would remove many of these design restrictions, it would also add a series of environmental tests to be required of semi-sealed headlamps.

Option 3 represents the agency's attempt to identify the minimum objective performance criteria which are requisite to meet the need for safety. It would specify minimum photometric output, the type of bulb producing the candela, and a performance requirement directed towards ease and reliability of aim. Using the Ford option as a point of departure, this option contemplates a headlamp that meets the photometric requirements of SAE Standard J579c using a standardized replaceable light source, which would be capable of mechanical aiming. Other aspects of performance such as durability over time would be controlled primarily by market forces and by the defects investigation and recall authority of this agency.



### Impact Analyses

NHTSA has considered this proposal and has determined that it is not major within the meaning of Executive Order 12291, "Federal Regulation" or significant under Department of Transportation regulatory policies and procedures, as adoption of this proposal would not require any person to change current practices under the standard. A regulatory evaluation has been prepared. (A free copy of this document can be obtained from the Docket Section.) The proposal would not impose any additional requirements but would permit manufacturers greater flexibility in the design of headlighting systems and adjacent exterior vehicle surfaces. Use of this flexibility would allow improvements in safety, aerodynamic efficiency and fuel economy. The extent of such improvement is dependent on the option ultimately adopted and on the extent to which manufacturers take advantage of the new headlamp designs permitted by the option.

NHTSA has concluded that this proposal would not have a significant impact on the human environment. The lamps that would be manufactured pursuant to the proposal are expected to be lighter, thus slightly reducing the overall material content of the automobile. This would have a small positive effect on the environment. No adverse impact on safety is anticipated, although as noted above the greater resistance of plastic facing to fracture in on-road use could produce incremental safety benefits by reducing the number of occasions in which fractures result in loss of illumination.

The agency has also considered the impacts of this proposal under the Regulatory Flexibility Act. I certify that this proposal would not have a significant economic impact on a substantial number of small entities. Accordingly, no initial regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and headlamps, those affected by the proposal, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, these manufacturers would be affected only to the extent that they elected to take advantage of the new option that would be established by the proposal. Finally, small organizations and governmental jurisdictions would be affected only to the extent that they choose to buy vehicles equipped with the new headlamps. The organizations and jurisdictions making that choice would

not be significantly affected by the price of the new headlamps.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

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

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisory will return the postcard by mail.

The engineer and lawyer primarily responsible for this proposal are Marx Elliot and Taylor Vinson, respectively.

### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

#### § 571.108 [Amended]

In consideration of the foregoing, it is proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, be amended as follows:

#### Option 1 (Ford System)

1. Section S3 Definitions would be amended by adding the following definitions so that all definitions in that section are in alphabetical order:

"Replaceable bulb headlamp" means a headlamp comprising a lens bonded to the reflector, and a standardized replaceable light source.

"Seasoning" means a process of energizing the filament of a headlamp, at rated voltage, for a period of time equal to 1 percent of average rated laborator life.

"Standardized replaceable light source" means an assembly of a headlamp bulb and base.

"Test fixture" means a device designed to support a replaceable bulb headlamp in its intended operating position during the laboratory tests specified in S4.1.1.36(d).

2. New Sections S4.1.1.36, S4.1.1.37, S4.1.1.38, S4.1.1.39, and S4.1.1.40, would be added to read as follows:

S4.1.1.36. Instead of being equipped with a headlighting system specified in Table I or Table III, a passenger car, multipurpose passenger vehicle, truck, or bus manufactured on or after

1, 198—, may be equipped with a replaceable bulb headlamp which is designed to conform to the following requirements:

(a)(1) Each replaceable bulb headlamp shall include components which are designed to conform to the applicable specifications of paragraph S4.1.1.38 and Figure 1—Specifications for The Standardized Replaceable Light Source, including filament location, base and socket dimensions, electrical connector dimensions, maximum design wattage, and O-ring specifications.

(2) The exterior face of each replaceable bulb headlamp lens shall have three pads which meet the requirements of figures 3-1 through 3-4, and shall from an aiming plane for mechanically adjusting and inspecting headlamp aim. The exterior lens face shall have molded into it the specific settings applicable to the headlamp as designed to be installed in the vehicle, for each of the two adjustable legs of the aiming device locating plate; e.g., "11H 17V" requires the horizontal aiming pad leg to be set in position 11, and the



vertical aiming pad leg to be set in position 17.

(b) Each replaceable bulb headlamp shall meet the following sections of the specified SEA Standards and Recommended practices:

(1) Section 4.6—Photometry of SAE J575 "Tests for Motor Vehicle Lighting Devices and Components" JUN80.

(2) Section 3.1—Test Voltage, and Section 3.5—Photometric Design Requirements including Figure 3 and Table 1 of SAE J579c "Sealed Beam Headlamp Units for Motor Vehicles" December 1979, except that the aiming plane on the lens shall be at horizontal and vertical distances to the photometer axis as inscribed on the lens of a composite headlamp, and the words "designed to conform" in paragraph 3.5.3 shall read "conform."

(3) Section 5—General Requirements, Section 6—Design Requirements and Tests (to the extent listed below), Section 6.1—Aiming Adjustment Test, Section 6.2—Inward Force Test, and Section 6.4—Connector Tests of SAE J580 "Sealed Beam Headlamp Assembly" AUG79.

(c) A headlamp with both lens and reflector of glass need not meet the abrasion resistance test specified in S6.2.

(d) When tested in the sequence below and according to the procedures indicated, each replaceable bulb headlamp shall meet the following requirements:

(1) After an abrasion test conducted in accordance with S6.2, the headlamp shall meet the photometric requirements of SAE J579c.

(2) After a vibration test conducted in accordance with S6.3, there shall be no evidence of loose or broken parts, and the headlamp shall meet the photometric requirements of SAE J579c.

(3) After a chemical resistance test involving exposure to any of the fluids listed in S6.4, there shall be no surface deterioration, coating delamination, fractures, deterioration of bonding materials, color bleeding or color pick-up, and the headlamp shall meet the photometric requirements of SAE J579c.

(4) After a corrosion test conducted in accordance with S6.5, the headlamp shall meet the photometric requirements SAE J579c, and there shall be no evidence of external or internal corrosion or rust. Loss of adhesion of any applied coating is not permitted more than .125 inch (3.2 mm) from any sharp edge on the inside or outside. Corrosion may occur on terminals provided there is no loss of function.

(5) After a dust test conducted in

accordance with S6.6, the headlamp shall meet the photometric requirements of SAE J579c.

(6) After a temperature cycle test conducted in accordance with S6.7, the headlamp shall show no evidence of delamination, fractures, entry of moisture, deterioration of bonding material, color bleeding, warpage or deformation, and shall meet the photometric requirements SAE J579c.

(7) After a thermal shock test conducted in accordance with S6.8, the headlamp shall show no evidence of fractures, delamination, or entry of water.

(8) After a humidity test conducted in accordance with S6.9, the inside of the headlamp shall show no evidence of delamination or moisture, fogging or condensation, and the headlamp shall meet the photometric requirements of SAE J579c.

(9) After an internal heat test conducted in accordance with S6.10, there shall be no distortion of the headlamp lens, and the headlamp shall conform to the photometric requirements of SAE J579c.

(10) After an out-of-focus test conducted in accordance with S6.11, the headlamp shall meet the requirements of Figure 2 for each of the out-of-focus test positions.

(11) After an impact test on a headlamp with a plastic lens conducted in accordance with S6.12, there shall not be any fracture of the adhesion of lens coating or delamination of materials, and the lens shall not be broken, cracked, or chipped.

S4.1.1.37 Each lens-reflector unit manufactured as replacement equipment for a replaceable bulb headlamp system shall conform to the requirements of S4.1.1.36 when a standardized replaceable light source is inserted in it.

S4.1.1.38 Each standardized replaceable light source shall conform to the following requirements:

(a) Each silicone O-ring shall be of 40 durometer, 7 MPa tensile strength material, and shall comply with the following Suffix Requirements for Grade 2 GE Materials contained in SAE Recommended Practice J200 Apr 80 *Classification System for Rubber Materials for Automotive Applications*:

- (1) A19 (heat resistance),
- (2) B37 (compression set),
- (3) C12 (resistance to ozone),
- (4) EA 14 (fluid resistance),
- (5) EO 16 (fluid resistance),
- (6) EO 36 (fluid resistance),
- (7) F19 (low temperature resistance),

and

- (8) G11 (tear resistance).
- (b) The bulb portion of the

standardized replaceable light source shall meet the following requirements.

(1) The general specifications of the bulb are:

	Low beam	High beam
Watts @ 12.6 V	45	65
Lumens (nominal) @ 12.6 V	960	1736
Average Life @ 14.0 V	320 Hrs.	150 Hrs.
Filament Type	C-6	C-6
Diameter of Coil	1.092 ± .12mm	1.410 ± .12mm
Length of Coil	5.385 ± .50mm	5.207 ± .50mm

(2) The bulb filaments shall be subject to seasoning prior to wattage and lumens measurement.

(3) Wattage and lumens measurements shall be made with the direct current test voltage regulated within one quarter of one percent.

(4) Except for reference dimensions, and unless otherwise specified, a general tolerance of ± .004 in. (0.10mm) shall apply to all linear dimensions and ± 1°.00' shall apply to all angular dimensions.

(5) Bulb, lead wires and/or terminals shall be installed in the base so as to provide an hermetic seal.

(6) After a bulb deflection test conducted in accordance with S7, the permanent deflection of the glass envelope of each standardized replaceable light source shall not exceed .0005 inch (.13 mm) in the direction of the applied force in the base so as to provide an hermetic seal.

S4.1.1.39 Each motor vehicle equipped with a replaceable bulb headlamp system shall also be provided with a spare standardized replaceable light source as original equipment for such vehicle.

S4.1.1.40 The lens of each replaceable bulb headlamp that conforms with this standard, and the envelope of each standardized replaceable light source shall be marked with

the symbol "DOT" or	"D" O T"	which shall constitute a certification
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that the headlamp or light source conforms to all applicable Federal motor vehicle safety standards.

3. New Sections S6, S7, and S8 would be added to read:

S6 *Test sequence and procedures for replaceable bulb headlamps.* When tested according to the procedures and in the sequence below, each replaceable



bulb headlamp shall meet the requirements of S4.1.1.36 (b) and (d).

**S6.1 Photometry.** [NHTSA] A headlamp shall be tested according to Section S3.5, Photometric Design Requirements of SAE Standard J579c Sealed Beam Headlamp Units for Motor Vehicles, December 1978, after the tests specified in S6.2,

or

**S6.1 Photometry.** [Ford] After seasoning and not more than 24 hours before the test specified in S6.2, a headlamp shall be tested according to Section 3.5, Photometric Design Requirements of SAE Standard J579c Sealed Beam Headlamp Units for Motor Vehicles, December 1978. The photometric readings at each test point specified in Figure 2 shall be summed arithmetically. Where the test pattern specifies a scan (e.g., 1U-L 1/2L to L), the highest photometric reading shall be used in the sum of all readings. Not later than 24 hours after completion of each test specified in S6.2 through S6.7, S6.9 and S6.10, a headlamp shall be retested according to Section 3.5, and the photometric readings at the test points summed arithmetically. The headlamp may be re-aimed before these tests.

**S6.2 Abrasion.** [NHTSA] This test is performed on full lamp assemblies in a fashion similar to the Falling Sand Abrasion Test specified in Method A of ASTM D968. The temperature for the test shall be  $\pm 73^\circ\text{F} \pm 3.6^\circ$  ( $23^\circ\text{C} \pm 2^\circ$ ) and  $50 \pm 5$  percent RH with the samples conditioned at those conditions for 24 hours before the test. The test fixture shown in Figure 4 shall be utilized to deliver 4 liters of sand per test to the headlamp lens. The rate of sand flow shall be 2 liters in 21 to 23.5 seconds and the sand used shall conform to section 6.2 of ASTM D968. In the first phase of the test, the lamp is stationary. The second phase of the test shall be conducted with the lamp rotating at 9 RPM to obtain a larger test area on the lamp. The period of this phase shall be 44 seconds. Photometric output is measured on high and low beam at those test points specified in Figure 2.

or

**S6.2 Abrasion.** [Ford] (a) A headlamp shall be mounted in the abrasion test fixture in the manner indicated in Figure 5 with the lens facing upward.

(b) Photometric output is measured only on the lower beam, at the following test points:

- (1) 1U—1½ L to L
- (2) ½U—1½ L to L
- (3) ½D—1½ R
- (4) 1½D—2 R

a tolerance of ¼ degree in location may be allowed at any test point.

(c) An abrading pad meeting the following requirements shall be cycled back and forth (1 cycle) for 11 cycles at  $4 \pm 0.8$  in. ( $10 \text{ cm} \pm 2 \text{ cm}$ ) per second over at least 80 percent of the lens surface.

(d) The pad shall be not less than  $1.0 \pm .04$  in. ( $2.5 \text{ cm} \pm .1 \text{ cm}$ ) wide, constructed of 0000 steel wool, and rubber cemented to a rigid base shaped to the same vertical contour of the lens. The "grain" of the pad shall be perpendicular to the direction of motion.

(e) The abrading pad support shall be equal in size to the pad size and shall be parallel to and within  $\pm .08$  in. ( $\pm 2 \text{ mm}$ ) of the lens surface.

(f) The pad shall be weighted such that a pad pressure of  $2.0 \pm .15$  psi ( $14 \pm 1 \text{ kPa}$ ) exists at the center and perpendicular to the face of the lens.

(g) The density of the pad shall be such that when the pad mounted to its base is resting unweighted on the lens, the base of the pad shall be no closer than .125 in. (3.2 mm) to the lens at its closest point.

(h) A pivot shall be used if it is required to follow the contour of the lens.

(i) Unused steel wool shall be used for each test.

**S6.3 Vibration.** A headlamp shall be mounted in a test fixture which is securely bolted to the table of the vibration test machine and shall be subject to vibration according to the following test condition parameters:

(a) The test fixture with the headlamp installed has a resonant frequency greater than 2000 Hz.

(b) The table or adapter plate is of sufficient size to completely contain the test fixture base with no overhang.

(c) The frequency of vibration of the table varies linearly from 100 to 1000 Hz in one minute and returns to 100 Hz within one minute for a linear sweep period (complete sweep cycle) of 2 minutes.

(d) The wave form of vibration is sinusoidal.

(e) The test machine output wave form is measured with an accelerometer having a flat frequency response ( $\pm 5$  percent) from 5 to 2200 Hz attached to the unloaded test machine table or its adapter plate and measures acceleration in the direction of the table travel.

(f) A vertical acceleration of a peak of 5g's is measured on the table.

(g) The direction of vibration is the vertical axis of the headlamp as mounted on the vehicle.

(h) The filament is cold (not energized).

(i) The test duration is 90 complete cycles.

(j) The continuity of the filament circuit(s) is maintained throughout and following the test period.

(k) After the test, a tolerance of  $\pm ¼$  degree is made at each test point.

**S6.4 Chemical resistance.** (a) An unfixed headlamp shall be totally immersed in any of the test fluids listed below for a period of five minutes. The temperature of the headlamp and each fluid shall be  $73^\circ\text{F} \pm 7^\circ$  ( $23^\circ\text{C} \pm 4^\circ$ ) just before and throughout the immersion period. All drain holes, breathing devices or other designed openings of the headlamp shall be blocked. The test fluids are:

(1) [NHTSA] gasoline—unleaded 89 octane (R+M) 2 or above used per OSHA Std. 29 CFR 1910-106—Handling Storage and Use of Flammable Combustible Liquids.

(2) [NHTSA] brake fluid—SAE RM 66-03 fluid (available from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096).

(3) motor oil—10W-40 type "SF" (API).

(4) tar remover (petroleum base).

(5) power steering fluid.

(6) windshield washer fluid (50% concentration of methanol/distilled water by volume).

(7) antifreeze (50% concentration of ethylene glycol/distilled water by volume).

(b) After the immersion of the headlamp in the test fluid has been completed, it shall be stored in designed operating attitude for 48 hours at temperature of  $73^\circ\text{F} \pm 7^\circ$  ( $23^\circ\text{C} \pm 4^\circ$ ). At the end of the 48-hour period, the headlamp shall be wiped clean with a soft dry cotton cloth and visually inspected.

**S6.5 Corrosion.** The unfixed headlamp, in its designed operating attitude with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be subjected to a salt spray (fog) test in accordance with ASTM B117-73, "Method of Salt Spray (FOG) Testing," for a period of 240 hours, consisting of ten successive 24-hour intervals. During each interval, the headlamp shall be exposed for 23 hours to the salt spray, which shall not be activated for the 24th hour.

**S6.6 Dust.** The headlamp, mounted on a test fixture, with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be positioned within a cubical box, with inside measurements of 35.43 in. (900 mm) on each side, at least 5.908 in. (150 mm) from any wall. The box shall contain 9.9 lb. (4.5 kg) of fine powdered cement which conforms



to the ASTM C1150-77 specification for Portland Cement. Every 15 minutes, the cement shall be agitated by compressed air or fan blower(s) by projecting blasts of air for a two-second period in a downward direction so that the cement is diffused as uniformly as possible throughout the entire box. This test shall be continued for five hours after which the exterior surfaces of the headlamp shall be wiped clean.

**S6.7 Temperature cycle.** A headlamp, mounted on a test fixture, shall be exposed to 10 complete thermal cycles having the thermal cycle profile shown in Figure 6. During the hot cycle, the highest wattage filament in the headlamp shall be energized at design voltage commencing at point "A" of Figure 6 and de-energized at point "B". Separate or single test chambers may be used to generate the temperature environment described by the thermal cycle profile. All drain holes, breathing devices or other designed openings of the headlamp shall be in their normal operating positions.

**S6.8 Thermal shock.** The headlamp, with all drain holes, breathing devices, or other designed openings blocked, supported in its designed operating attitude, shall be energized at design voltage on the highest wattage filament contained in the headlamp for a period of 45 minutes, after which the headlamp shall be de-energized and submerged within 30 seconds, lens first, into ice water at  $32^{\circ}\text{F} \pm 5^{\circ}$  ( $0^{\circ}\text{C} \pm 3^{\circ}$ ) for a period of 5 minutes.

**S6.9 Humidity.** The headlamp, mounted on a test fixture, shall be placed in a controlled environment consisting of a temperature of  $100^{\circ}\text{F} \pm 9^{\circ}$  ( $38^{\circ}\text{C} \pm 5^{\circ}$ ) with a relative humidity of  $90\% \pm 10\%$ . All drain holes, breathing devices designed openings shall be in their normal operating positions. The headlamp shall be subjected to 40 consecutive 6-hour test cycles. In each cycle, it shall be energized at design voltage on the highest wattage filament contained in the device for 1 hour and then de-energized for 5 hours.

**S6.10 Internal heat. [NHTSA]**

(a) After its lens surface has been cleaned, the headlamp shall be mounted in the urethane insulated variable environment test fixture in the manner indicated in Figure 7 "Dirt-Ambient Test Setup" and energized. While the headlamp is energized, the ambient temperature inside the setup is maintained at  $59^{\circ}\text{F}$  ( $15^{\circ}\text{C}$ ). After the headlamp reaches thermal stability, as determined by measuring the headlamp lens surface temperature "hot spot" with both a thermocouple attached to the outside surface of the lamp and by an AGA Thermovision instrument, the

photometric output of the lamp is measured using an array of photo diodes.

(b) The headlamp is removed from the setup. The lens surface that would normally be exposed to the road dirt shall be sprayed uniformly with an amount of a mixture of Zaccharini dust and water sufficient to reduce the photometric output of the lamp to the level that is 25 percent of output originally measured under this section. Such reduction shall be determined under the same conditions under which the original measurement was made. The Zaccharini dust mixture shall consist of 10 grams of dust mixed with 500cc of water. The Zaccharini dust shall consist of the following:

(1) Nine parts by mass of silicon sand particles whose size is not greater than 11 micrometers.

(2) One part by mass of Vegetable Carbon Dust particles whose size is not greater than 100 micrometers.

(3) 0.2 part by mass of NACMC (Sodium salt of carboxy-methyl cellulose with a viscosity of 200 to 300 centipoises for a 2 percent solution at  $20^{\circ}\text{C}$  and a degree of substitution of 0.6 to 0.7).

(4) An appropriate quantity of distilled water. The mixture shall not be more than 14 days old. The mixture shall be applied to the lamp with a conventional spray gun. The specified reduction in photometric output may be achieved by multiple applications of the mixture. The mixture sprayed on the lamp shall be allowed to air dry between applications.

(c) After the determination has been made that the photometric output of the lamp has been reduced to the extent specified above, the lamp shall be de-energized. With the lamp still mounted in the setup and the ambient temperature in the setup at  $32^{\circ}\text{F}$  ( $0^{\circ}\text{C}$ ), the lamp shall be energized for not less than 30 minutes. If thermal stabilization, as determined by the procedure described above in this section, does not occur in that period, the lamp shall remain energized until stabilization occurs. Allow the lamp to return to ambient temperature and repeat the process described in this paragraph with the ambient temperature at  $95^{\circ}\text{F}$  ( $35^{\circ}\text{C}$ ).

(d) With the lamp still mounted in the setup and with the ambient temperature at  $59^{\circ}\text{F}$  ( $15^{\circ}\text{C}$ ) measure the photometric output of the lamp using the photo diode array. After the lamp's lens is cleaned, the photometric output of the lamp shall be determined according to S6.1.

(e) The ambient temperature specified in this section shall be achieved by cooling the circulating air in the setup

chamber with ice or heating it with an electrical heating tape, as appropriate.

**S6.11 Out-of-focus. [NHTSA]** The headlamp shall be mounted in the goniometer with the mechanical axis congruent with the photometer axis, and operated at a voltage of  $12.8 \pm 6\text{mV DC}$ . Candela measurements shall be made with the light source in each of the following six locations: not more than 0.02 in. (0.5 mm.), above-below, ahead-behind, and right-left of the design position.

**S6.12 Impact. [NHTSA]** The headlamp shall be rigidly mounted vertically in a test fixture on the seating lugs with the lens level and facing up. The seating plane of the test fixture shall consist of oakwood 0.5 inch (13 mm) thick. The test fixture shall rest on an oakwood base. One impact shall be delivered to the center of the lens on the mechanical axis using a steel ball bearing with a diameter of .9055 in. (23 mm) weighing 1.76 oz. (50 grams), dropped freely from a distance of 15.75 in. (40 cm) from the bottom of the ball to the surface of the lens.

**S7 Deflection test for replaceable bulb.** Each replaceable bulb shall meet the requirements of S4.1.1.38(b)(6) when tested in the following manner. With the bulb rigidly mounted in a fixture in a manner indicated in Figure 8, apply a force of  $4.0 \pm 0.1\text{ lb.}$  ( $17.8 \pm 4\text{N}$ ) perpendicular to the longitudinal axis of the glass envelope and perpendicular to, and in a line intersecting, the lateral axis of the low beam filament. The force shall be applied to the outside surface of the glass envelope using a rod with a hard rubber tip with a minimum spherical radius of .039 in. (1 mm).

**S8 Aiming device locating plate for replaceable bulb headlamps.** Each motor vehicle manufactured between 1, 198-, and [one year later] and equipped with a replaceable bulb headlamp system shall be furnished with a Headlamp Aiming Device Locating Plate, conforming to:

(a) The general requirements of SAE J602 OCT 80 Headlamp Aiming Device for Mechanically Aimable Sealed Beam Headlamp Units, and Figure 9, except that the general and specific references in that standard to sealed beam headlamp units shall be read as applicable to replaceable bulb headlamps, and references in that standard to dimensions for headlamp aiming device locating plates shall be read in reference to the dimensions specified in this section.

(b)(1) If a suction cup is used to retain a mechanical aiming device to the headlamp unit, the overall diameter of the suction cup shall not exceed 2.8 in.



(71 mm). The suction cup assembly shall be capable of securing the aiming device to a smooth lens surface angled up to 30 degrees universally from a transverse plane perpendicular to the H-V axis of the lamp.

(2) Tack aiming pad seating surface on the locating plate shall be free of burrs, projections, holes or impressions.

(3) There shall be no projections, tangs, or lugs on the locating plate that would prevent the seating surfaces locating with the aiming pads on the headlamp lens surface.

(4) Each of the two adjustable legs shall be capable of being extended, and locked in position, in increments of .10 in. (2.54 mm) with each increment measured from the '0' seating plane (perpendicular to the H-V axis of the lamp) with a maximum tolerance of  $\pm .01$  in. ( $\pm 0.25$  mm). The incremental positions extending out from the '0' seating plane shall be identified by whole numbers, i.e., '0', '1', '2', '3', thru a minimum of '37' for the vertical adjustable leg and a minimum of '20' for the horizontal adjustable leg.

4. New Figures 1 through 9 would be added as follows:

BILLING CODE 4910-59-M



Figure 1

## SPECIFICATIONS FOR THE STANDARDIZED REPLACEABLE LIGHT SOURCE

Figure 1-1

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY

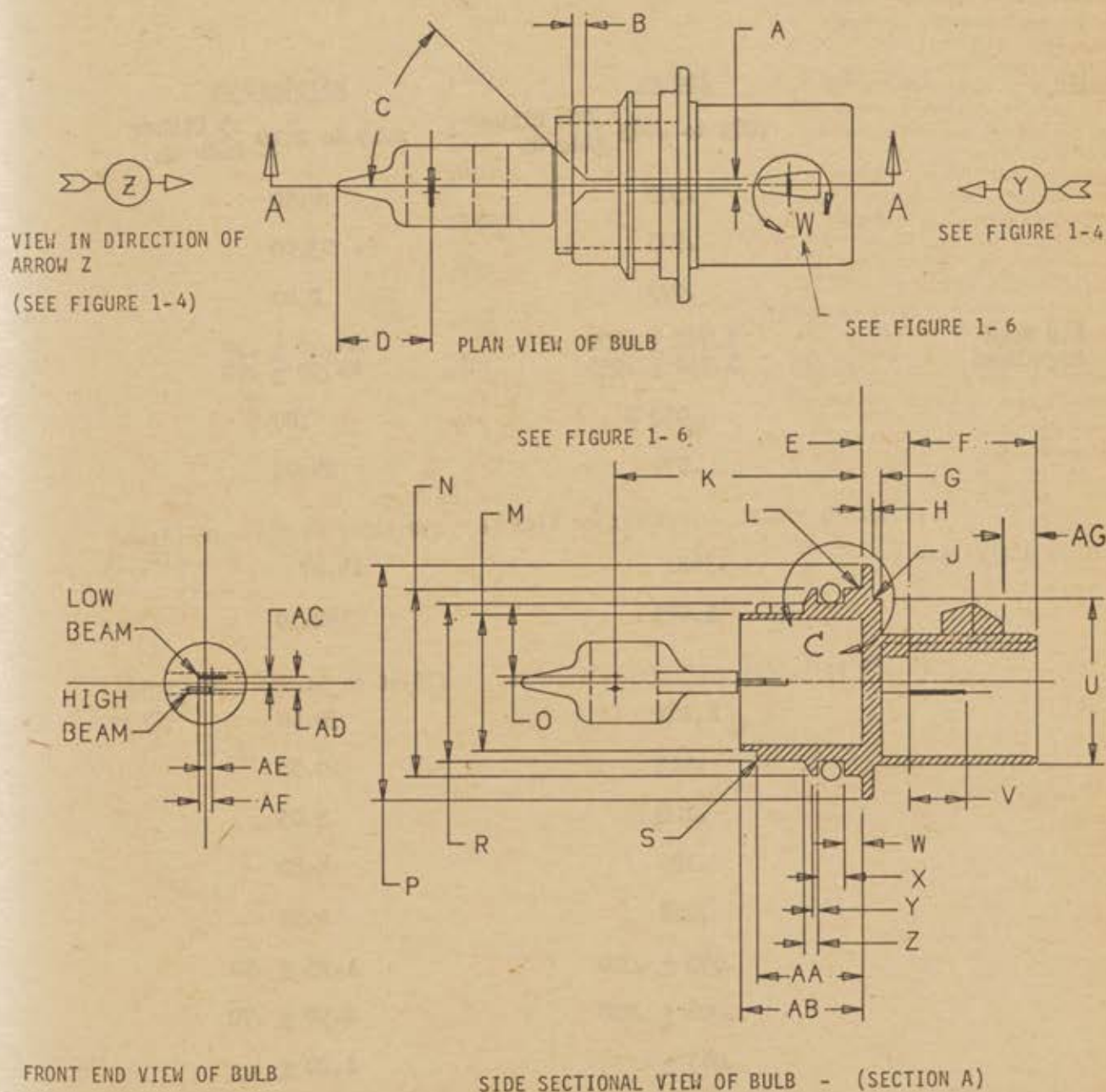




Figure 1- 2

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY

Dimensional Specifications  
Figure 1-1

<u>Dimension</u>	<u>Inches</u>	<u>Millimetres</u>
A	.085 to .093 .004 Either Side CL	2.15 to 2.10 .5 Either Side CL
E	.335	8.50
F	.905	23.00
H	.079	2.00
K Low Beam High Beam	1.752 ± .020 1.752 ± .035	44.50 ± .50 44.50 ± .90
L	.032 R	.80 R
M	.974	24.75
N	(1.335 to 1.331) .002 Either Side CL	(33.90 to 33.80) .05 Either Side CL
O TO BE A REF. DIM.)	.562	14.27
P	1.673	42.50
R	(1.126 to 1.122) .002 Either Side CL	(28.60 to 28.50) .05 Either Side CL
U	1.181	30.00
V	.413	10.50
V	.128	3.25
X	.189	4.80
Z	.098	2.50
AC	.019 ± .020	1.25 ± .50
AD	.098 ± .028	2.50 ± .70
AE	.017 ± .020	1.20 ± .50
AF	.089 ± .020	2.25 ± .50
AG	.236	6.00



Figure 1-3

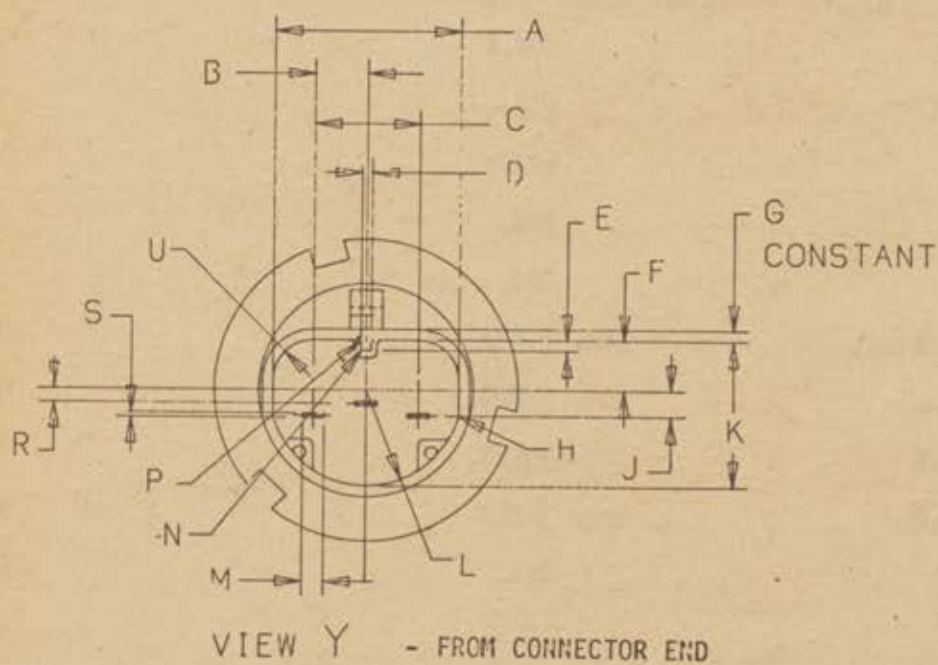
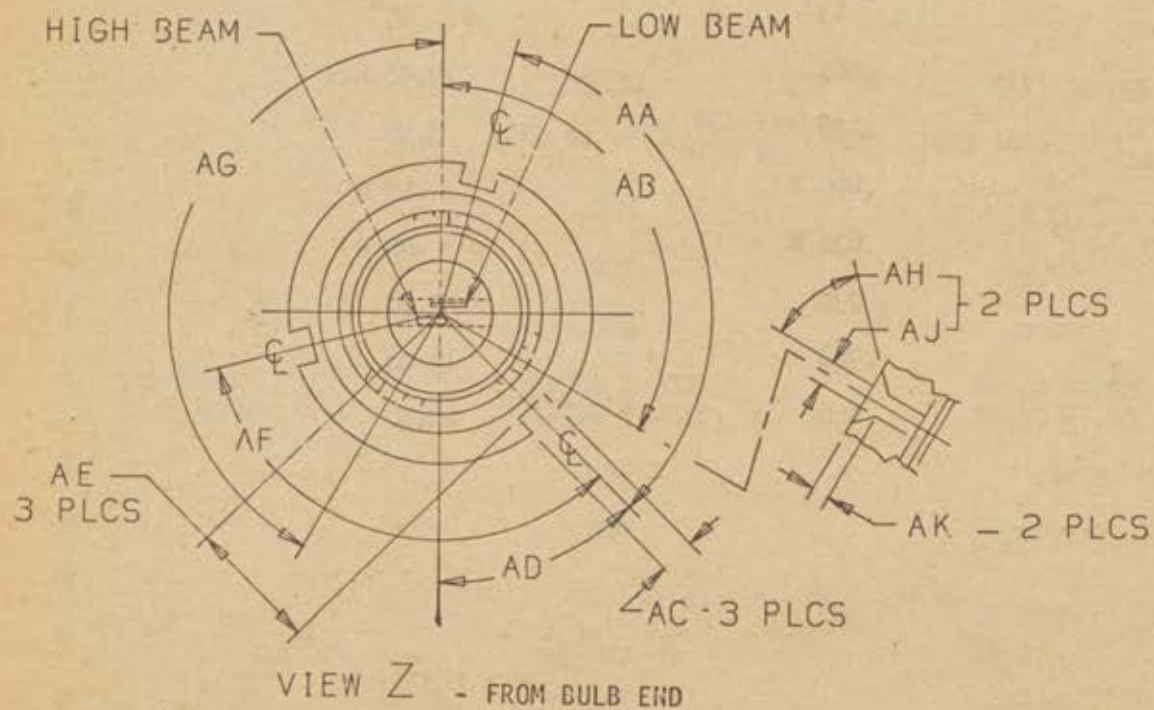
Dimensional Specifications  
Figure 1-1 (Continued)

## REFERENCE DIMENSIONS

B	.098	2.50
C	45°	45°
D	.669	17.00 Max
G	.138	3.50
J	.020 R	.50 R
S	.032 R	.80 R
Y	.039	1.00
AA	.748	19.00
AB	.866	22.00



Figure 1-4

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY



INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY

Figure 1-5

Dimensional Specifications

Figure 1-4

<u>Letter</u>	<u>In</u>	<u>mm</u>
AA	120°	120°
AB	120°	120°
AC	.197	5.0
AD	44° 30'	44° 30'
AE	.722	18.35
AF	120°	120°
AG	150°	150°
AJ	.138	3.50
A	1.024	26.00
B	.289	7.35
C	.579	14.70
D	.055	1.40
E	.059	1.50
F	.278	7.05
G	.059	1.50
H	.032 R	.80 R
J	.142	3.60
K	.807	20.50
L	.531 R	13.50 R
M	.118	3.00
R	.075	1.90
S	.024 ± .002	.63 ± .05
U	.222 R	5.65 R

## REFERENCE DIMENSIONS

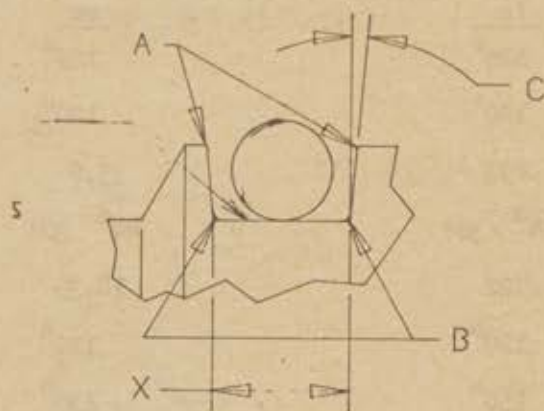
AH	45°	45°
AK	.098	2.50
N	.010 R	.25 R
P	.020 R	.50 R



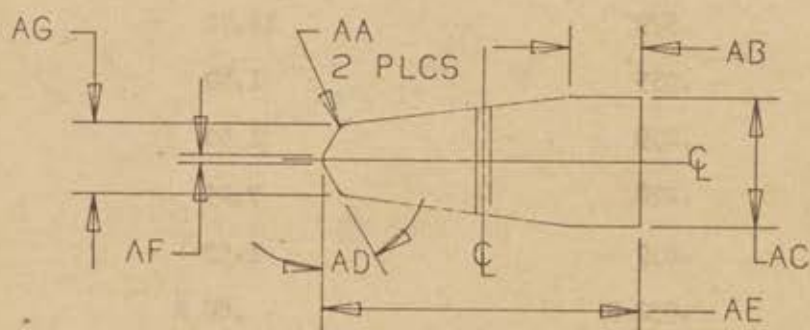
# INTERCHANGEABILITY DRAWING HEADLAMP BULB ASSEMBLY

Figure 1- 6

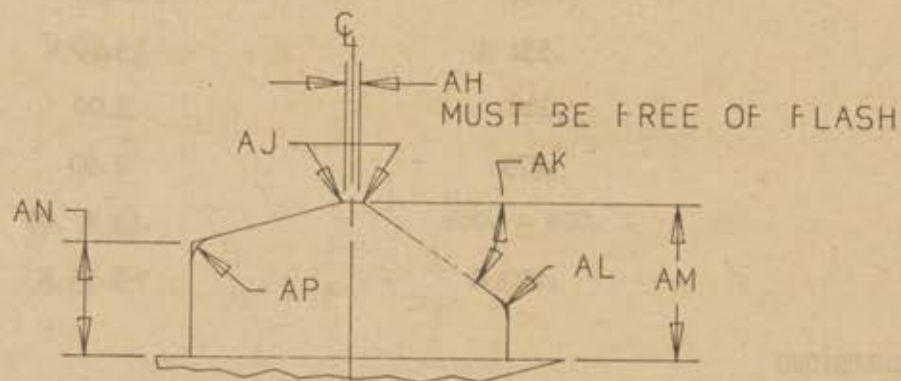
0.03 mm (0.012 in)  
MAX FLASH OR  
MISMATCH ON THIS  
DIAMETER



EXPLODED VIEW C FOUR TIMES SIZE



EXPLODED VIEW W FOUR TIMES SIZE



EXPLODED VIEW OF LOCKING FEATURE



Figure 1-7

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLYDimensional Specifications  
Figure 1-6

<u>Letter</u>	<u>In</u>	<u>mm</u>
A	.004 R	.10 R
C	0° to 2°	0° to 2°
X	.189	4.80
AC	.179	4.55
AD	30°	30°
AE	.437	11.10
AF	.012	.30
AG	.098	2.50
AK	35°	35°
AM	.217	5.50
AN	.157	4.00
D	.0012 MAX FLASH OR MISMATCH	0.03 MAX FLASH OR MISMATCH
REFERENCE DIMENSIONS		
B	.016 R	.40 R
AA	.020 R	.50 R
AB	.098	2.50
AH	.020	.50
AJ	.020 R	.50 R
AL	.039 R	1.00 R
AP	.039 R	1.00 R



Figure 1-8

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
HALOGEN CAPSULE

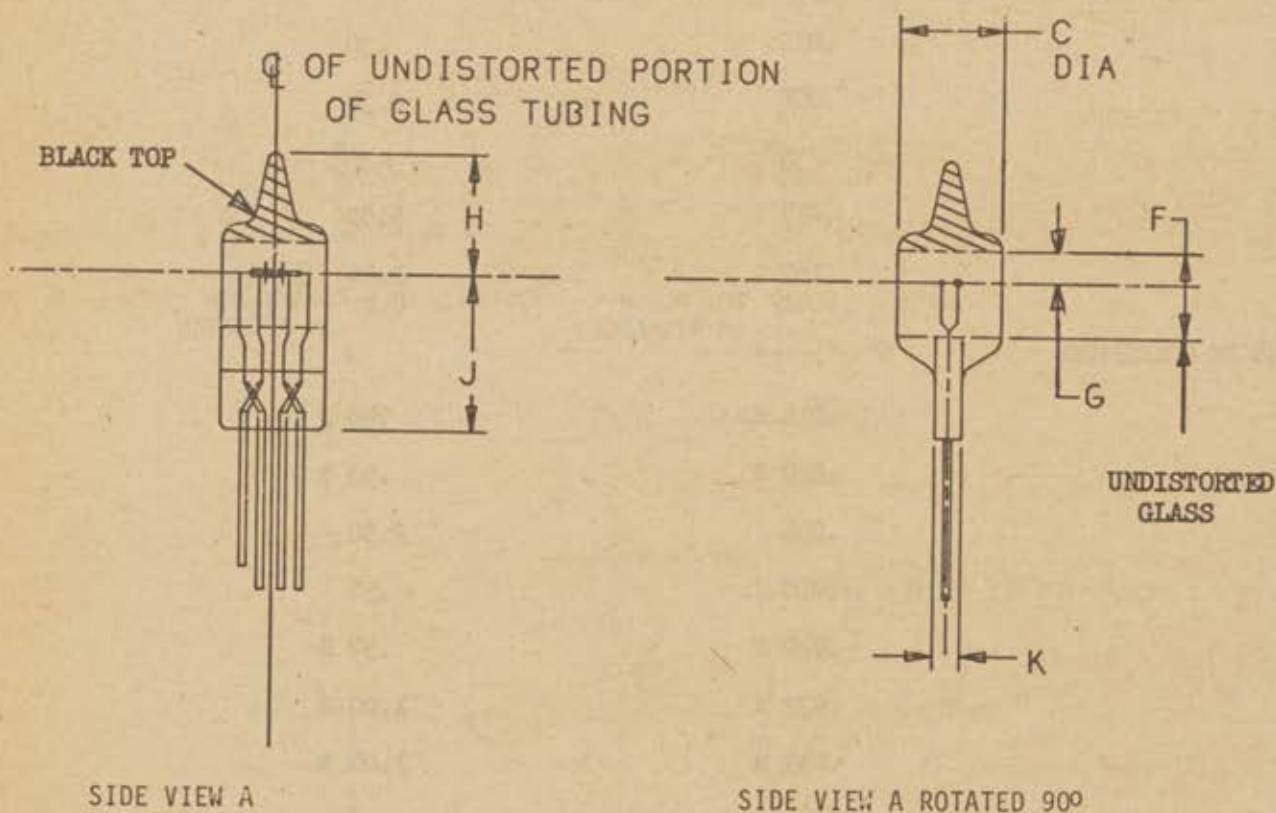




Figure 1-9

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
HALOGEN CAPSULEDimensional Specifications  
Figure 1-8

<u>Letter</u>	<u>In</u>	<u>mm</u>
C	.579 $\pm$ .012	14.7 $\pm$ .30
F	.488 $\pm$ .016	12.4 $\pm$ .4
G	.217 $\pm$ 0.20	5.50 $\pm$ .5
K	.150 $\pm$ .030	3.80 $\pm$ .76

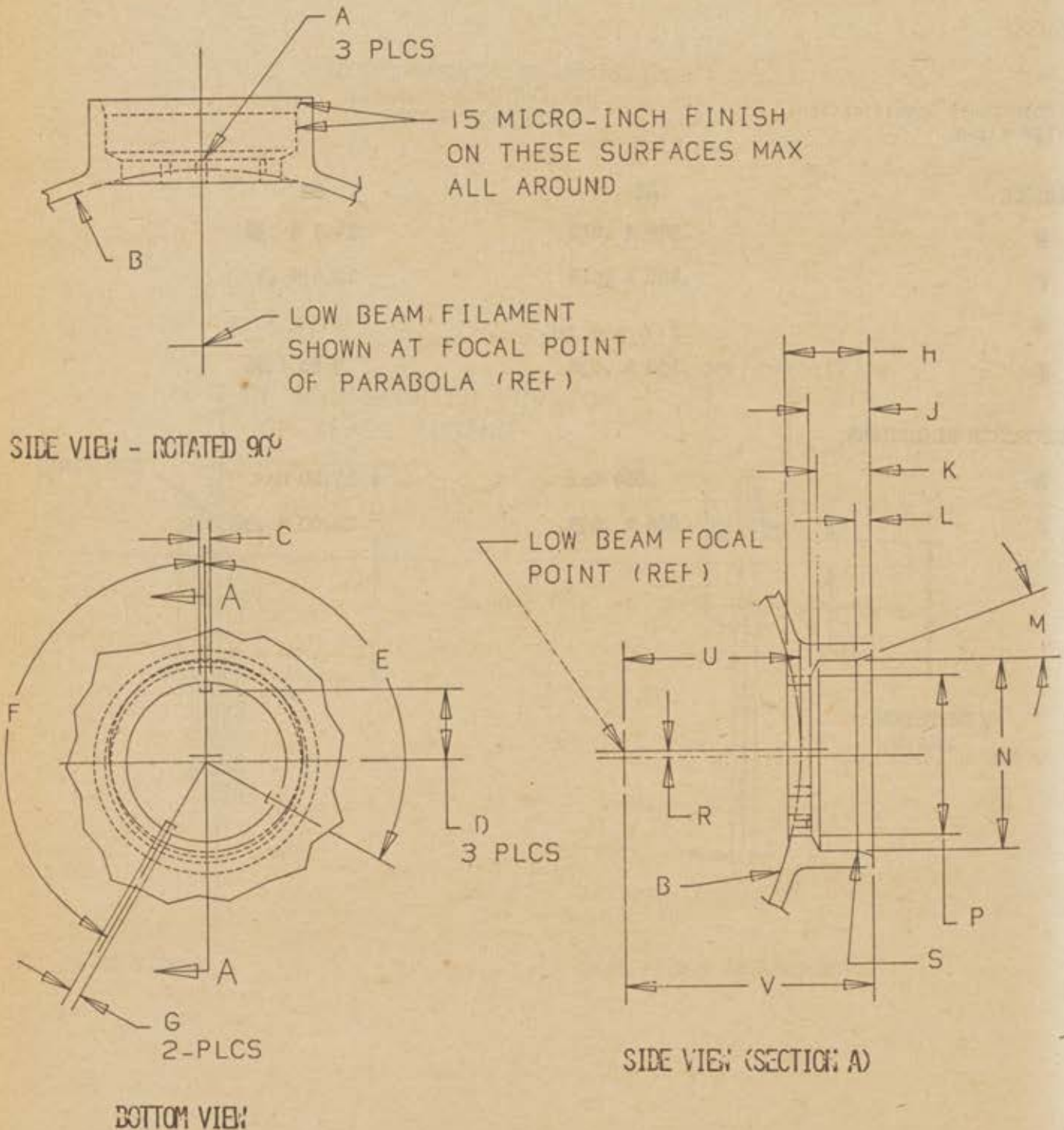
## REFERENCE DIMENSIONS

H	.669 Max	17.00 Max
J	.866 $\pm$ .035	22.00 $\pm$ .90



Figure 1-10

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
SOCKET (IN REFLECTOR)



SCALE 1:1



Figure 1-11

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
SOCKET (IN REFLECTOR)

Dimensional Specifications  
Figure 1-10

Letter	In	mm
B	Ref Line Lamp Parabola	Ref Line Lamp Parabola
C	.079 $\pm$ .002 $\pm$ .002 Either Side CL	2.00 $\pm$ .05 .05 Either Side CL
D	.502	12.75
E	120°	120°
F	150°	150°
G	.079	2.00
H	.596	15.15
J	.433	11.00
K	.374	9.50
L	.108	2.75
N	(1.350 to 1.346) .002 EITHER SIDE of CL	(34.30 to 34.20) .05 EITHER SIDE of CL
P	(1.132 to 1.128) .002 EITHER SIDE of CL	(28.75 to 28.65) .05 EITHER SIDE of CL
R	.045	1.15
S	.020 R	.50 R

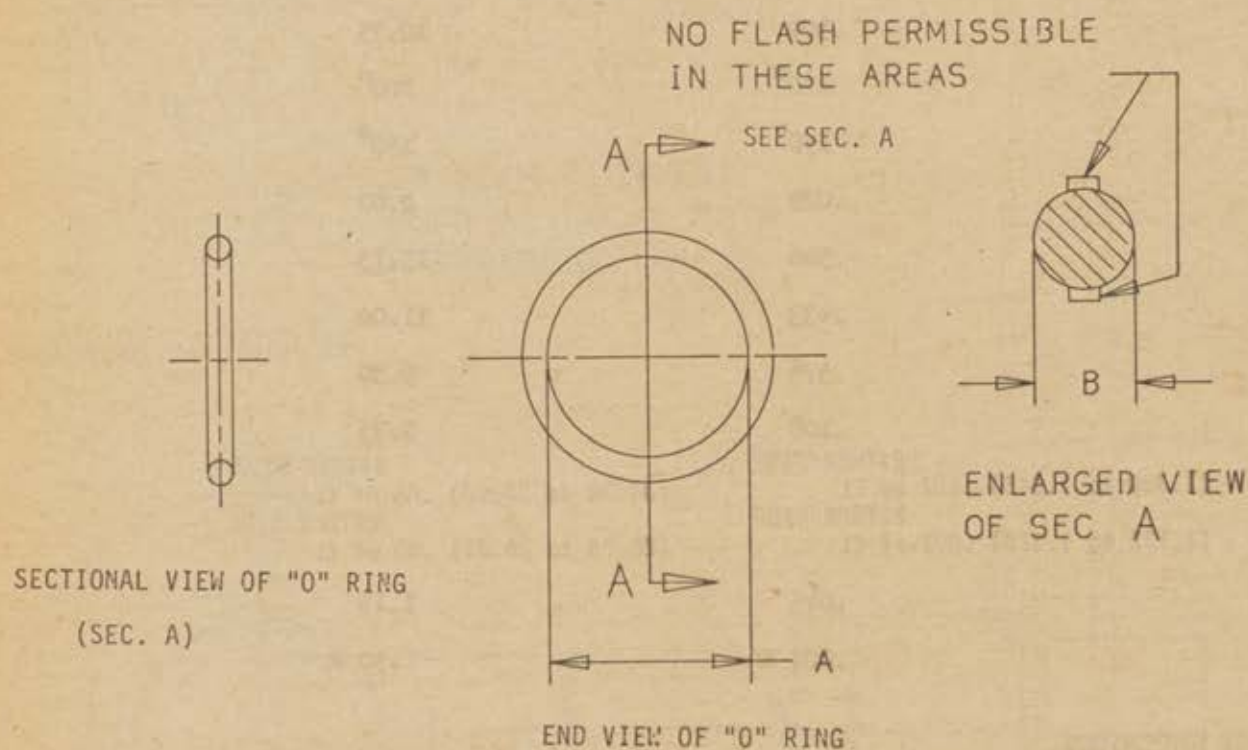
## REFERENCE DIMENSIONS

A	.032 R	.8 R
M	20°	20°
U	1.250	31.75
V	1.752	44.50



Figure 1-12

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
'O' RING



## DIMENSIONS

IN

M M

A

 $1.109 \pm .012$  $28.17 \pm 0.30$ 

B

 $.139 \pm .004$  $3.53 \pm 0.10$



Figure 2

## TEST POINT VALUES

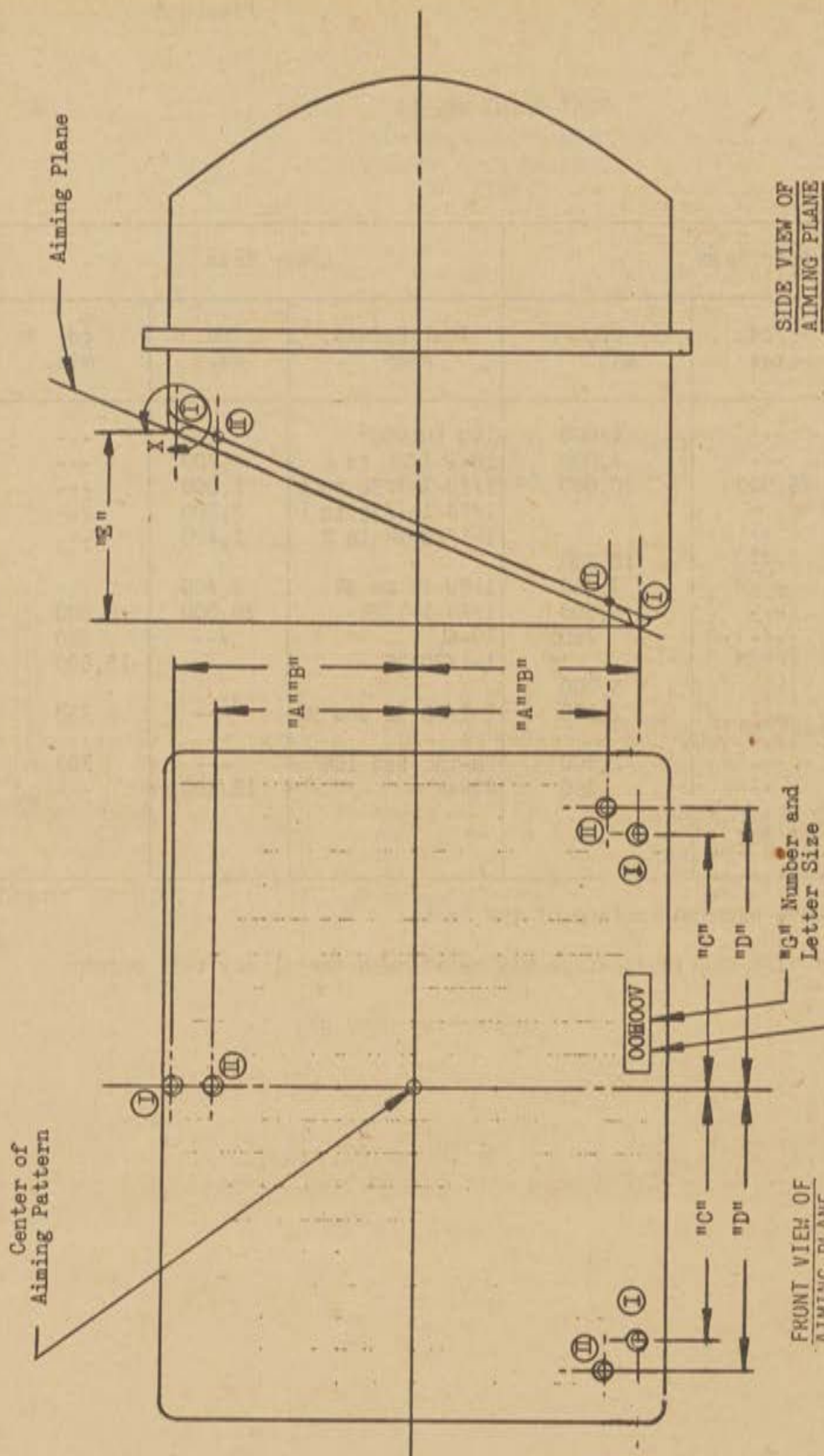
Upper Beam			Lower Beam		
Test Points deg <sup>b</sup>	cd max.	cd, min.	Test Points, deg <sup>b</sup>	cd, max.	cd, min.
2U-V	---	1,000	10U to 90U <sup>a</sup>	125	---
1U-3R and 3L	---	2,000	1U-1-1/2L to L	700	---
H-V	75,000	20,000	1/2U-1-1/2L to L	1,000	---
			1/2D-1-1/2L to L	2,500	---
			1-1/2U-1R to R	1,400	---
H-3R and 3L	---	10,000			
H-6R and 6L	---	3,250	1-2U-1R to 3R	2,700	
H-9R and 9L	---	1,500	1/2D-1-1/2R	20,000	8,000
H-12R and 12L	---	750	1D-6L	---	750
			1-1/2D-2R	---	15,000
1-1/2D-V	---	5,000			
1-1/2D-9R and 9L	---	1,500	1-1/2D-9L and 9R	---	750
2-1/2D-V	---	2,500	2D-15L and 15R	---	700
2-1/2D-12R and 12L	---	750	4D-4R	12,500	---
4D-V	5,000	---			

<sup>a</sup>From the normally exposed surface of the lens.

<sup>b</sup>A tolerance of  $\pm 1/4$  deg in location may be allowed for at any test point.



Figure 3-1

DIMENSIONAL SPECIFICATIONSFOR LOCATION OF AIMING PADON REPLACEABLE BULB HEADLAMP UNITS

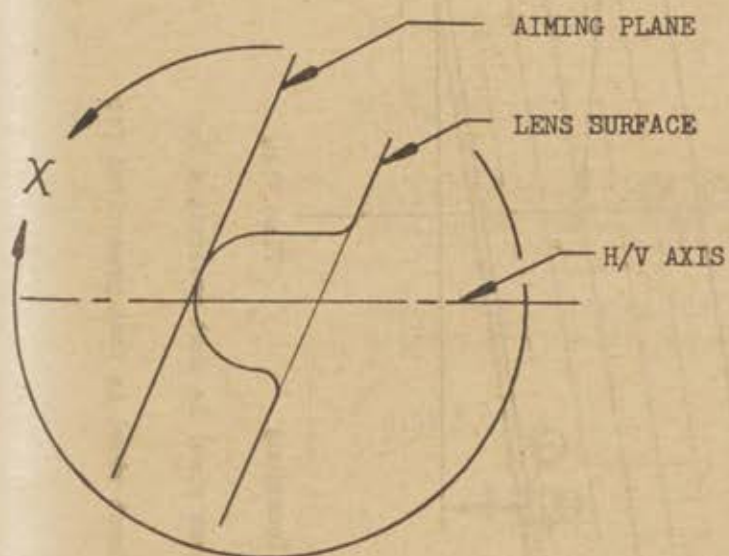
Mechanical aiming device  
locating plate settings for  
the vertical and horizontal  
adjustable legs.



Figure 3-2

DIMENSIONAL SPECIFICATIONS  
FOR LOCATION OF AIMING PADS  
ON REPLACEABLE BULB UNITS

DETAIL EXAMPLE OF AIMING PAD





DIMENSIONAL SPECIFICATIONS  
FOR LOCATION OF AIMING PADS  
ON REPLACEMENT BULB UNITS

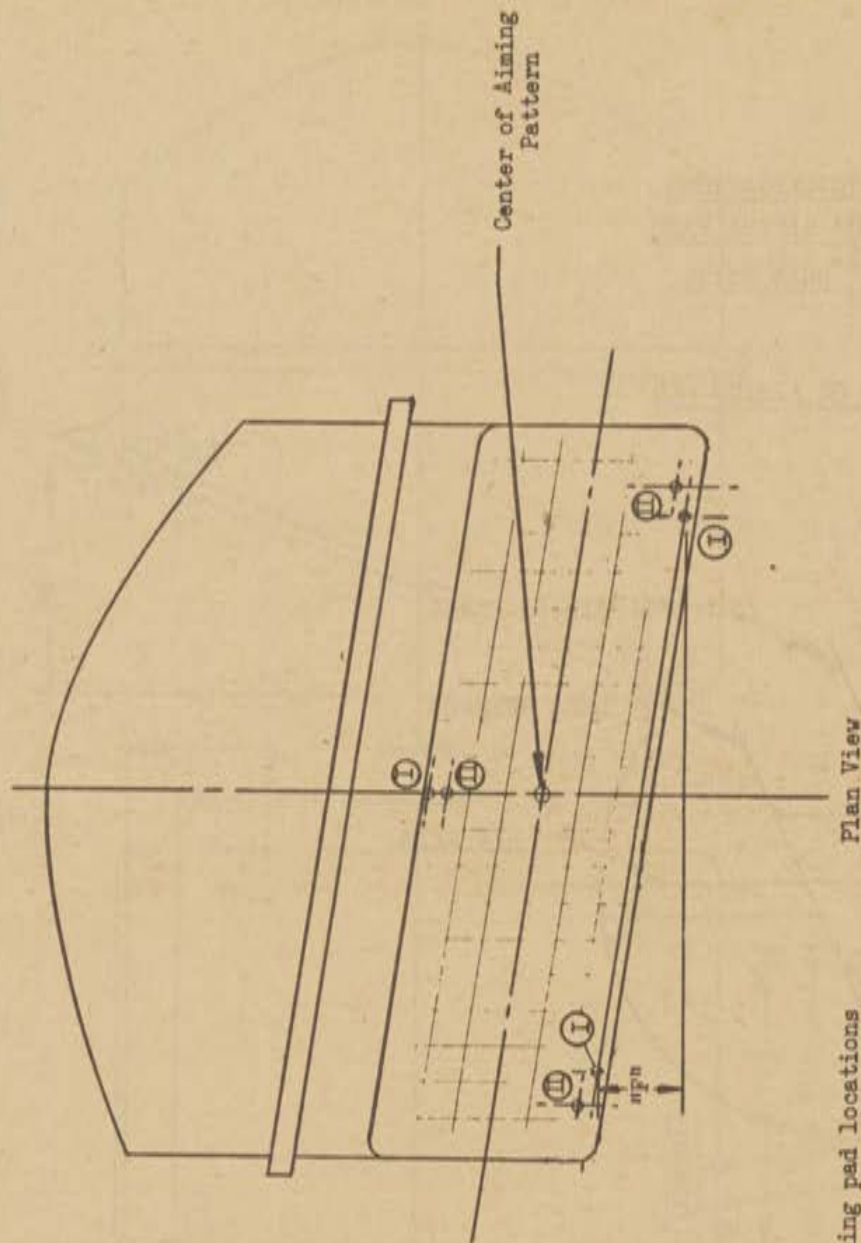


Figure 3-3

NOTES

- Group I or Group II aiming pad locations may be used.
- Group I aiming pad location (front view) is that prescribed for 2B1 sealed beam units.
- Group II aiming pad location (front view) is that prescribed for 1A1/2A1 sealed beam units.



Figure 3-4

DIMENSIONAL SPECIFICATIONS  
FOR LOCATION OF AIMING PADS  
ON REPLACEABLE BULB UNITS

<u>Dimension</u>	<u>Millimetres</u>	<u>Inches</u>
A	$42.16 \pm 0.25$	$1.660 \pm 0.010$
B	$60.05 \pm 1.00$	$2.364 \pm 0.039$
C	$64.0 \pm 1.00$	$2.520 \pm 0.039$
D	$68.58 \pm 0.51$	$2.700 \pm 0.020$
E	Mechanical aiming device locating plate setting for the vertical adjustable leg.	
F	Mechanical aiming device locating plate setting for the horizontal adjustable leg.	
G	$6.35 \pm 0.80$	$0.250 \pm 0.032$



Figure 4

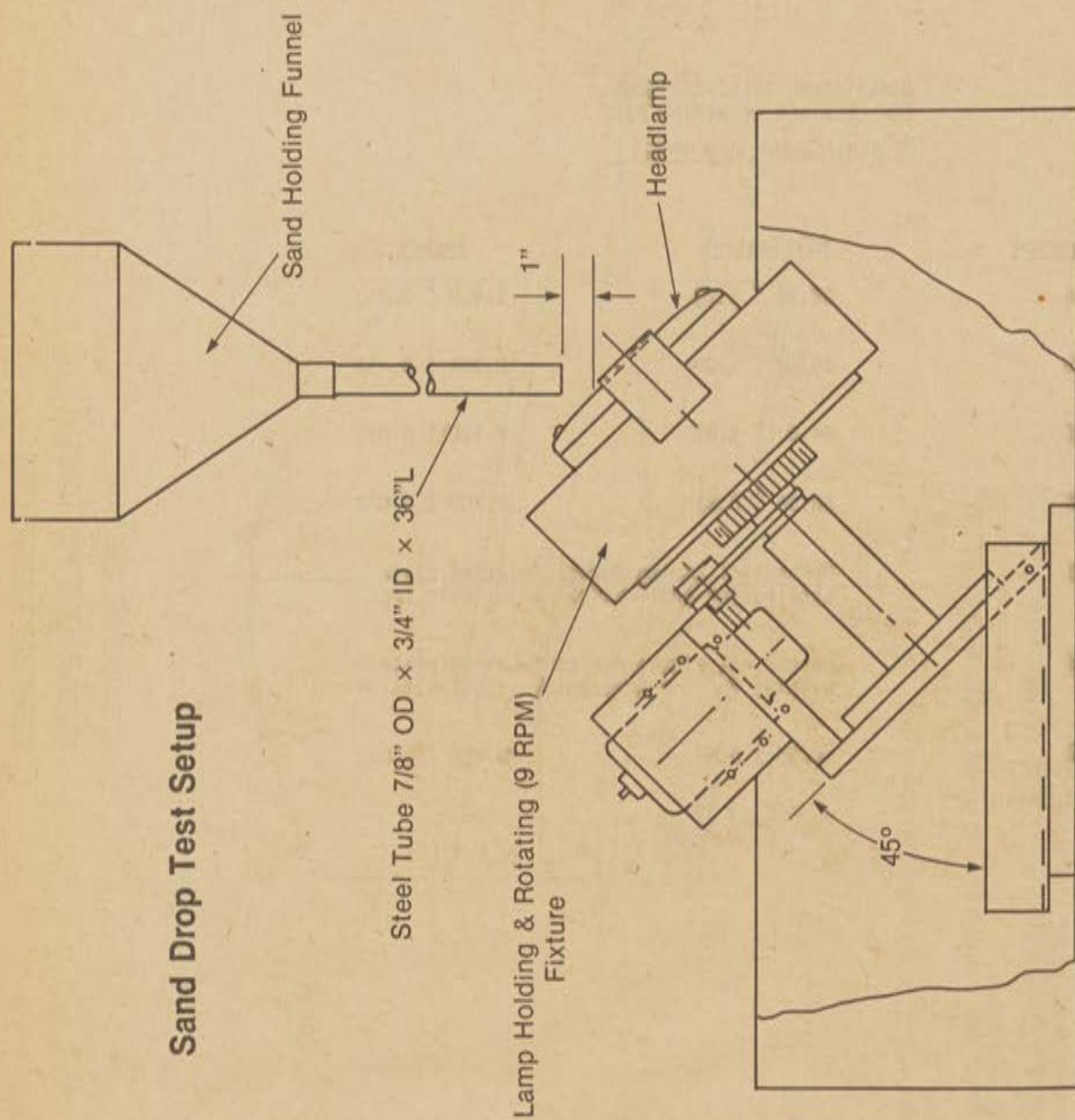




Figure 5

## ABRASION TEST FIXTURE

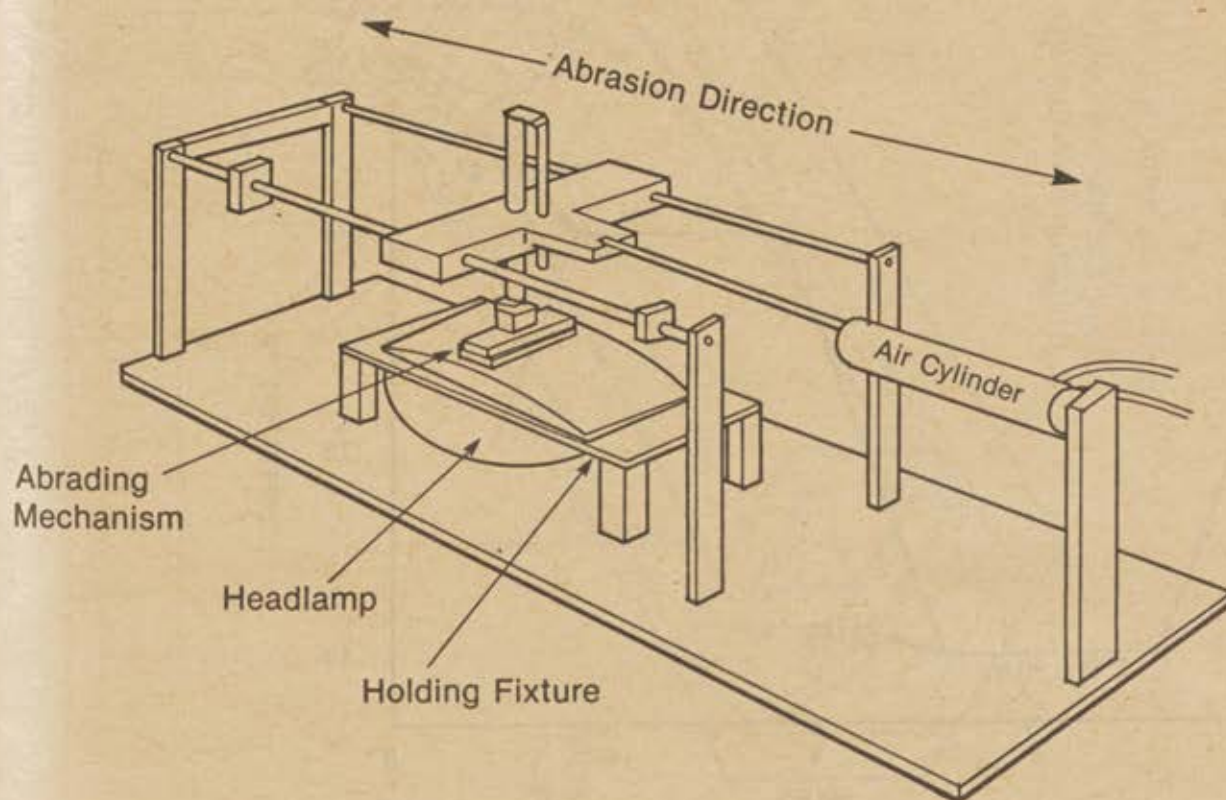
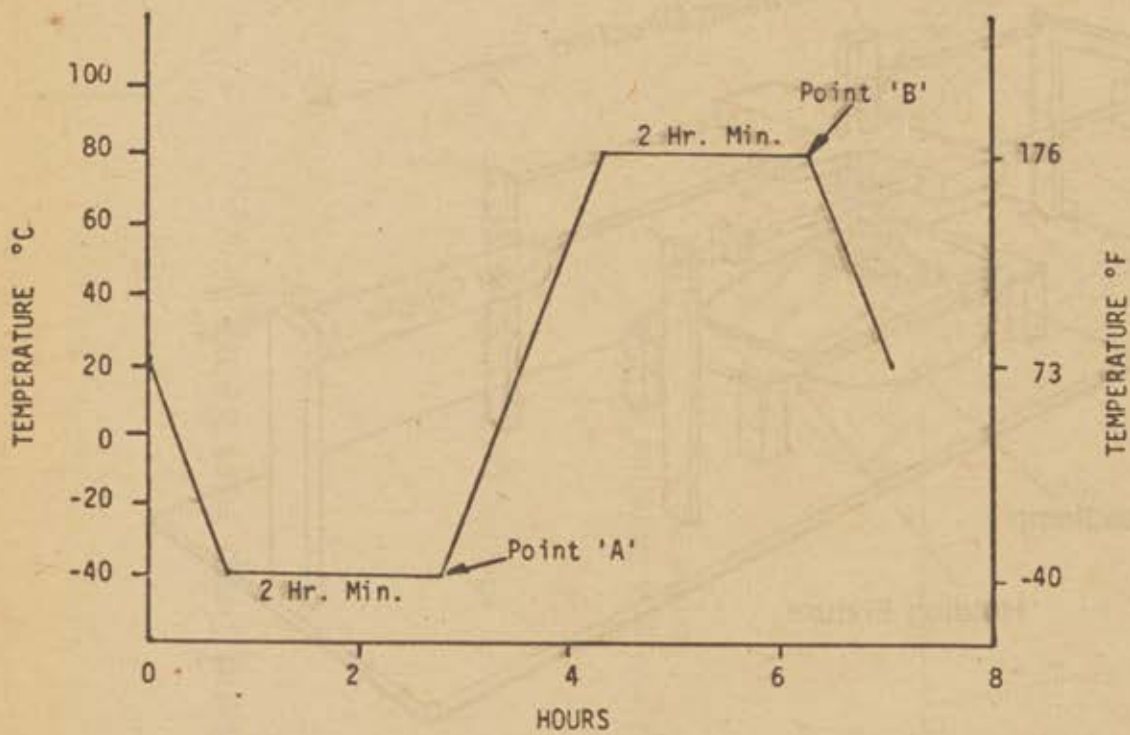




Figure 6

AMBIENT TEMPERATURE TRANSITION RATES:  
MINIMUM 0.6°C (1°F) PER MINUTE  
MAXIMUM 4°C (8°F) PER MINUTE



- THERMAL CYCLE PROFILE



Figure 7

## Dirt/Ambient Test Setup

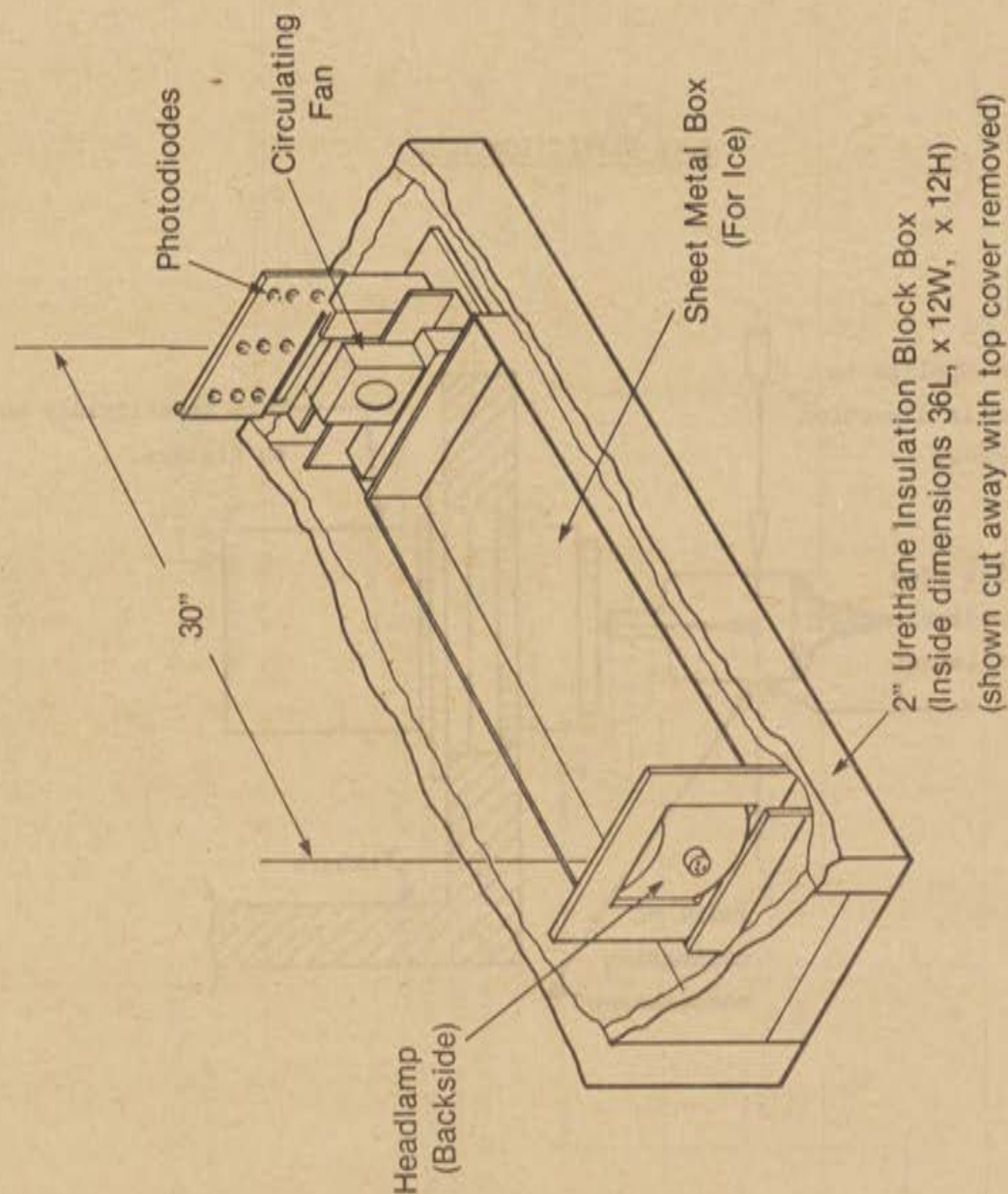
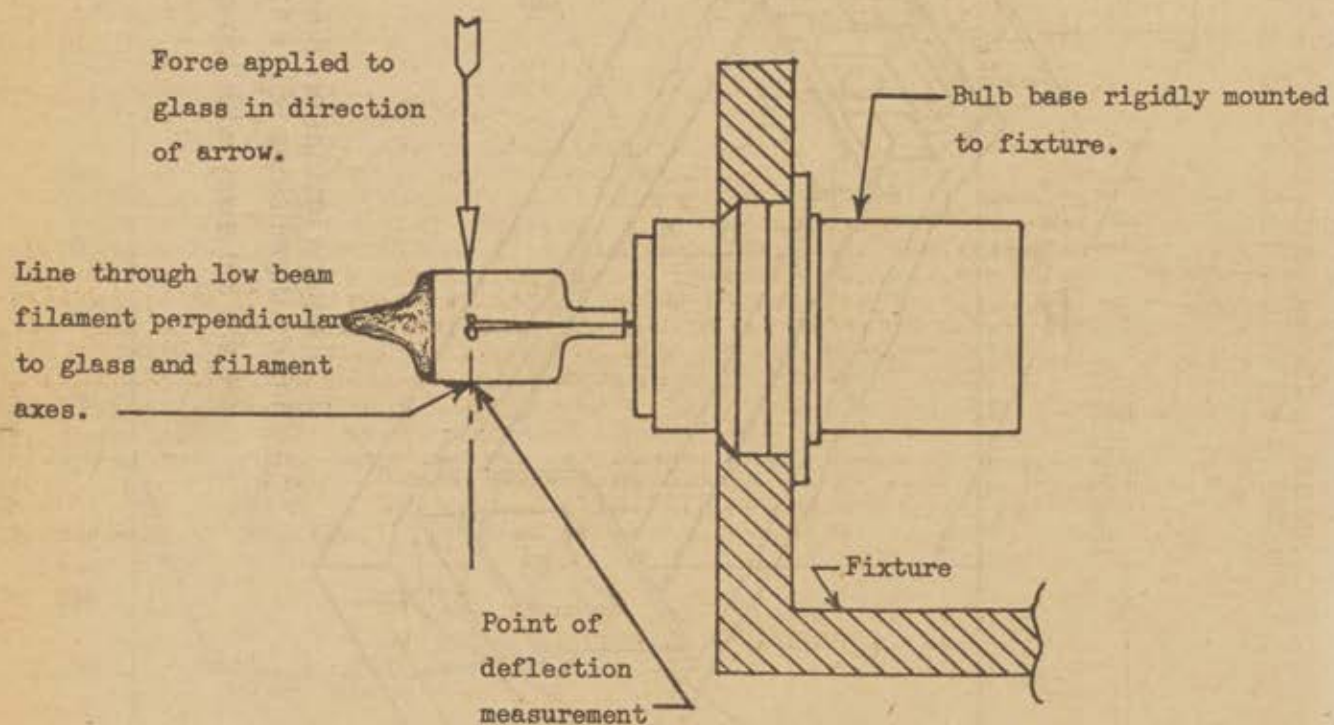




Figure 8

BULB DEFLECTION TEST



DIMENSIONAL SPECIFICATIONS FOR ADJUSTABLE  
LOCATING PLATES FOR USE WITH A  
MECHANICAL HEADLAMP AIMING DEVICE  
FOR GROUP I AND II (Per Fig. 3-1) AIMING  
AIMINGPAD LOCATIONS

All dimensions in millimeters and inches (when noted).

IT reference between devices is required for lateral aim, the means provided for referencing lateral alignment between devices (sight line, string, or equivalent) shall be located in this area.

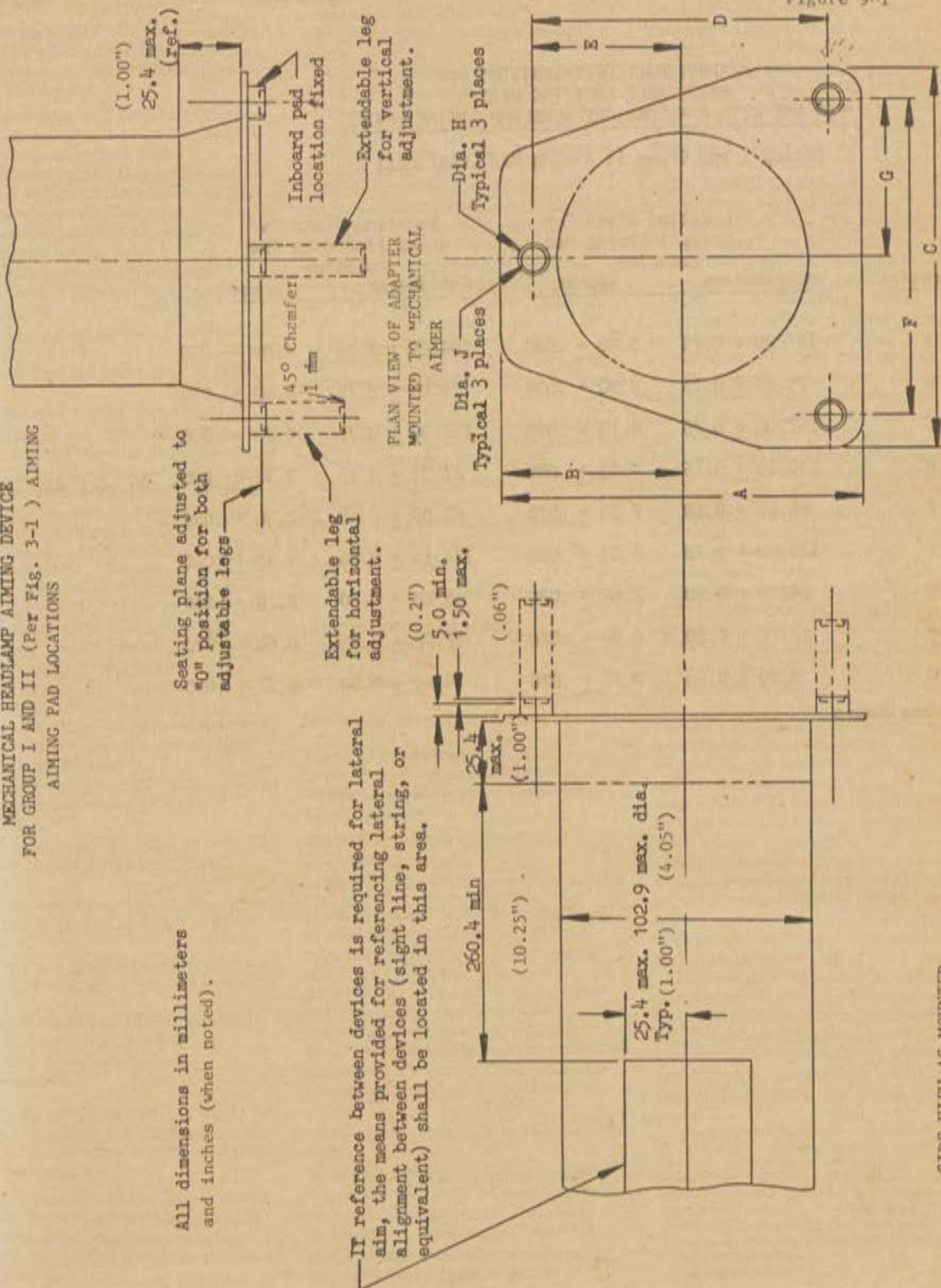




Figure 9-2

DIMENSIONAL SPECIFICATIONS FOR  
ADJUSTABLE LOCATING PLATES  
FOR USE WITH A MECHANICAL HEADLAMP AIMING DEVICE

(Group I and Group II Aiming Pad Locations)

Dimension	Locating Plate For Group I Aiming Pad Location		Locating Plate For Group II Aiming Pad Location	
	Millimeters	Inches	Millimeters	Inches
A	147.30 $\pm$ 0.75	5.80 $\pm$ .030	104.00 $\pm$ 0.75	4.09 $\pm$ .030
B	73.65 $\pm$ 0.75	2.90 $\pm$ .030	76.00 $\pm$ 0.75	2.99 $\pm$ .030
C	157.00 $\pm$ 0.75	6.18 $\pm$ .030	171.00 $\pm$ 0.75	6.73 $\pm$ .030
D	120.10 $\pm$ 0.75	4.73 $\pm$ .030	84.33 $\pm$ 0.75	3.32 $\pm$ .030
E	60.50 $\pm$ 0.50	2.38 $\pm$ .020	60.00 $\pm$ 0.50	2.36 $\pm$ .020
F	128.00 $\pm$ 0.75	5.04 $\pm$ .030	137.16 $\pm$ 0.75	5.40 $\pm$ .030
G	64.00 $\pm$ 0.50	2.52 $\pm$ .020	68.58 $\pm$ 0.50	2.70 $\pm$ .020
H	12.70 $\pm$ 0.50	0.50 $\pm$ .020	12.70 $\pm$ 0.50	0.50 $\pm$ .020
J	9.50 $\pm$ 0.50	0.37 $\pm$ .020	9.50 $\pm$ 0.50	0.37 $\pm$ .020

BILLING CODE 4910-59-C



**Option 2 (Sealed Lamp/Replaceable Light Source)**

1. Paragraph S3 Definitions would be revised by adding the following so that all definitions in that section appear in alphabetical order:

"Replaceable bulb headlamp" means a headlamp consisting of a hermetically sealed lens and reflector, and a standardized replaceable light source mounted behind the lens/reflector unit, which projects light through a glass bulb compartment installed inside the reflector and sealed to it.

"Standardized replaceable light source" means [See definition contained in Option 1].

2. A new paragraph S4.1.1.36 would be added as follows:

S4.1.1.36(a) [See S4.1.1.36(a) of Option 1].

(b) [See S4.1.1.36(b) of Option 1].

(c) After an out-of-focus test, the headlamp shall meet the requirements of Figure 2 for each of the out-of-focus test positions. With the headlamp mounted in the goniometer and the mechanical axis on the photometer axis, the headlamp shall be operated at a voltage of 12.8+6mV DC. Candela measurements shall be made with the light source in each of the following six locations not more than 0.02 in. (0.5 mm.) above-below, ahead-behind, and right-left of the design position.

(d) After any test conducted in accordance with subparagraphs (a) through (c) above, the bulb compartment shall not be cracked, broken, or show any evidence of haze.

3. A new paragraph S4.1.1.37 would be added as follows: [See S4.1.1.38 of Option 1].

4. A new paragraph S4.1.1.38 would be added as follows: [See S4.1.1.39 of Option 1].

5. A new paragraph S4.1.1.39 would be added as follows: [See S4.1.1.40 of Option 1].

6. Figures 1 and 2 would be added as follows: [See Figures 1 and 2 of Option 1].

**Option 3—Semi Sealed/Replaceable Bulb System Subject Only to Photometric, Bulb and Aiming Requirements**

1. Paragraph S3 Definitions would be revised by adding the following so that all definitions in that section appear in alphabetical order:

"Replaceable bulb headlamp" means [See definition contained in Option 1].

"Standardized replaceable light source" means [See definition contained in Option 1].

2. New sections S4.1.1.36, S4.1.1.37, S4.1.1.38, S4.1.1.39 and S4.1.1.40 would be added to read as follows:

S4.1.1.36 [See S4.1.1.36(a) and (b) of Option 1].

S4.1.1.37 [See S4.1.1.37 of Option 1].

S4.1.1.38 [See S4.1.1.38 of Option 1].

S4.1.1.39 [See S4.1.1.39 of Option 1].

S4.1.1.40 [See S4.1.1.40 of Option 1].

3. New sections S6, S7, and S8 would be added as follows:

S6 *Photometric Test Procedure.*

When tested according to Section S3.5, Photometric Design Requirements, of SAE Standard J579c *Sealed Beam Headlamp Units for Motor Vehicles*, each replaceable bulb headlamp shall meet the requirements of S4.1.1.36(b).

S7 [See S7 of Option 1].

S8 [See S8 of Option 1].

4. New Figures 1 through 3 would be added as follows: [See Figures 1, 3 and 9 of Option 1].

(Secs. 103, 114, 119, Pub. L. 89-563, 80 Stat. 718 [15 U.S.C. 1392, 1403, 1407]; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on January 10, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-1001 Filed 1-11-83; 1:09 pm]

BILLING CODE 4910-59-M

**INTERSTATE COMMERCE COMMISSION****49 CFR Part 1130**

[Docket No. 37130 (Sub-No. 2)]

**Special Docket Proceedings—Exemption From Letter-of-Intent Requirements Involving Amounts of \$2,000 or Less**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Commission is proposing to eliminate the Letter-of-Intent requirement in Special Docket cases involving reparation or waiver-of-undercharges of amounts of \$2,000 or less. The abbreviated procedure for the waiver of insignificant amounts is necessary to simplify and streamline the Commission's Special Docket process for petitions filed by rail and water carriers.

**DATES:** Comments are due February 16, 1983.

**ADDRESS:** An original and, if possible, ten copies of comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Martin E. Foley, (202) 275-7348.

**SUPPLEMENTARY INFORMATION:** In Docket No. 37130 (Sub-No. 1) *Special Docket Proceedings—Waiver of Insignificant Amounts and Simplification of Procedures*, 365 I.C.C. 544 (1982), the Commission simplified and streamlined its Special Docket process.<sup>1</sup> For special docket applications including those involving insignificant amounts, Commission regulations call for a carrier to submit: (1) A letter of registration (if needed to toll the statute of limitations); (2) a letter of intent (to pay reparations or waive collection of undercharges); and (3) a letter of disposition (advising the Commission of the action taken). (See 49 CFR 1130.2(e)).<sup>2</sup> The regulations do not prescribe a particular format for the letters but do require certain information to be contained in each.

These changes represented a substantial improvement over previous regulations, but further steps can still be taken to lessen the requirements, particularly in situations involving insignificant amounts (defined in the regulations as involving \$2,000 or less). Accordingly, we propose to adopt further abbreviated procedures for all special docket cases involving insignificant amounts.

Under the existing regulations, Letters of Intent must contain the names of complainant and defendant, the amount of the claim, the tariff authority, the dates of shipments, the origin and destination, commodity descriptions, an admission of unreasonableness, and evidence demonstrating compliance with the statute of limitations. Within 5 days of receipt at the Commission, letters of intent are available for public inspection for 25 days, during which time an interested party may protest by filing a letter of objection. If no objection is received, the carrier is free to make reparations or waive collection within 15 days following the protest period, and must file a letter of disposition informing the Special Docket Board of its action.

There is an abbreviated procedure for carriers seeking to waive amounts of \$2,000 or less that can be used only when the need for waiver results from Commission suspension of a proposed rate increase subsequently found lawful. (See 49 U.S.C. 10707(d)). In this instance,

<sup>1</sup> Special Docket applications are petitions filed by rail and water carriers requesting authority to make refunds to, or waive collection of undercharges from, their customers—a practice that would be unlawful under the Interstate Commerce Act, absent Commission permission. As part of its special docket procedures, the Commission also has regulations permitting carriers to waive collection of insignificant amounts.

<sup>2</sup> Formerly 49 CFR 1100.23(e).



carriers are not required to submit letters of intent before waiving amounts of \$2,000 or less, as long as they submit a Letter of Disposition after the fact, containing the information required at 49 CFR 1130.2(e)(2).

We now propose that *all* special docket actions involving amounts of \$2,000 or less be permitted to take advantage of the abbreviated procedure.<sup>3</sup> Carriers would be permitted to make reparations or waive collection of undercharges in amounts of \$2,000 or less by submitting a letter of disposition after the fact. The letter of disposition would be deemed to be Commission action on a complaint against rates or charges, the unreasonableness of which are admitted by the carrier. Like other special docket actions, it is a mechanism whereby applicable rates will be deemed to be unreasonable under the particular circumstances attendant to the establishment or maintenance of the assailed rate, as applied only against the specific movements of traffic which are covered by the letter of disposition. Further, the admissions of unreasonableness inherent in these letters of disposition will carry no implication or assumption that the assailed rates would be unreasonable as applied at any other time, or under any other circumstances. The letter of disposition would contain the information required at 49 CFR 1130.2(e)(2). Commission involvement otherwise would be limited to verification of compliance with the statute of limitations. If letters of disposition revealed reparations made in violation of the statute, we would notify the carrier, who would then rectify the matter. Proposed revisions to 49 CFR 1130.2(e) that would implement this proposal are contained in the appendix.

We seek comment on whether this proposal should be adopted. This process would be simpler and less expensive for the carriers, and would limit Commission involvement in what is essentially a bookkeeping function. We expect that financial savings would accrue to carriers through reduced costs in implementing reparations and waivers, and note also that the proposed rules would eliminate the current waiting period before reparation or waiver could be made. This would benefit the shipping public through expedited receipt of monies, and allow final closure of carrier billings for past shipments.

<sup>3</sup>Our records reveal that since the June 1, 1982 implementation of the current special docket process, 18.6% (51 of a total of 274) of those cases involved amounts of \$2,000 or less.

On the other hand, we recognize that adoption of this proposal would eliminate public notice of a carrier's proposed action, and, therefore, the opportunity to protest it. To counterbalance these results and enhance public awareness, we propose to keep a file of letters of disposition which will be open for public inspection. The letters would be kept on file for three years from the date the Commission received them. The Commission would entertain the complaint of any aggrieved person who believes that a letter of disposition shows that a carrier has violated the Act by unlawfully making reparations or waiving undercharges.

We invite comment on whether abuses of the letter of disposition system are likely to occur and, if so, whether keeping letters of disposition in a public file would provide the public the means to challenge any such abuses. We also invite comments on the specifics of this proposal including the jurisdictional amount and the information requirements as well as comments on other modifications or improvements to the special docket procedures which could be addressed in future rulemakings.

We certify that adoption of this proposal would not have a significant economic impact on a substantial number of small entities. The proposal involves only situations in which rail and water carriers seek voluntarily to charge less money than indicated in the carrier's applicable tariffs or to refund amounts that admittedly exceeded the maximum reasonable rate. Shippers and carriers would benefit from reduced cost and delay in completing the reparation or waiver process. We invite comments on this matter.

(5 U.S.C. 553 and 49 U.S.C. 10321)

It does not appear that this proposal will significantly affect the quality of the human environment or conservation of energy resources.

#### List of Subjects in 49 CFR Part 1130

Administrative practice and procedure.

Dated: January 5, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Vice Chairman Gilliam did not participate. Agatha L. Mergenovich, Secretary.

#### Appendix

#### PART 1130—[AMENDED]

We propose to amend Chapter X of Title 49 of the Code of Federal

Regulations by amending § 1130.2 as follows:

#### § 1130.2 [Amended]

1. The phrase "when such amounts are more than \$2,000," would be added in paragraph (e)(1) in the second sentence between the third comma and the word "petitions."

2. The following new material would be added to follow the existing paragraph (e)(1):

#### § 1130.2 When damages sought.

(e) \* \* \*

(1) \* \* \* If the amount to be waived and/or refunded is \$2,000.00 or less, no petition (Letter of Intent) need be filed prior to waiver or reparation. However, a letter of Disposition informing the Commission of the action taken, the date of the action, the amount waived or refunded and the date or dates shipments moved shall be submitted to the Special Docket Board, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days of the waiver and/or refund. The Letter of Disposition is deemed to be a Commission action on a complaint for the payment of reparations or for the waiver of undercharges of \$2,000 or less. Letters of disposition will be kept in a public file at the Interstate Commerce Commission for three years from the date the Commission receives them. Interested persons may see the file by inquiring at Special Docket Board, Bureau of Traffic, during normal working hours of the Commission.

[FR Doc. 83-117B Filed 1-14-83; 8:45 am]

BILLING CODE 7035-01-M

#### 49 CFR Parts 1162, 1306, and 1307

[Ex Parte No. MC-165]

#### Exemption of Motor Contract Carriers From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice to the Parties in Notice of Proposed Rulemaking.

SUMMARY: The Commission, in its notice of proposed rulemaking (47 FR 57303, December 23, 1982) requested comments on its proposal to relieve all motor contract carriers from tariff filing requirements. It also requested that any comments and replies be served upon the Contract Carrier Conference of the American Trucking Associations; The Bureau of Competition, Federal Trade Commission; United Forwarding Inc.; Carnaco, Inc.; and the law firm of Rea,



Cross and Auchincloss. However, the notice inadvertently omitted the addresses of these parties. In order to facilitate service of comments, the addresses are listed below.

**ADDRESS:**

Contact Carrier Conference of the American Trucking Associations,  
Thomas A. Callaghan, Jr., Attorney At Law, 1730 Rhode Island Avenue, NW.,  
Washington, DC 20036

Bureau of Competition, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, DC 20528  
United Forwarding, Inc., William J. Monheim, 13710 E. Whittier Blvd., Suite 203, P.O. Box 1756, Whittier, CA 90609

Carnaco, Inc., 5045 Wilshire Blvd., Los Angeles, CA 90036

David H. Coburn, Rea, Cross and Auchincloss, 700 World Center Building, 918 16th Street NW., Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:**

Jane Morris, (202) 275-6434

or

Wendy Tillis, (202) 275-6445.

(49 U.S.C. 10321 and 5 U.S.C. 553)

Decided: January 11, 1983.

By the Commission, Heber P. Hardy,  
Director, Office of Proceedings.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 83-1179 Filed 1-14-83; 8:45 am]

**BILLING CODE 7035-01-M**



# Notices

Federal Register

Vol. 48, No. 11

Monday, January 17, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Committee on Rulemaking; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking of the Administrative Conference of the United States, to be held at 9:00 a.m., Tuesday, February 8, 1982, at 2120 L Street, N.W., Washington, D.C. The meeting will be held on the Lower Level, FTC Hearing Room No. 3.

The Committee will consider possible recommendations based upon Professor Ellen R. Jordan's study of agency use of the Administrative Procedure Act's "good cause" exemptions from procedural requirements that apply to agency rulemaking. The Committee also will discuss with Professor Thomas O. McGarity the scope and design of his future study of agency implementation of regulatory analysis requirements in rulemaking.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days prior to the meeting. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Michael W. Bowers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037 (Telephone:

202-254-7065.) Minutes of the meeting will be available on request.

Richard K. Berg,  
General Counsel.

January 10, 1983.

[FR Doc. 83-1200 Filed 1-14-83; 8:45 am]

BILLING CODE 6110-01-M

## DEPARTMENT OF AGRICULTURE

### World Agricultural Outlook Board; Organization, Functions, and Availability of Information

Notice is hereby given for the guidance of the general public as to the organization, functions, and availability of information for the World Agricultural Outlook Board (WAOB).

#### Part 1—Organization and Functions

Section 1—*General*. The WAOB was established in the U.S. Department of Agriculture pursuant to Secretary's Memorandum No. 1920, dated June 3, 1977. The original designation of World Food and Agricultural Outlook and Situation Board was shortened to WAOB on June 17, 1981. Secretary's Memorandum No. 1920 abolished the Outlook and Situation Board (OSB) in the Economic Research Service, and transferred all OSB functions to the new Board. Subsequent Secretary's Memoranda have assigned further responsibilities to the Board in the areas of interagency commodity estimates (Secretary's Memorandum No. 1769, Revised, dated February 16, 1978); weather and climate activities (Secretary's Memorandum No. 1937, dated February 17, 1978), and remote sensing (Secretary's Memorandum No. 1951, dated August 1, 1978). The specific delegations of authority from the Assistant Secretary for Economics to the Chairman, WAOB, are contained in 7 CFR 2.86.

Section 2—*Functions*. The WAOB has four major areas of responsibility:

(a) Agricultural Outlook and Situation.  
(1) Coordinate and review all crop and commodity data used to develop outlook and situation material within the Department of Agriculture.

(2) Oversee and clear for consistency of analytical assumptions and results, all estimates and analyses which significantly relate to international and domestic commodity supply and

demand. This includes such estimates and analyses prepared for public distribution by the Foreign Agricultural Service, the Economic Research Service, or by any other agency or office of the Department.

(3) Participate in planning and developing research programs relating to improving the Department's forecasting and estimating capabilities.

(4) Provide liaison between the Department and Commodity Futures Trading Commission to assure that the futures market serves the best interest of agriculture and the public.

(5) Plan and participate in Departmental, interdepartmental, regional and international outlook conferences and briefings, to maintain an awareness of current and upcoming economic issues significant to the food and agricultural system.

(b) Interagency Commodity Estimates.

(1) Establish Interagency Commodity Estimates Committees to bring together estimates and analyses from supporting agencies and to develop official estimates of supply, utilization, and prices for commodities.

(2) Review for consistency of analytical assumptions and results, all proposed decisions made by the Interagency Commodity Estimates Committee prior to any release outside the Department.

(c) Weather and Climate. Serve as a focal point within the Department for coordination of weather, climate, and related crop monitoring activities.

(d) Remote Sensing.

(1) Provide technical assistance, coordination, and guidance to Department agencies in planning, developing, and carrying out satellite remote sensing activities to assure full consideration and evaluation of advanced technology.

(2) Coordinate administrative, management, and budget information relating to Department's remote sensing activities.

Section 3—*Organization*. The WAOB consists of a small staff of career professionals located in Washington, D.C. The principal officers of the Board are the Chairman, Deputy Chairman for Economic Research, Weather, and Remote Sensing, Deputy Chairman for Economic Intelligence, Chief Meteorologist, and Remote Sensing



Coordinator. Commodity and Regional Analysts on the Board have independent authority to coordinate and review all crop and commodity data used to develop outlook and situation material in their assigned area.

**Section 4—The Chairman.** The Chairman, under the general supervision of the Assistant Secretary for Economics, is responsible for planning and implementing policies and procedures for improving the consistency, objectivity, and reliability of situation, outlook and related farm policy evaluations; integrating and coordinating the Department's domestic and international food and agriculture information system; and coordinating all weather, climate and crop monitoring activities within the Department.

**Section 5—The Deputy Chairman for Economic Intelligence.** The Deputy Chairman for Economic Intelligence shares with the Chairman responsibility for formulating current, intermediate and long-range policies and programs of the Board in the areas of commodity analysis, clearance review and economic intelligence.

**Section 6—The Deputy Chairman for Research, Weather, and Remote Sensing.** The Deputy Chairman for Research, Weather, and Remote Sensing shares with the Chairman responsibility for formulating current, intermediate and long-range policies and programs of the Board in the areas of weather and climate, remote sensing, and research. He or she further directs the Joint Agricultural Weather Facility and related activities.

**Section 7—Chief Meteorologist.** The Chief Meteorologist is the principal staff specialist in atmospheric sciences for USDA and is responsible for technical leadership in the planning, coordination, analysis and review of the weather and climate programs of the Department.

**Section 8—Remote Sensing Coordinator.** The Remote Sensing Coordinator plans and coordinates research and operational programs concerned with acquisition, processing, analysis and dissemination of remotely-sensed information related to the effects of economic conditions and interrelated biological and physical factors upon production of agricultural and forest products and the land resource base.

**Section 9—Authority to Act for the Chairman.** In the absence of the Chairman, the following officials are authorized to act as Chairman in the order indicated:

Deputy Chairman for Economic Intelligence.  
Deputy Chairman for Economic

Research, Weather, and Remote Sensing.

**Section 10—Delegations.** The Deputy Chairman for Economic Intelligence, the Deputy Chairman for Economic Research, Weather, and Remote Sensing, the Chief Meteorologist and the Remote Sensing Coordinator are hereby delegated authority to take any action necessary to carry out their assigned responsibilities.

## Part II—Availability of Information

**Section 11—General.** This part is issued in accordance with the regulations of the Secretary of Agriculture in Part I, Subpart A, of Subtitle A of Title 7, CFR (7 CFR 1.1-1.16), and Appendix A thereto, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by this part, govern the availability of records of WAOB to the public.

**Section 12—Indexes.** 5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying and that a current index of these materials likewise be made available. WAOB does not maintain any materials within the scope of these requirements.

**Section 13—Requests for Records.** Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to: Chief, Records, Systems, and Analysis Branch, Administrative Services Division, Economics Management Staff, U.S. Department of Agriculture, Washington, D.C. 20250. Authority is hereby delegated to this official to make determination regarding such requests in accordance with 7 CFR 1.4(c).

**Section 14—Appeals.** Any person whose request for records is denied shall have the right to appeal that denial in accordance with 7 CFR 1.3(e) and 1.7. All appeals shall be addressed to: Chairman, World Agricultural Outlook Board, U.S. Department of Agriculture, Washington, D.C. 20250.

**Section 15—Requests For Published Data and Related Information.** Published data, details on subscriptions to WAOB publications, and related information on all WAOB programs may be obtained from the Chairman, Room 5143 South Building, WAOB, U.S. Department of Agriculture, Washington, D.C. 20250.

James R. Donald,  
Chairman, World Agricultural Outlook Board.

[FR Doc. 83-1254 Filed 3-14-83; 8:40 am]

BILLING CODE 3410-GL-M

## CIVIL AERONAUTICS BOARD

[Docket 39788; Order 83-1-43]

### Air Florida Systems-Western Acquisition; Show Cause Proceeding; Order

By Order 82-1-148 (January 29, 1982), the Board approved under section 408 of the Federal Aviation Act, 49 U.S.C. 1378, the application of Air Florida Systems, Inc. (Systems) and its subsidiaries, including Air Florida, Inc., to acquire control of Western Air Lines, Inc. Systems planned to acquire control by purchasing Western's stock. It did not plan to merge Western into Air Florida, so the transaction approved by the Board involved no transfer of Western's certificate authority. We determined, therefore, that our order did not need to be submitted to the President under section 801 of the Act, 49 U.S.C. 1461, a determination consistent with both long-standing Board practice and the language and purpose of section 801. However, on March 30, 1982, the United States Department of Justice (DOJ) filed a petition for review of our order in the United States Court of Appeals for the District of Columbia Circuit, *U.S. v. CAB, D.C. Cir. No. 82-1341*. It is DOJ's position that we should have submitted our order to the President under section 801. Oral argument is scheduled for January 24, 1983.

Despite the Board's approval of the proposed acquisition of control, Systems purchased no more Western stock (it had acquired 11.7 percent of Western's outstanding stock pending Board approval of the acquisition). Rather, Systems decided to sell all of its Western stock last fall. Thus it no longer has any control of Western. As Systems was not going forward with its proposed acquisition of control, the DOJ lawsuit appeared to be moot. However, in discussions with our staff the Department of Justice took the position that the case would not be moot unless the Board formally vacated its approval of Systems' proposed acquisition of control. While we continue to believe that our interpretation of the Act's presidential review requirement is correct and would be affirmed by the court, the court should not be compelled to resolve that issue in a case where doing so would have no practical effect.

We will vacate our earlier order insofar as it approves the transaction then proposed by Systems. In our view our earlier approval was limited to the transaction then proposed by Systems and was based on the factual circumstances of that time. If Systems were to make a new effort to acquire



control of Western, we believe it would have to obtain Board approval of the new transaction. In considering any such proposal, of course, we could rely heavily on the factual and legal conclusions made in Order 82-1-148 to the extent that those findings remained valid despite the passage of time. Under the circumstances, our action here should not prejudice Systems. Any person opposed to such a transaction (or persons arguing that it should be approved only on certain conditions) could present their arguments, and we would be willing to reexamine our earlier conclusions, including our decision that section 801 would not apply to a control acquisition where there is no transfer or modification of a carrier's certificate authority for an international route.

To give interested persons an opportunity to comment on our determination to vacate our approval of Systems' earlier proposal to acquire control of Western, we will defer the effective date of this order for a period of five calendar days from the date it is issued to give them an opportunity to comment if any one so desires. If no comments are filed, this order shall be come final on the sixth calendar day after its issuance.

Accordingly,

We vacate ordering paragraph one of Order 82-1-148.

This order shall be published in the *Federal Register* and served on all parties of record in Docket 39788. It shall become effective six (6) calendar days after the date it is issued.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 83-1235 Filed 1-14-83; 8:45 am]

BILLING CODE 6320-01-M

## CIVIL RIGHTS COMMISSION

### Illinois 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 Illinois Advisory Committee to the Commission will convene at 10:00a and will end at 2:00p, on February 4, 1983, at the John C. Kluczynski Building, 230 South Dearborn Street, in Room 3280, Chicago, Illinois, 60604. The purpose of this meeting will be to discuss followup activities to the housing report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Thomas J. Pugh, 500 West

Melbourne Avenue, Peoria, Illinois, 61604, (309) 671-7475 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 10, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-1213 Filed 1-14-83; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-421-060]

#### Animal Glue and Inedible Gelatin From The Netherlands; Preliminary Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review of Antidumping Finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on animal glue and inedible gelatin from the Netherlands. The review covers the two known Dutch exporters and two known third-country resellers of this merchandise to the United States and the period December 1, 1980 through November 30, 1981. The review indicates the existence of dumping margins for certain firms.

As a result of the review the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of the sales during the period of review. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** January 17, 1983.

**FOR FURTHER INFORMATION CONTACT:** Harry A. Patrick or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2923.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 12, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 35028) the final results of its last administrative review of the

antidumping finding on animal glue and inedible gelatin from the Netherlands (42 FR 64115, December 22, 1977) and announced its intent to conduct the next administrative review by the end of December 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

#### Scope of the Review

Imports covered by the review are animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. They are organic colloids of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two Dutch exporters and two third-country resellers of this merchandise to the United States, Wed. P. Smits & Zoon B.V. ("Smits"), b.v. Lijmfabriek C. Trommelen ("Trommelen"), F. Leiner & Co., Ltd. (U.K.), and Fein & Co., Ltd. (U.K.). The review covers all four firms and the period December 1, 1980 through November 30, 1981.

The Department received adequate questionnaire responses from all four firms. Two firms had no shipments to the U.S. during the period. For firms with no sales the estimated antidumping duty cash deposit rate will be the most recent rate calculated for each firm.

#### United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act, since all sales were made to unrelated purchasers in the U.S. prior to importation. Purchase price was based on the C & F or FOB packed price and, where applicable, deductions were made for forwarding fees, foreign inland freight, ocean freight, and loading charges. No other adjustments were claimed or allowed.

#### Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773(a) of the Tariff Act, since sufficient quantities of such or



similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the delivered price with adjustments for inland freight and differences in the packing costs, where applicable.

We denied a claimed adjustment for differences in the merchandise, since no data quantifying home market differences was supplied. No other adjustments were claimed or allowed.

#### Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period December 1, 1980 through November 30, 1981:

	Margin (percent)
Exporter:	
B.V. Lijnfabriek C. Trommelen	23.7
Wed. P. Smits & Zoon B.V.	0.2
Third-Country Reseller:	
Fein & Co., Ltd. (U.K.)	143.0
F. Leiner & Co., Ltd. (U.K.)	143.0

<sup>1</sup>No sales during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time period involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue assessment instructions on each exporter directly to the Customs Service.

Further, as provided for by section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the above margins shall be required on all shipments of Dutch animal glue from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. The Department waives the deposit requirement for Smits since the margin for that firm is less than 0.5 percent and

therefore *de minimis*. These deposit requirements, and the waiver for Smits, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: January 11, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

(FR Doc. 83-1234 Filed 1-14-83; 845 am)

BILLING CODE 3510-25-M

#### Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00352. Applicant: University of Missouri-Columbia, School of Medicine, 807 Stadium Road, Health Sciences Center, Columbia, Missouri 65212. Instrument: Electron Microscope, EM 10CR. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See Notice on page 49055 in the Federal Register of October 29, 1982. Instrument ordered: June 7, 1982.

Docket No. 82-00354. Applicant: U.S. Environmental Protection Agency, Environmental Research Laboratory, Sabine Island, Gulf Breeze, Florida 32561. Instrument: Electron Microscope, EM 10CA. Manufacturer: Carl Zeiss, West German. Intended use of instrument: See Notice on page 49055 in the Federal Register of October 29, 1982. Instrument ordered: May 13, 1982.

Docket No. 82-00355. Applicant: USDA, Agriculture Research Service, Arthropod-borne Animal Diseases Research, Building 45-S3, Denver Federal Center, Denver, Colorado 80225. Instrument: Electron Microscope, EM 410 and Accessories. Manufacturer: N.V. Phillips, The Netherlands. Intended use of instrument: See Notice on page 49055

in the Federal Register of October 29, 1982. Instrument ordered: June 25, 1982.

Docket No. 82-00360. Applicant: The University of Texas at Austin, Engineering Science Building, Room 403, Austin, Texas 78712. Instrument: JEM-1200 EX Analytical Electron Microscope and Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 49056 in the Federal Register of October 29, 1982. Instrument ordered: August 23, 1982.

Docket No. 82-00361. Applicant: University of Vermont, Department of Anatomy and Neurobiology, College of Medicine, Given Building, Burlington, VT 05405. Instrument: Electron Microscope, Model JEM 100-CX and Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 49056 in the Federal Register of October 29, 1982. Instrument ordered: July 30, 1982.

Docket No. 82-00375. Applicant: Iowa State University, Purchasing Department, 2nd Floor, Physical Plant, Ames, Iowa 50011. Instrument: Electron Microscope, JEM 100CX/SEG and Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 51437 in the Federal Register of November 15, 1982. Instrument ordered: August 26, 1982.

Docket No. 82-00377. Applicant: University of Illinois at Urbana-Champaign, Purchasing Division, 223 Administration Building, 506 S. Wright St., Urbana, Illinois 61801. Instrument: Electron Microscope, EM 420. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of instrument: See Notice on page 53083 in the Federal Register of November 24, 1982. Instrument ordered: June 17, 1982.

Docket No. 82-00378. Applicant: The University of Texas at Austin, Department of Botany, Austin, Texas 78712. Instrument: Electron Microscope, EM 420 and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of instrument: See Notice on page 51437 in the Federal Register of November 15, 1982. Instrument ordered: September 1, 1982.

Docket No. 82-00379. Applicant: St. Catherine Hospital, 4321 Fir Street, East Chicago, Indiana 46312. Instrument: Electron Microscope, JEM-100S and Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 51438 in the Federal Register of November 15, 1982. Instrument ordered: March 30, 1982.



Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each instrument establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each instrument described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign instruments to which the foregoing applications relate, for such purposes as these instruments are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-1190 Filed 1-14-83; 8:45 am]

BILLING CODE 3510-25-M

## National Bureau of Standards

### National Bureau of Standards Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet on Wednesday, February 2, 1983, from 8:30 a.m. to 10:30 a.m. in Lecture Room B, Administration Building, National Bureau of Standards, Gaithersburg, Maryland, after which time the Visiting Committee members will meet with a number of NBS scientists in their various offices and laboratories until 5:00 p.m.

The NBS Visiting Committee is composed of five members prominent in the field of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any person wishing to attend the meeting should inform Mrs. Carolyn Goodfellow, Office of Research and Technology Applications, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921-2228.

Dated: January 11, 1983.

Ernest Ambler,  
Director.

[FR Doc. 83-1192 Filed 1-14-83; 8:45 am]

BILLING CODE 3510-13-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Ad Hoc Committee to Assess Approaches to Space-Based Missile Warning Systems will hold meetings on February 1-3, 1983 from 8:30 a.m. to 5:00 p.m. at the Pentagon, Washington, DC in Room 5D982.

The Group will receive classified briefings and hold classified discussions on current requirements, capabilities, advanced technologies and cost comparisons as related to potential space-based missile warning systems.

The meetings concern matters listed in section 522(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly, the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-1302 Filed 1-14-83; 8:45 am]

BILLING CODE 3910-01-M

### Office of the Secretary

#### Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information

collection; (3) Abstract statement of the need for and the use to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

### New

#### Involuntary Child and Spousal Support Allotments

The proposed rule implements section 172 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub L. 97-248). It prescribes uniform regulations for the Military Departments in the processing of involuntary child or child and spousal support allotments.

Former spouses, spouses, and other authorized persons: 200 responses; 100 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3225, NEOB, Washington, DC 20503, and John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, the Pentagon, Washington, DC 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from James T. Jasinski, OASD(C), Room 3A882, the Pentagon, Washington, DC 20301, telephone (202) 697-0536.

Dated: January 12, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 83-1238 Filed 1-14-83; 8:45 am]

BILLING CODE 3810-01-M

#### Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection; (3) Abstract statement of the need for and the use to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of



the information proposal may be obtained.

#### New

##### *Former Spouse Payments From Retired Pay*

The proposed rule implements section 1002 of Pub. L. 97-252. It prescribes uniform regulations authorizing direct payments from a member's retired pay to a former spouse in response to court ordered alimony, child support, or division of property.

Former spouse or spouses: 23,500 responses; 7,500 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3225, NEOB, Washington, DC 20503, and John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, the Pentagon, Washington, DC 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from James T. Jasinski, OASD(C), Room 3A682, the Pentagon, Washington, DC 20301, telephone (202) 697-0536.

Dated: January 12, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 83-1239 Filed 1-14-83; 8:45 am]

BILLING CODE 3810-01-M

##### **Defense Systems Management College Board of Visitors Meeting**

A meeting of the Defense Systems Management College (DSMC) Board of Visitors will be held in Building 202, Fort Belvoir, VA, on Wednesday, 23 February 1983, from 7:30 a.m. until 4:30 p.m. The agenda will include a review of accomplishments related to the system acquisition education, system acquisition research, and information collection and dissemination missions. It will also include a review of the DSMC plans, resources and operations. The meeting is open to the public; however, because of limitations on the space available, allocation of seating will be made on a first-come, first-serve basis. Persons desiring to attend the meeting should call Lieutenant Commander Judy Ray (703-664-1175) to reserve a seat.

Dated: January 11, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 83-1175 Filed 1-14-83; 8:45 am]

BILLING CODE 3810-01-M

##### **DELAWARE RIVER BASIN COMMISSION**

##### **Meeting and Public Hearing**

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 26, 1983 beginning at 1:30 p.m. The hearing will be a part of the Commission's regular January business meeting which is open to the public. The meeting and hearing will be held in the Commission's Goddard Conference Room at its offices at 25 State Police Drive, West Trenton, New Jersey. The subject of the hearing will be:

1. *Keystone Water Company—Yardley District (D-79-16 CP)*. A surface water withdrawal to serve the applicant's distribution system. The proposed maximum diversion will be 4.0 million gallons per day (mgd) (an increase of 2.0 mgd over the existing withdrawal). The intake will be located at River Mile 137.28 on the Delaware River in Lower Makefield Township, Bucks County, Pennsylvania.

2. *Chalfont-New Britain Township Joint Sewage Authority (D-82-50 CP)*. A sewage treatment project to serve Chalfont Borough, New Britain Borough, and New Britain, Doylestown, and Plumstead Townships. Additions to sewage treatment facilities will improve reliability and allow additional flow in Bucks County, Pennsylvania. The treatment plant will be modified to remove 91 percent BOD and 92 percent suspended solids from a sewage flow of 1.90 million gallons per day. Treated effluent will discharge to Neshaminy Creek in Doylestown Township, Bucks County, Pennsylvania.

3. *Old Craigsville Television Association (D-82-46)*. An overhead cable crossing to provide improved television reception for area homes on the East Bank of the Delaware River, near Handsome Eddy, New York. The proposed crossing will extend for a distance of approximately 700 feet from Lumberland Township, Sullivan County, New York, across the Delaware River to Shohola Township, Pike County, Pennsylvania. The crossing will be located approximately three miles downstream from the Town of Barryville, New York, and will be located in the Upper Delaware Wild and Scenic River area.

Documents relating to these projects may be examined at the Commission's offices. Please contact Mr. David B. Everett.

Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

##### **Notice of Availability**

##### **"Basinwide Report and Executive Summary"**

The Commission has completed a Special Ground Water Study "Basinwide Report and Executive Summary". The Report, which recommends a ground water management program for the Delaware River Basin, is available, in limited quantities, upon request to Mr. Raymond J. DiFrancesco.

Susan M. Weisman,

Secretary.

January 11, 1983.

[FR Doc. 83-1221 Filed 1-14-83; 8:45 am]

BILLING CODE 5360-01-M

##### **DEPARTMENT OF EDUCATION**

##### **Intergovernmental Advisory Council on Education; Hearing and Meeting**

**AGENCY:** Education Department.

**ACTION:** Notice of Hearing and Meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a hearing and meeting of the Intergovernmental Advisory Council on Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

**DATES:** February 3-4, 1983.

**ADDRESS:** Federal Building, Room 406, 50 United Nations Plaza, San Francisco, California 94102.

**FOR FURTHER INFORMATION CONTACT:** Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202, (202) 472-6464.

**SUPPLEMENTARY INFORMATION:** The Intergovernmental Advisory Council on Education is established under Section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The Intergovernmental Advisory Council on Education will conduct a Public Hearing on February 3, 1983. The hearing will focus on:

9 a.m.—Tuition Tax Credits  
11:15 a.m.—Press Conference  
1 p.m.—Impact of Block Grant Programs  
3 p.m.—Federal Role in Education

Individuals, organizations, and associations need to preregister for the February 3 hearing. To preregister, due



to limited space and time, write Dr. Theresa H. Marshall, Executive Director, Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202 (telephone—(202) 472-6484).

(Commenters will be limited to five (5) minutes. Each commenter must provide written comments. Those wishing to submit comments only may do so by mailing them to Dr. Marshall.)

The Intergovernmental Advisory Council will meet on February 4. The meeting is open to the public and is scheduled from 9 a.m. to 3:30 p.m.

The proposed agenda includes:

- Critique of February 3 Hearing.
- Discussion of Upcoming Hearings.
- Questionnaire Regarding

Developments in Education.

Records are kept of all Council proceedings and are available for public inspection at the office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C.

Signed at Washington, D.C., on January 12, 1983.

Wendy Borchardt,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 83-1195 Filed 1-14-83; 8:45 am]

BILLING CODE 4000-01-M

#### National Advisory Committee on Accreditation and Institutional Eligibility; Meeting

AGENCY: Department of Education.

ACTION: Notice of public meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a public meeting of the National Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 1.0(a)(2)). This document is intended to notify the general public of its opportunity to attend and to participate.

**DATE:** February 16, 1983, 8:30 a.m. to 5:30 p.m. local time. Requests for oral presentations before the Committee must be received on or before February 4, 1983. Written comments may be submitted at any time prior to the meeting and will be considered by the Advisory Committee.

**ADDRESS:** Capitol Holiday Inn, 550 C Street, S.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Richard J. Rowe, Director, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, SW. (Room 3030, ROB-3), U.S.

Department of Education, Washington, D.C. 20202.

**SUPPLEMENTARY INFORMATION:** The National Advisory Committee on Accreditation and Institutional Eligibility is authorized by Section 1205 of the Higher Education Act as amended by Pub. L. 96-374 (20 U.S.C. 1145). The Committee advises the Secretary of Education regarding his responsibility to publish a list of nationally recognized accrediting agencies and associations, State agencies recognized for the approval of public postsecondary vocational education, and State agencies recognized for the approval of nurse education.

The Committee also advises the Secretary of Education regarding policy affecting both recognition of accrediting and approval bodies, and institutional eligibility for participation in Federal funding programs. The meeting on February 16 will be open to the public. The meeting will be held at the Capitol Holiday Inn, 550 C Street, SW., Washington, D.C. The Committee will review petitions by the following accrediting and state approval agencies relative to initial or continued recognition by the Secretary of Education. The Committee will also hear presentations by representatives of these petitioning agencies and interested third parties. The agencies having petitions pending before the Committee are:

#### Petitions for Recognition as Nationally Recognized Accrediting Agencies and Associations

##### A. Petition for Initial Recognition

Commission on Opticianry Accreditation.

##### B. Petitions for Continuation of Recognition

Accrediting Council on Education in Journalism, Accrediting Committee. American Assembly of Collegiate Schools of Business, Accreditation Council.

American Dietetic Association.

Commission on Accreditation.

American Psychological Association, Committee on Accreditation.

Western Association of Schools and Colleges, Accreditation Commission for Community and Junior Colleges.

#### Petitions for Recognition as State Agencies for the Approval of Public Postsecondary Vocational Education

##### A. Petitions for Initial Recognition

Delaware State Agency for the Approval of Postsecondary Vocational/Technical Education Institutions and Programs.

Puerto Rico State Agency for the Approval of Public Postsecondary Vocational Technical Education.

A Portion of this meeting will be used by the Advisory Committee to make final recommendations to the Secretary on agencies reviewed under a special procedure. The list of agencies and a description of the procedure were published in the Federal Register on January 14, 1983.

Requests for oral presentations before the Committee should be submitted in writing to Richard J. Rowe (address as above). Requests should include the names of all persons seeking an appearance, the organization they represent, and the purpose for which the presentation is requested. Requests must be received on or before February 4, 1983. Time constraints may limit oral presentations. However, all written material will be considered by the Advisory Committee.

A record will be made of the proceeding of the meeting and will be available for public inspection at the office of the Eligibility and Agency Evaluation Staff.

Signed at Washington, D.C., on January 12, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-1211 Filed 1-14-83; 8:45 am]

BILLING CODE 4000-01-M

#### Training Program for Special Programs Staff and Leadership Personnel Proposed Training Priorities for Fiscal Year 1983

AGENCY: Education Department.

ACTION: Notice of proposed training priorities for fiscal year 1983.

**SUMMARY:** The Secretary of Education proposes funding priorities for training activities to be funded under the Training Program for Special Programs Staff and Leadership Personnel. The purpose for establishing training priorities is to assist applicants for funding in developing training proposals which address the most significant training needs of the Special Programs staff and leadership personnel. Training grant awards are made in order to improve the operation of the Special Programs projects.

**DATE:** Interested persons are invited to submit comments or suggestions regarding the proposed training priorities on or before February 16, 1983.

**ADDRESS:** All written comments and suggestions should be sent to John L. Hunt, Program Development Branch,



Division of Student Services, ROB-3  
Room 3514, Department of Education,  
400 Maryland Avenue, SW.,  
Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:**  
John L. Hunt at the address provided  
above or call (202) 245-2511.

**SUPPLEMENTARY INFORMATION:** The  
Training Program for Special Programs  
Staff and Leadership Personnel provides  
Federal financial assistance to  
institutions of higher education and  
public and private nonprofit agencies  
and organizations to train staff and  
leadership personnel employed or  
preparing for employment in projects  
funded under the Special Programs for  
Students from Disadvantaged  
Backgrounds (Talent Search, Upward  
Bound, Special Services for  
Disadvantaged Students, and  
Educational Opportunity Centers). The  
Secretary, after consultation with  
regional and State professional  
associations of persons having special  
knowledge with respect to the needs  
and problems of such programs, is  
authorized to award training grants  
under this program. Authority for this  
program is contained in sections 417A  
and 417F, Title IV of the Higher  
Education Act of 1965, as amended (20  
U.S.C. 1070d, 1070d-1d).

The Department of Education invites  
public comment on the proposed  
priorities for training including  
suggested modifications to the proposed  
priorities. The following priorities  
represent areas in which the Department  
proposes to support training activities in  
program year 1983-84 under the Training  
Program. Publication of these proposed  
priorities does not bind the Department  
to fund in the listed areas.

*Proposed Training Priorities for Fiscal  
Year 1983:* The Secretary requests public  
comment on giving funding priority in  
FY 1983 to the following training  
activities:

(1) Regional workshops for new  
Special Programs project directors (one  
year or less in their current positions) to  
improve their skills in administering a  
Special Programs project in order to  
prevent mismanagement or marginal  
results;

(2) Short-term workshops which  
enhance the skills of Special Programs  
instructional staff to provide basic skills  
development;

(3) Short-term workshops which  
provide Special Programs counselors/  
instructors with techniques and  
information on appropriate uses of  
standardized tests and student

assessment procedures;

(4) Seminars/workshops to enhance  
the knowledge of Special Programs  
project directors, instructors, and  
counselors in cost effective uses of  
computers and other advanced  
educational technology;

(5) Regionally based training  
seminars/workshops for Special  
Programs project staff on the  
availability of, and application  
processes for, student financial  
assistance for postsecondary education;  
and

(6) Seminars to enhance the skills of  
project staff who provide services to the  
physically disabled.

The Secretary will consider comments  
from the public on other training topics  
which are germane to the Special  
Programs for Students from  
Disadvantaged Backgrounds. To  
reiterate, the Special Programs include  
only the Talent Search, Upward Bound,  
Special Services for Disadvantaged  
Students, and Educational Opportunity  
Centers programs currently funded by  
the U.S. Department of Education.

This Notice does not solicit  
application proposals or concept papers.  
The final priorities will be selected on  
the basis of public comment, the  
availability of funds, and any other  
relevant Departmental considerations.  
Final priorities will be announced in the  
form of an Application Notice in the  
Federal Register. That Notice will solicit  
grant applications and establish the  
closing date.

(Catalog of Federal Domestic Assistance  
Number: 84.103 Training Program for Special  
Programs Staff and Leadership Personnel)

Dated: December 30, 1982.

T. H. Bell,  
Secretary of Education.

[FR Doc. 83-1220 Filed 1-14-83; 8:45 am]  
BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[RP82-115-001]

#### Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

January 11, 1983.

Take notice that Consolidated Gas  
Supply Corporation (Consolidated) on  
December 30, 1982, tendered for filing  
Proposed and alternate tariff sheets to  
its FERC Gas Tariff, Third Revised  
Volume No. 1. The tariff sheets are

proposed to become effective, subject to  
refund, on January 1, 1983.

Consolidated states that the proposed  
tariff sheet, Thirty-Second Revised  
Sheet No. 16, reflects a Stipulation and  
Agreement filed on December 29, 1982.  
Consolidated requests that the  
Commission specifically grant a waiver  
of the notice requirements as provided  
in § 154.51 of the Regulations, in order  
that such proposed tariff sheet may be  
made effective as of January 1, 1983.

If the Commission does not approve  
the Stipulation and Agreement filed on  
December 29, 1982, or if it does not grant  
necessary waivers to allow Thirty-  
Second Revised Sheet No. 16 to become  
effective on January 1, 1983,  
Consolidated has filed Alternate Thirty-  
Second Revised Sheet No. 16 as well as  
Fourth Revised Sheet Nos. 38, 39 and 111  
to become effective in lieu thereof.  
Consolidated states that both the  
Proposed and Alternate tariff sheets  
comply with the Commission's order of  
July 28, 1982, Ordering Paragraph (F)  
which required Consolidated to file  
revised tariff sheets by December 31,  
1982, reflecting the elimination of costs  
associated with facilities not in service,  
the balance in Account 166 as of that  
date, the elimination of the adjustment  
to wages for changes not effective on or  
before January 1, 1983, and to reflect the  
GRI Funding Unit in effect on the  
effective date of the increased rates.

Copies of this filing were served upon  
Consolidated's jurisdictional customers  
as well as interested state commissions.

Any persons desiring to be heard or to  
protest said filing should file a petition  
to intervene or protest with the Federal  
Energy Regulatory Commission, 825  
North Capitol Street, N.E., Washington,  
D.C. 20426. In accordance with Sections  
211 and 214 of the Commission's Rules  
of Practice and Procedure (18 CFR  
385.211, 385.214). All such petitions or  
protests should be filed on or before  
January 19, 1983. Protests will be  
considered by the Commission in  
determining the appropriate action to be  
taken, but will not serve to make  
protestants parties to the proceedings.  
Any persons wishing to become a party  
must file a petition to intervene. Copies  
of this filing are on file with the  
Commission and are available for public  
inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-1145 Filed 1-14-83; 8:45 am]  
BILLING CODE 6717-01-M



[Volume 806]

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 11, 1983.

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION						
NAHAMA & WEAGANT ENERGY CO RECEIVED: 12/06/82 JA: CA						
8312568	82-4-0194	8402966621	102-4 "KERN BELLEVUE" 1	BELLEVUE	45.0	PACIFIC GAS & ELE
PETRO-LEWIS CORPORATION RECEIVED: 12/06/82 JA: CA						
8312567	84-4-0195	8402959415	103 KING 870-19	SOUTH BELLEVUE	10.0	MOBIL OIL CORP
FLORIDA DEPARTMENT OF NATURAL RESOURCES						
EXXON CORPORATION RECEIVED: 11/30/82 JA: FL						
8312545	0911320201	107-0P	WOODROW BUTLER #41-6	JAY/LEC	9.5	FLORIDA GAS TRANS
KANSAS CORPORATION COMMISSION						
BRADEN-DEEM INC RECEIVED: 12/06/82 JA: KS						
8312632	K-80-0070	1500700000	108-ER WHEAT #1		0.0	
8312630	K-79-0015	1500700000	108-ER WHEAT #3		0.0	
8312629	K-79-0014	1500700000	108-ER WHEAT B-1		0.0	
8312631	K-79-0013	1500700000	108-ER WHEAT B-2		0.0	
NORTH DAKOTA INDUSTRIAL COMMISSION						
8WAB INC RECEIVED: 12/06/82 JA: ND						
8312647	652	3300700844	102-2 STATE 16-34	TR	7.0	WESTERN GAS PROCE
GULF OIL CORPORATION RECEIVED: 12/06/82 JA: ND						
8312640	645	3300700803	102-2 GROSULAK 1-3-48	LITTLE KNIFE	21.0	
8312644	649	3302500122	102-2 HOUGHTON BANK STATE 1-6-18	LITTLE KNIFE	13.0	
8312643	648	3305301478	102-2 LINDVIG 1-11-3C	UNDESIGNATED	18.0	
8312642	647	3300700791	102-2 LOH 3-25-48	LITTLE KNIFE	21.0	
8312641	646	3310501000	102-2 SKURDIL 1-24-38	UNDESIGNATED	75.0	
HART EXPLORATION & PRODUCTION CO RECEIVED: 12/06/82 JA: ND						
8312646	651	3305301546	102-2 HART TRANS CO THORSON #1-25	ASSINBOINNE	900.0	SHELL OIL CO
MOSBACHER PRODUCTION CO RECEIVED: 12/06/82 JA: ND						
8312648	653	3310500988	102-2 CHARLES BOWEN #21-1	W SAND CREEK (RED RIV	377.0	
SUPERIOR OIL CO RECEIVED: 12/06/82 JA: ND						
8312649	654	3305301539	102-2 HELGSON-HOEHN #1	INDIAN HILL	0.0	
8312645	650	3305301520	102-2 STEPAKER #1	CAMP	0.0	PHILLIPS PETROLEU
TOM BROWN INC RECEIVED: 12/06/82 JA: ND						
8312650	655	3305301466	102-2 SIMPSON #3-14	ELK OUTPOST	43.0	PHILLIPS PETROLEU
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
ARCO OIL AND GAS COMPANY RECEIVED: 12/06/82 JA: NM						







PAGE 003

VOLUME 806

JD NO	JA DKT	API NO	O SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8312607	2225	3101316582	102-2		R HEWES #3-A	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8312608	2347	3101316308	102-2		R MORRIS #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8312590	3383	3101317190	107-TF		R SHIELDS #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8312593	3247	3101317120	107-TF		R WHITE #3	CLYMER	18.0	COLUMBIA GAS TRAN
-LENAPE RESOURCES CORP			RECEIVED:	12/06/82	JA: NY			
8312621	2713	3105116140	102-2		E WYAND #1 LRC #63	CALEDONIA	20.0	NEW JERSEY NATURA
-SEIS-EX GEOPHYSICAL LTD			RECEIVED:	12/06/82	JA: NY			
8312619	2987	3101315908	102-2		SEIS-EX R RETTIG #1	WILDCAT	18.0	COLUMBIA GAS TRAN
-TRAHAN PETROLEUM INC			RECEIVED:	12/06/82	JA: NY			
8312578	3086	3101316539	107-TF		ALLNATT #3	WILDCAT	36.0	COLUMBIA GAS TRAN
8312571	3124	3101316320	107-TF		BENTLEY #2 31-013-16320	ELLINGTON	36.0	COLUMBIA GAS TRAN
8312600	3276	3101317195	102-2		BENTLEY 3 31-013-17195	ELLINGTON	36.0	COLUMBIA GAS TRAN
8312576	3082	3101316968	107-TF		CHASE 2	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8312622	2638	3101312514	102-2		ERNEST CHASE NY #46	LEON	36.0	COLUMBIA GAS TRAN
8312573	3127	3101312486	107-TF		FEDRICKSON NY 26 31-013-12486	LEON	36.0	COLUMBIA GAS TRAN
8312601	3279	3101316511	102-2		KENNEY 1 31-013-16511	ELLINGTON	36.0	COLUMBIA GAS TRAN
8312577	3084	3101316523	107-TF		MOUNT 1	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8312572	3123	3101316799	107-TF		PICKUP #1 31-013-16799	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8312574	3078	3101316800	107-TF		PICKUP NY 42	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8312623	3120	3101312487	102-2		PIERROTTI NY 25 31-013-12487	LEON	36.0	COLUMBIA GAS TRAN
8312620	3128	3101312495	102-2		RICE CHAUTAUGUA #2 31-013-12495	LEON	36.0	COLUMBIA GAS TRAN
8312575	3080	3101315752	107-TF		RICE NY 27	LEON	36.0	COLUMBIA GAS TRAN
8312624	2640	3101316371	102-2		RICHARD ALNATT NY #24	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8312625	2636	3101315522	102-2		W COWEN #1 31-013-15522	WILDCAT	36.0	COLUMBIA GAS TRAN
-UNIVERSAL RESOURCES HOLDINGS INC			RECEIVED:	12/06/82	JA: NY			
8312570	3116	3101316989	107-TF		WARD BENEDICT #3	GERRY	20.0	COLUMBIA GAS TRAN
8312580	2795	3101316845	107-TF		WILLIAM SASS #1	GERRY	20.0	COLUMBIA GAS TRAN
8312579	2790	3101316846	107-TF		WILLIAM SASS #2	GERRY	20.0	COLUMBIA GAS TRAN
-OKLAHOMA CORPORATION COMMISSION			RECEIVED:	12/06/82	JA: OK			
-AM-CAN RESOURCES INC			RECEIVED:	12/06/82	JA: OK			
8312590	17220	3510121015	102-2	103	HARRISON #3	YAHOLA	106.9	PHILLIPS PETROLEUM
-AMOCO PRODUCTION CO			RECEIVED:	12/06/82	JA: OK			
8312664	17982	3509322331	103		BUTTEL UNIT "C" #3	NE CEDARDALE (CHESTER	100.0	MICHIGAN WISCONSIN
8312665	17983	3501121588	103		OUTHIER UNIT "C" #2	OKEEHE NW (UNCONFORMI	50.0	OKLAHOMA NATURAL
-AM-SON CORPORATION			RECEIVED:	12/06/82	JA: OK			
8312662	17843	3508720753	103		SULLIVAN #1-9	E COLE	292.0	
-ANADARKO PRODUCTION COMPANY			RECEIVED:	12/06/82	JA: OK			
8312702	18358	3500320843	108		TUCKER F 1-15	S E LAMBERT	6.0	PIONEER GAS PRODU
-ANDOVER OIL COMPANY			RECEIVED:	12/06/82	JA: OK			
8312675	18076	3501122016	103		PORTER #32-1	180.0	DELHI GAS PIPELIN	
-ARBANA OIL			RECEIVED:	12/06/82	JA: OK			
8312669	18052	3513321593	103		LOU RAINWATER #2	RAINWATER	84.0	SEDCO GAS CO
-B J HOWELL			RECEIVED:	12/06/82	JA: OK			
8312696	18458	3506300000	108		SEARS NO 1	SHADY GROVE	19.1	HILL TOP INVESTME
-B J KELLEMBERGER			RECEIVED:	12/06/82	JA: OK			
8312687	17652	3500722159	103		RAGSDALE TRUST #1	256.0	KANSAS NEBRASKA N	
-BARUCH-FOSTER CORP			RECEIVED:	12/06/82	JA: OK			
8312660	17964	35111921707	103		STANLEY A SWISHER #1	SCHLEGEL	6.0	CITIES SERVICE GA
-BERRY PETROLEUM CORP			RECEIVED:	12/06/82	JA: OK			
8312679	17690	3509322401	103		GREGORY 1-32	AMES	0.0	CITIES SERVICE GA
-BROWN & BORELLI INC			RECEIVED:	12/06/82	JA: OK			



JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
8312699	15823	3507323341	103 LLOYD #1	SOONER TREND	56.6	EASON OIL CO
8312699	15823	3507323341	103 RECEIVED: 12/06/82	SOONER TREND	56.6	EASON OIL CO
8312651	17979	3507122311	103 ABEL #29-1	RICHLAND	350.0	DELHI GAS PIPELIN
8312651	17979	3507122311	103 RECEIVED: 12/06/82	RICHLAND	350.0	DELHI GAS PIPELIN
8312677	18088	3507323419	103 L PARSONS #6-1	SOONER TREND	30.0	PHILLIPS PETROLEU
8312677	18088	3507323419	103 RECEIVED: 12/06/82	SOONER TREND	30.0	PHILLIPS PETROLEU
8312691	17471	3510700000	103 IDA FAYE #1	DESHIELDS	0.0	WELLHEAD COMPRESS
8312691	17471	3510700000	103 RECEIVED: 12/06/82	DESHIELDS	0.0	WELLHEAD COMPRESS
8312667	17986	3518721302	103 ALFORD #1-14	WELEETKA	14.0	PHILLIPS PETROLEU
8312667	17986	3518721302	103 RECEIVED: 12/06/82	WELEETKA	14.0	PHILLIPS PETROLEU
8312674	18077	3507323347	103 JARED #2-1	SOONER TREND	50.0	PHILLIPS PETROLEU
8312674	18077	3507323347	103 RECEIVED: 12/06/82	SOONER TREND	50.0	PHILLIPS PETROLEU
8312666	17984	3509371192	103 PITMAN #4-1	SOONER TREND	70.0	CITIES SERVICE GA
8312666	17984	3509371192	103 RECEIVED: 12/06/82	SOONER TREND	70.0	CITIES SERVICE GA
8312668	18048	3508322233	103 TELLARO #1	WEST LAURIE	73.0	EASON OIL CO
8312668	18048	3508322233	103 RECEIVED: 12/06/82	WEST LAURIE	73.0	EASON OIL CO
8312680	17724	3508722134	103 OVERTON #2	MOCANE	438.0	PANHANDLE EASTERN
8312680	17724	3508722134	103 RECEIVED: 12/06/82	MOCANE	438.0	PANHANDLE EASTERN
8312655	17973	3511100000	103 SUTTERFIELD #1-18	0.0	PHILLIPS PETROLEU	
8312655	17973	3511100000	103 RECEIVED: 12/06/82	0.0	PHILLIPS PETROLEU	
8312676	18079	3508722235	103 CAMBRICK UNIT #3124	CAMBRICK (UPPER MORROW	1.0	PHILLIPS PETROLEU
8312676	18079	3508722235	103 RECEIVED: 12/06/82	CAMBRICK (UPPER MORROW	1.0	PHILLIPS PETROLEU
8312689	16362	3507220310	103 CAMOY #1	NORTHWEST NORMAN	91.3	SUN GAS CO
8312689	16362	3507220310	103 RECEIVED: 12/06/82	NORTHWEST NORMAN	91.3	SUN GAS CO
8312670	18054	3504321768	103 BARNES #2	E CAMARGO	684.0	WESTERN FARMERS E
8312670	18054	3504321768	103 RECEIVED: 12/06/82	E CAMARGO	684.0	WESTERN FARMERS E
8312678	18102	3501121679	103 HERBERT YOST #1-36	SOUTH OMEGA	71.0	ONG WESTERN INC
8312678	18102	3501121679	103 RECEIVED: 12/06/82	SOUTH OMEGA	71.0	ONG WESTERN INC
8312684	17820	3515320298	103 PELTER #1	NOT YET ASSIGNED	82.0	WESTERN FARMERS E
8312684	17820	3515320298	103 RECEIVED: 12/06/82	NOT YET ASSIGNED	82.0	WESTERN FARMERS E
8312672	18059	3509322327	103 DAVID #2	S ALINE	127.0	DELHI GAS PIPELIN
8312672	18059	3509322327	103 RECEIVED: 12/06/82	S ALINE	127.0	DELHI GAS PIPELIN
8312686	17663	3505320754	103 SKAGGS #1-15	0.0	CITIES SERVICE GA	
8312686	17663	3505320754	103 RECEIVED: 12/06/82	0.0	CITIES SERVICE GA	
8312697	12861	3512300000	103 SHAFFER #1	32.9	ARKANSAS LOUISIAN	
8312697	12861	3512300000	103 RECEIVED: 12/06/82	32.9	ARKANSAS LOUISIAN	
8312657	17970	3510100000	103 JIM EPPERSON #2	TAFT FIELD	140.0	NATURAL GAS ENTER
8312657	17970	3510100000	103 RECEIVED: 12/06/82	TAFT FIELD	140.0	NATURAL GAS ENTER
8312692	17347	3503723370	103 STOLL #5A	CUSHING	18.3	ARCO OIL & GAS CO
8312692	17347	3503723370	103 RECEIVED: 12/06/82	CUSHING	18.3	ARCO OIL & GAS CO
8312685	17686	3504321375	102-4 COLE #1-5	CESTOS - MORROW *C*	91.0	PANHANDLE EASTERN
8312685	17686	3504321375	102-4 RECEIVED: 12/06/82	CESTOS - MORROW *C*	91.0	PANHANDLE EASTERN
8312682	17809	3508321815	103 HENKE #B #1	ABELL PROSPECT	0.0	EASON OIL CO
8312682	17809	3508321815	103 RECEIVED: 12/06/82	ABELL PROSPECT	0.0	EASON OIL CO
8312688	17609	3504722331	103 HONKOLD #3	WILSON	0.0	EASON OIL CO
8312688	17609	3504722331	103 RECEIVED: 12/06/82	WILSON	0.0	EASON OIL CO
8312701	17994	3507323442	103 JICO - SEOLAK #1	SOONER TREND	54.8	MUSTANG FUEL CORP
8312701	17994	3507323442	103 RECEIVED: 12/06/82	SOONER TREND	54.8	MUSTANG FUEL CORP
8312661	17889	3504723016	103 JIMMY #1	SOONER TREND	230.0	PANHANDLE EASTERN
8312661	17889	3504723016	103 RECEIVED: 12/06/82	SOONER TREND	230.0	PANHANDLE EASTERN
8312652	17976	3507323548	103 SETZ #2 (CHESTER)	SOONER TREND	131.4	PHILLIPS PETROLEU
8312652	17976	3507323548	103 RECEIVED: 12/06/82	SOONER TREND	131.4	PHILLIPS PETROLEU
8312653	17975	3507323548	103 SETZ #2 (MISSISSIPPI)	SOONER TREND	144.0	PHILLIPS PETROLEU
8312653	17975	3507323548	103 RECEIVED: 12/06/82	SOONER TREND	144.0	PHILLIPS PETROLEU
8312663	17981	3509322297	103 WIENS #B #2 (HUNTON)	OKEENE NW	82.1	OKLAHOMA NATURAL
8312663	17981	3509322297	103 RECEIVED: 12/06/82	OKEENE NW	82.1	OKLAHOMA NATURAL
8312683	17847	3504900000	100 C LAMBERT #3	GOLDEN TREND	99.6	WARREN PETROLEUM
8312683	17847	3504900000	100 RECEIVED: 12/06/82	GOLDEN TREND	99.6	WARREN PETROLEUM



PAGE 005

VOLUME 806

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-NORTHWEST EXPLORATION COMPANY			RECEIVED:	12/06/82	JA: OK	NORTH WEATHERFORD	400.0	PRODUCER'S GAS CO
8312681	17808	3503920588	103	GOSS #1-20				
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	12/06/82	JA: OK	SOONER TREND	0.0	TRANSOK PIPELINE
8312673	18069	3504722888	103	EDITH #A #2				
-SENECA OIL COMPANY			RECEIVED:	12/06/82	JA: OK	BEAVER RIVER	1314.0	PANHANDLE EASTERN
8312698	14802	3513921475	102-2	103 JOLLIFFE #1-32				
-SILVAN SUPPLY CO			RECEIVED:	12/06/82	JA: OK		5.0	ARCO OIL & GAS CO
8312656	17971	3503722389	103	DAILEY #84				
-SOUTHEAST EXPLORATION			RECEIVED:	12/06/82	JA: OK		91.3	DELHI GAS PIPELIN
8312654	17974	3500322887	103	BOYCE #1				
-SUN EXPLORATION & PRODUCTION CO			RECEIVED:	12/06/82	JA: OK	MONAWA-DORA	2.0	ARCO OIL & GAS CO
8312695	18364	3513300000	108	DICKEY JOHNSON #6				
8312694	18362	3507100000	108	E BLACKWELL #4-1				
8312693	18361	3515100000	108	M S OLSON #1				
-TRANS-WESTERN EXPLORATION INC			RECEIVED:	12/06/82	JA: OK	(WILDCAT)	145.0	PHILLIPS PETROLEUM
8312658	17968	3500721976	103	PRISCILLA JONES #1-32				
8312659	17967	3500722173	103	ROACH #1-29				
-VULCAN ENERGY CORP			RECEIVED:	12/06/82	JA: OK	(WILDCAT)	145.0	PHILLIPS PETROLEUM
8312700	17966	3511921923	103	HEMBREE #1				
-WESTERN PACIFIC PETROLEUM INC.			RECEIVED:	12/06/82	JA: OK	NORTH LOYAL	18.3	EASON OIL CO
8312671	18058	3507323157	103	GREENWALD #1-18				
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-CABOT OIL & GAS CORP			RECEIVED:	12/03/82	JA: PA	WAYNE	50.0	TENNESSEE GAS PIP
8312474	17121	3703921670	102-2	DALE GUN #1				
8312475	17120	3703921670	107-TF	DALE GUN #1				
-DOC-NCC SERVICE CO			RECEIVED:	12/03/82	JA: PA	WAYNE	50.0	TENNESSEE GAS PIP
8312476	13595	3712922824	103	LOUIS M BEHANA 1551-1				
8312477	13539	3712922818	103	WILLIAM M SEAMAN 1616-1				
-ENVIROGAS INC			RECEIVED:	12/03/82	JA: PA	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8312489	18198	3704920513	108	R BARTLETT #1				
8312497	18206	3704920491	108	BARTMAN #1				
8312496	18205	3704920606	108	BLAIR #1				
8312493	18202	3704920561	108	BLILEY #1				
8312480	18189	3704920521	108	CHAPMAN #1				
8312485	18194	3704920569	108	O COLETTA #1				
8312487	18196	3704920570	108	D COLETTA #2				
8312490	18199	3704920505	108	FRITTS #1				
8312488	18197	3704920567	108	GRIFFIN #1				
8312478	18172	3704920489	108	J MOORHEAD #1				
8312483	18192	3704920621	108	LARSON #2				
8312481	18190	3704920607	108	LARSON #3				
8312484	18193	3704920555	108	LEVONDUSKI #1				
8312499	18208	3704920471	108	MERSKI #1				
8312479	18188	3704920503	108	MOORHEAD VINEYARDS #2				
8312492	18201	3704920626	108	PIERCE #2				
8312491	18200	3704920627	108	PIERCE #3				
8312486	18195	3704920566	108	R MOORHEAD #1				
8312498	18207	3704920719	108	SELLARO #1				
8312494	18203	3704920684	108	SKOPOW #1				
8312482	18191	3704920545	108	V COLETTA #2				
8312495	18204	3704920593	108	WALTER #1				



PAGE 005

VOLUME 806

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	RECEIVED:	12/03/82	JA: PA	FIELD NAME	PROD	PURCHASER
-HANLEY & BIRD									
8312500	17541	3706522569	SHAMMUT DEVELOPMENT CORP SHBTSN1709 TIMBLIN	103	12/03/82	JA: PA		4.5 T W PHILLIPS GAS	
-J & J ENTERPRISES INC									
8312503	17428	3706526467	SEN FRANKLIN IND SCHL DIST #1 15A	103	12/03/82	JA: PA	WHITE	0.0 PEOPLES NATURAL GAS	
8312502	17426	3706527032	SW CENTRAL RURAL ELECTRIC COOP	103	12/03/82	JA: PA	WHITE	0.0 COLUMBIA GAS TRAN	
-J C ENTERPRISES									
8312501	17609	3706527086	ABE W MILLER #194-1 IND-27086	103	12/03/82	JA: PA	SMICKSBURG	32.0	
-KEPCO INC									
8312504	18141	3705921754	THOMAS L BEASLEY #5 (PK-59)	102-4	12/03/82	JA: PA	RUFF CREEK	17.0 NEW JERSEY NATURA	
-MERIDIAN EXPLORATION CORP									
8312506	17964	3703921414	R W NICHOLS #600-1	102-2	12/03/82	JA: PA	LINCOLNVILLE	0.0 COLUMBIA GAS TRAN	
8312508	17965	3703921414	R W NICHOLS #600-1	107-TF	12/03/82	JA: PA	LINCOLNVILLE	0.0 COLUMBIA GAS TRAN	
8312505	17962	3703921734	RICHARD BALL #628-1	102-2	12/03/82	JA: PA	CAMBRIDGE SPRINGS	0.0 COLUMBIA GAS TRAN	
8312507	17963	3703921734	RICHARD BALL #628-1	107-TF	12/03/82	JA: PA	CAMBRIDGE SPRINGS	0.0 COLUMBIA GAS TRAN	
-MITCHELL ENERGY CORPORATION									
8312510	17736	3703921543	BROWN UNIT #1	103	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	395.0 COLUMBIA GAS TRAN	
8312511	15844	3703921543	BROWN UNIT #1	107-TF	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	395.0 COLUMBIA GAS TRAN	
8312509	17735	3703821559	DEARBORN UNIT #1	103	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	395.0 COLUMBIA GAS TRAN	
8312518	15845	3703921559	DEARBORN UNIT #1	107-TF	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	395.0 COLUMBIA GAS TRAN	
8312516	17753	3703921558	G AGNEW UNIT #1	103	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	410.0 TENNESSEE GAS PIP	
8312524	17754	3703921558	G AGNEW UNIT #1	107-TF	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	410.0 TENNESSEE GAS PIP	
8312513	16071	3703921601	H K GETSINGER UNIT #1	103	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	410.0 COLUMBIA GAS TRAN	
8312521	16072	3703921601	H K GETSINGER UNIT #1	107-TF	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	411.0 TENNESSEE GAS PIP	
8312515	17751	3703921719	H ROBERTS UNIT #1	103	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	411.0 TENNESSEE GAS PIP	
8312539	17734	3703921719	H ROBERTS UNIT #1	107-TF	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	411.0 TENNESSEE GAS PIP	
8312534	17749	3703921687	M A KALLA UNIT #1	103	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	411.0 TENNESSEE GAS PIP	
8312523	17750	3703921687	M A KALLA UNIT #1	107-TF	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	411.0 TENNESSEE GAS PIP	
8312511	16065	3703921689	M WYCKOFF UNIT #1	103	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	41.0 COLUMBIA GAS TRAN	
8312519	16066	3703921689	M WYCKOFF UNIT #1	107-TF	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	41.0 COLUMBIA GAS TRAN	
8312512	16067	3703921688	M WYCKOFF UNIT #1	103	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	41.0 COLUMBIA GAS TRAN	
8312520	16068	3703921688	M WYCKOFF UNIT #1	107-TF	12/03/82	JA: PA	CONNEAUTVILLE (MEDINA	41.0 COLUMBIA GAS TRAN	
-W G SHANER & WARD H MCALL									
8312525	18071	3703121075	JAMES T HENRY WELL #2	103	12/03/82	JA: PA	JAMES T HENRY WELL #2	12.0 PEOPLES NATURAL GAS	
-WAINOCO OIL & GAS CO									
8312532	17734	3703921745	ALAN MARLEY #1 (W-151A)	107-TF	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312528	17733	3703921745	ALAN MARLEY #1 (W-151A)	102-3	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312529	17735	3703921753	BRUCE VROMAN #2 (W-156A)	102-3	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312540	17736	3703921753	BRUCE VROMAN #2 (W-156A)	107-TF	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312531	17738	3703921747	C W MORRIS #1 (W-126A)	102-3	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312531	17739	3703921747	C W MORRIS #2 (W-127A)	107-TF	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312532	17740	3703921748	C W MORRIS #2 (W-127A)	102-3	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312542	17741	3703921748	C W MORRIS #2 (W-127A)	107-TF	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312526	17729	3703921749	COUNTRY ROYALS C B ASSOC #1 W-147A	102-2	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312537	17730	3703921749	COUNTRY ROYALS C B ASSOC #1 W-147A	107-TF	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312527	17731	3703921724	F MORRIS #1 (W-149A)	102-2	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312538	17732	3703921724	F MORRIS #1 (W-149A)	107-TF	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312535	17930	3703921773	J REID KERR #1 (W-165A)	103	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312544	17931	3703921773	J REID KERR #1 (W-165A)	107-TF	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312534	17924	3703921772	JOHN W WALKER #2 (CS-13A)	103	12/03/82	JA: PA	CAMBRIDGE SPRINGS FIE	35.4 COLUMBIA GAS TRAN	
8312543	17923	3703921772	JOHN W WALKER #2 (CS-13A)	107-TF	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312533	17742	3703921744	M KUNZ #1 (W-131A)	102-2	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312530	17737	3703921780	MEVIN TROYER #1 (W-159A)	102-3	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	
8312536	17719	3703921780	MEVIN TROYER #1 (W-159A)	107-TF	12/03/82	JA: PA	ATHENS FIELD	35.4 COLUMBIA GAS TRAN	



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	VOLUME 856	PAGE 887	PROD PURCHASER
UTAH DIVISION OF OIL, GAS, & MINING								
-GEORGE P POST DBA POST PETROLEUM CO RECEIVED: 12/06/82 JA: UT								
8312628	X-144-1	4364731179	103	UTE #1-19				0.0 GARY ENERGY CORP
WEST VIRGINIA DEPARTMENT OF MINES								
-ATLAS ENERGY CORP								
8312556		4704700556	108	RECEIVED: 12/03/82 JA: WV				19.0 CABOT OIL & GAS C
8312554		4704731350	107-DV	RECEIVED: 12/03/82 JA: WV				18.0 COLUMBIA GAS TRAN
8312704		4703302489	103	RECEIVED: 11/08/82 JA: WV				15.0
8312705		4703302635	103	ROBINSON #1				20.0
8312703		4703302659	103	WHITE-BROOKS #1				15.0
-CONSOLIDATED GAS SUPPLY CORPORATION RECEIVED:								
8312559		4703301368	108	RECEIVED: 12/06/82 JA: WV				2.0 GENERAL SYSTEM PU
8312558		4710900865	103	RECEIVED: 12/06/82 JA: WV				20.0 CONSOLIDATED GAS
8312557		4703322276	108	RECEIVED: 12/06/82 JA: WV				20.0 CONSOLIDATED GAS
8312553		4709921104	108	RECEIVED: 12/03/82 JA: WV				16.9 DEVON CORP
-KAISER ENERGY INC								
8312550		4703501406	103	RECEIVED: 12/03/82 JA: WV				3.0 ROARING FORK GAS
8312548		4708505323	103	RECEIVED: 12/03/82 JA: WV				0.0 CONSOLIDATED GAS
8312549		4708525288	103	RECEIVED: 12/03/82 JA: WV				50.0 CONSOLIDATED GAS
8312552		4707501413	107-DV	RECEIVED: 12/03/82 JA: WV				22.0 COLUMBIA GAS TRAN
-PHOENIX GAS & OIL EXPLORATION INC								
8312555		4707901077	107-DV	RECEIVED: 12/03/82 JA: WV				50.0 ROARING FORK GAS
-STONEWALL GAS CO INC								
8312547		4709702388	103	RECEIVED: 12/03/82 JA: WV				135.0 CONSOLIDATED GAS
-UNITED OPERATING COMPANY								
8312546		4708300514	103	RECEIVED: 12/03/82 JA: WV				0.0 COLUMBIA GAS TRAN
-WACO OIL AND GAS CO INC								
8312551		4707010802	107-DV	RECEIVED: 12/03/82 JA: WV				18.0 COLUMBIA GAS TRAN
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER, CO								
-NORTHWEST PIPELINE CORPORATION								
8312637		CD 0485-82PB 0506705200	108-PB	RECEIVED: 12/06/82 JA: CO 1				0.0 NORTHWEST PIPELIN
8312638		CD 0485-82PB 0506705200	108-PB	RECEIVED: 12/06/82 JA: CO 2				0.0 NORTHWEST PIPELIN
8312635		CD 0508-82PB 0506705111	108-PB	RECEIVED: 12/06/82 JA: CO 3				0.0 NORTHWEST PIPELIN
8312639		CD 0486-82PB 0506705111	108-PB	RECEIVED: 12/06/82 JA: CO 4				0.0 NORTHWEST PIPELIN
8312636		CD 0507-82PB 0506705026	108-PB	RECEIVED: 12/06/82 JA: CO 5				0.0 NORTHWEST PIPELIN
-BURTON W HANCOCK								
8312635		UD 0398-81 4301960002	108	RECEIVED: 12/06/82 JA: UT 1				5.4 NORTHWEST PIPELIN
-CONOCO INC								
8312634		UD 0462-81 4304730681	107-TF	RECEIVED: 12/06/82 JA: UT 1				182.0 MOUNTAIN FUEL SUP

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (PERC) (202) 357-8681.



JTD No.	JA	Applicant	Well Name	Orig. Date FISC Pub. in Vol. Federal Register No.	C: Correction to prior Fed. Register notice
82-51835	UT	Texas Oil & Gas Corp	Souler #1	735	C: 107-TF Denied
82-532500S(NM)	TX	Yates Petroleum Corp	Federal "PJ" No. 3	740	C: 102-3 & 107-TF Approved
82-53305	TX	Pioneer Production Corp	M V. Broyles #1	740	C: 108 & 108-SA Approved
82-53330	OK	George R Brown	Ram #1	740	C: 108 & 108-TR Approved
82-53365	UT	Consolidated Gas Supply	Loop Crk Colliery Up-2660	740	C: Well Name
82-53608	TX	Hufo Production Corp	Prent 60-1	742	C: Applicant Name
82-53610	TX	Hufo Production Corp	Prent 60-2	742	C: Applicant Name
82-53614	TX	Hufo Production Corp	Prent 61-2	742	C: Applicant Name
82-53667	TX	Texas Oil & Gas Prod.	Schultz C#1	742	C: Applicant Name
82-53762	TX	Santa Fe-Indeoor	Positroner #3	742	C: 102-2 Approved; 103 w/D
82-54047	TX	Thomas-Powell Royalty,	Vick #3 (08683)	743	C: Well Name
82-54082	TX	Stahl Petroleum Co	Vebs R #1	743	C: Well Name
82-54161	TX	C. A. Sprong	C. A. Coldsmith #1706	743	C: Well Name
82-54184	TX	Gulf Oil Corporation	JS PR & NW Whitten #1	743	C: 103 & 107-TF Approved
82-54512	TX	Sunbright Oil & Gas Inc	Clyde Freels No. 1	745	C: Well Name
82-54553	TX	Continental Energy Corp	Oreids Wood #2	745	C: Well Name
82-56022	OK	Oxford Oil Company	Donald #1	757	C: 107-NV Approved; not 107-TF
82-5657200S(NM)	TX	El Paso Natural Gas Co	San Juan 28-7 Ut NP #94	755	C: Well Name
82-56999	TX	Lomax Exploration Co	C. P. Cason #1 098238	756	C: Well Name
82-57304	PA	Koyd & Shriver	Elider #427	758	C: 108 Approved; not 103
82-57368	PA	Envirogen Inc	J Bins #1	758	C: 103 & 107-TF Approved
82-57784	OK	Texas Oil & Gas	Condrey #1	759	C: Applicant Name
82-57980	OK	Texas Oil & Gas	Calumet No. 1	760	C: Applicant Name
83-00373	TX	Exxon Corp	John Ben Sheppard CU 1 #1	761	C: Well Name
83-01604	OK	Western Pacific	Edwards #2-11	766	C: 107-4 Approved; not 103
83-02877	OK	Blue Ousel Energy Inc	Kirchner #1	770	C: Applicant Name
83-03800	KS	Graves Drilling Co	Pennock #2	773	C: Well Name

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1198 Filed 1-14-83; 8:45 am]

BILLING CODE 8717-01-C



[Volume 807]

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 11, 1983.

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION						
-ALPS OIL CO			RECEIVED: 12/08/82			
8312882	F-08-68117	4210332975	103 M B MCKNIGHT "B" #8	SAND HILLS (MCKNIGHT)	12.1	WARREN PETROLEUM
-AMARILLO OIL COMPANY			RECEIVED: 12/08/82			
8312709	F-10-830999	4217900000	108-PB DARSEY E #4	PANHANDLE EAST	0.0	PIONEER NATURAL G
-AMERADA HESS CORPORATION			RECEIVED: 12/08/82			
8312950	F-6E-68684	4218300000	108 E BURNSIDE #8	EAST TEXAS	2.7	ARCO OIL & GAS CO
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED: 12/08/82			
8312734	F-06-851135	4242330354	107-TF ARNOLD GAS UNIT #1	OVERTON (COTTON VALLE	120.0	UNITED GAS PIPE L
8312733	F-06-851070	4242300000	103 107-TF CHADWICK GAS UNIT #1 WELL #1	OVERTON (COTTON VALLE	200.0	UNITED GAS PIPE L
8312932	F-02-60633	4205731152	103 IRMA MAY SMITH #4	SHERIFF EAST (8900*)	12.0	UNITED TEXAS TRAN
-AMOCO PRODUCTION CO			RECEIVED: 12/08/82			
8312869	F-03-59950	4204130664	102-2 HENRY C MCQUAIDE UNIT #1	KURTEN (WOODBINE)	100.0	FERGUSON CROSSING
8312837	F-04-58579	4235531587	103 KATHERINE L SHAFFER /B/ #8	LUBY (3900)	120.0	VALLEY GAS TRANSM
-ANOVER OIL COMPANY			RECEIVED: 12/08/82			
8312806	F-06-56974	4220330796	103 107-TF V G ROGERS GAS UNIT #1	WOODLAWN SW (COTTON V	0.0	INTRASTATE GATHER
8312869	F-06-57311	4220330797	103 107-TF V G ROGERS GAS UNIT #2	WOODLAWN SW (COTTON V	0.0	INTRASTATE GATHER
-ATI OIL CO			RECEIVED: 12/08/82			
8312778	F-7B-555373	4204900000	102-4 HORACE THOMPSON #3	TRICKHAM (CAPPS)	0.0	ODESSA NATURAL CO
-B J GIERHART INC			RECEIVED: 12/08/82			
8312896	F-03-60314	4205100000	102-2 DUNCAN "A" #1	GIDDINGS (AUSTIN CHAL	131.0	CLAJON GAS CO
-BANAM CORP			RECEIVED: 12/08/82			
8312899	F-7B-60421	4215131553	102-4 AMOCO-MORTON #1-5	SATURDAY EAST (CANYON	39.6	CONOCO INC
-BENNETT & GUINN INC			RECEIVED: 12/08/82			
8312894	F-09-60291	4207732607	102-4 C E SPEARS #2	BELLEVUE N (CONGL)	0.0	LONE STAR GAS CO
-BISHOP PETROLEUM INC			RECEIVED: 12/08/82			
8312887	F-05-60221	4216130721	102-4 MOODY UNIT #1	DONTE (PETIT)	300.0	TEXAS UTILITIES F
-BROCK PETROLEUM CORP			RECEIVED: 12/08/82			
8312846	F-01-59311	4217731334	102-2 LAWRENCE #1	PEACH CREEK (AUSTIN C	55.0	VALERO TRANSMISSI
-C & M PETROLEUM INC			RECEIVED: 12/08/82			
8312828	F-08-58198	4243130954	103 GUNTER 35-#2	CONGER (PENN) FIELD	90.0	VALERO TRANSMISSI
-CAL-T OIL CO			RECEIVED: 12/08/82			
8312838	F-10-58592	4205531231	103 VIDA "D" (5157) #2	PANHANDLE- CARSON	0.0	GETTY OIL CO
-CASADOR OIL & GAS CO			RECEIVED: 12/08/82			
8312991	F-7B-60833	4236332402	103 J C SOUTHERN #1	MINERAL WELLS (STRAWN	40.0	SOUTHWESTERN GAS
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 12/08/82			
8312722	F-06-848665	4236500000	103 107-TF CARTHAGE GAS UNIT 12 #3	CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
8312713	F-06-845703	4236500000	103 107-TF CARTHAGE GAS UNIT 21 #3	CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
8312697	F-04-60410	4221500000	108 GUERRA F B ESTATE "B" #2	LA REFORMA (S)	10.0	TENNESSEE GAS PIP
-CHESTER R UPHAM JR			RECEIVED: 12/08/82			
8312775	F-09-054937	4223700000	103 ETHEL HENRY #1	BOONESVILLE (BEND CON	0.0	LONE STAR GAS CO
-CHEVRON U S A INC			RECEIVED: 12/08/82			



PAGE 002

VOLUME 807

[illegible]



VOLUME 807 PAGE 003

JG NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8312945	F-7C-68652	4243131015	103		LOU E JOHNSON ESTATE A/C I #31	JAMESON (STRAWN)	17.0	
8312793	F-04-56379	4204731072	102-4		MCGILL BROS 482 (ID PENDING)	KELSEY SE (29-A N)	200.0	TRUNKLINE GAS CO
8312799	F-04-56721	4204731617	102-4		MCGILL BROS 483 (ID PENDING)	KELSEY SE (30-D NE)	700.0	TRUNKLINE GAS CO
8312892	F-04-60256	4226130703	102-4		MRS S K EAST 132 (101494)	RITA NE (I-24)	409.0	ARMCO STEEL CORP
8312916	F-04-60593	4226130711	102-4		MRS S K EAST 135 (101704)	TAJOS (J-68)	450.0	ARMCO STEEL CORP
8312901	F-8A-69445	4216532391	103		ROBERTSON CLEARFORK UNIT #3101	ROBERTSON N (CLEARFORK)	15.0	PHILLIPS PETROLEUM
8312944	F-08-60650	4222732738	102-4		S WALDRON #41	MOORE (DEEP FSLM)	46.0	
8312847	F-04-59376	4204731100	102-4		SANTA FE RANCH 76 (ID PENDING)	SANTA FE SOUTH (I-93)	400.0	NATURAL GAS PIPEL
8312924	F-04-60619	4226130725	102-4		SARITA FIELD OIL & GAS 177-D 10111	SARITA (9-A SE)	51.0	NATURAL GAS PIPEL
8312923	F-04-60617	4226130725	102-4		SARITA FIELD OIL & GAS 177-F 10099	SARITA (10-M SE)	12.0	NATURAL GAS PIPEL
8312978	F-03-60775	4220131423	103		WEBSTER FIELD UNIT #2779	WEBSTER	40.0	HOUSTON PIPELINE
-FAGMADU ENERGY CORP								
8312908	F-09-60571	4207732635	102-4		SCALING RANCH "A" #3 #22607	BELLEVUE N (CONGL OIL)	120.0	BLUEGROVE GASOLIN
-FARGO ENERGY CORP								
8312769	F-03-654754	4205132169	102-2		BURLESON FEDERAL N #1	BIG A TAYLOR	365.0	PHILLIPS PETROLEUM
-FIRST TRIAD CORP								
8312784	F-7B-55656	4236732257	102-2		WOODRUFF #2	DENNIS WEST (STRAWN)	219.0	PARKER GAS INC
8312779	F-7B-555426	4236732273	102-2		WOODRUFF #5	DENNIS WEST (STRAWN)	219.0	PARKER GAS INC
-FOREST OIL CORPORATION								
8312764	F-04-654439	4247933270	102-2		107-IF VAQUILLAS RANCH CO LTD #17	GATO CREEK (LOBO 1)	350.0	UNITED TEXAS TRAN
-FOUR C OIL & GAS CORP								
8312972	F-08-60754	4237133772	103		ABELL-CONOCO #1 101659	T C I (GRAYBURG)	50.0	PERRY PIPELINE CO
-FRANK CASS								
8312844	F-7C-59076	4238332201	103		CAROL CREWS #1	CALVIN (OCEAN)	7.5	EL PASO NATURAL G
8312900	F-7C-60423	4246131933	103		ELKIN 30 #1	CALVIN (OCEAN)	38.0	EL PASO NATURAL G
8312898	F-7C-60420	4246131934	103		ELKIN 30 #2	CALVIN (OCEAN)	90.0	EL PASO NATURAL G
-GLenco OIL & GAS CO								
8312782	F-01-55562	4201331440	102-4		B E McDONALD (67754) #2	DULCE (ESCONDIDO A)	54.8	SOUTH TEXAS INSTR
-GLENN W COOPER								
8312849	F-7B-5940	4244700000	103		LEE CATTLE COMPANY #1	COOPER (900*)	1569.0	HST GATHERING SYS
-GOULD OIL INC								
8312739	F-03-052000	4233900000	103		ST REGIS #1-A	WILDCAT	275.0	TENNESSEE GAS PIP
-GRACE PETROLEUM CORPORATION								
8312802	F-05-56745	4216130550	103		YELDELL #1	TEAGUE WEST	0.0	TEXAS UTILITIES F
-GULF AMERICAN OIL & GAS CO								
8312854	F-02-59562	4246931930	103		RIVERSIDE COTTON FARMS A-15	PRIDHAM LAKE (4300*)	90.0	VALERO TRANSMISSI
-GULF ENERGY PRODUCING COMPANY								
8312953	F-04-60705	4250531563	103		BLAS RAMIREZ #0-4 (06061)	LOPEND (QUEEN CITY) (	0.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION								
8312831	F-08-58327	4232900614	108		C A MC CLINTIC #18	AZALEA (DEVONIAN)	7.2	ODESSA NATURAL GA
8312832	F-08-58328	4232900615	108		C A MC CLINTIC #19	AZALEA (DEVONIAN)	8.4	ODESSA NATURAL GA
8312853	F-08-59521	4247532678	103		HUTCHINGS STOCK ASSN #1175	WARD-ESTES NORTH	5.0	CABOT CORP
8312860	F-08-59884	4210300663	108		J T MCCLROY CONSOLIDATED #31	MCCLROY	1.0	PHILLIPS PETROLEUM
8312850	F-08-5942	4246130637	108		J T MCCLROY CONSOLIDATED #945	MCCLROY	22.0	PHILLIPS PETROLEUM
8312857	F-08-59709	4246100550	108		MCCLROY CONSOLIDATED #1 WELL #H-290	MCCLROY	31.2	PHILLIPS PETROLEUM
8312858	F-7C-59749	4210531163	108		STATE IT #7	FARMER (SAN ANDRES)	34.0	J L DAVIS
-H-M OIL CO								
8312958	F-03-60716	4248132190	103		CARL MAUCH #2 ID #15497	TWIN BASIN	0.0	TENNESSEE GAS PIP
-HOME PETROLEUM CORPORATION								
8312798	F-10-56719	4229531048	103		INGLE #1	STUART RANCH (LOWER M	0.0	INTER NORTH INC
-HUMBLE EXPLORATION CO INC								
8312719	F-01-046269	4247700000	102-4		JA: TX	GIDDINGS (AUSTIN CHAL	234.0	PHILLIPS PETROLEUM
8312720	F-03-046272	4214900000	102-2		ADELE #1 - 098251	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEUM
					JENNIFER #1			



PAGE 004

VOLUME 807

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8312951	F-03-66690	4214930711	103		MARY OLLE #1 - 13811	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8312721	F-03-648274	4228731068	103-2	103	MILLIE K #1	GIDDINGS (AUSTIN CHAL	1541.9	PHILLIPS PETROLEU
8312718	F-03-648267	4214900000	103-2	103	NANA #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8312743	F-01-652707	4217731164	102-2	103	PAULINA #1 - 07639	PEICH CREEK (BUDA)	391.8	VALERO TRANSMISSI
8312725	F-03-650032	4228700000	102-2	103	PHOEBE #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8312876	F-7C-60679	4246131919	RECEIVED:		12/08/82			
8312736	F-7C-651545	4243130971	RECEIVED:		12/08/82			
8312965	F-04-60738	4247931866	RECEIVED:		12/08/82			
8312964	F-04-60737	4247931825	103		MIDDLETON FEE #1 80612	LAS TIENDAS (OLMOS)	204.0	LONE STAR GAS CO
8312963	F-04-60736	4247931820	103		MIDDLETON FEE #2 80448	LAS TIENDAS (OLMOS)	216.0	LONE STAR GAS CO
8312768	F-03-654594	4214931357	RECEIVED:		12/08/82			
8312811	F-08-67371	4231732567	102-2		FRITSCH UNIT #1	GIDDINGS (EDWARDS GAS	132.5	CLAJON GAS CO
8312731	F-7C-650992	4246131922	RECEIVED:		12/08/82			
8312730	F-7C-65987	4235300000	103		LYNN HENSON #2 (RRC #21898)	SPRABERRY (TRENDO AREA	10.0	NORTHERN GAS PROD
8312812	F-7C-67374	4235332288	103		NEAL "30-8" #1	SPRABERRY (TRENDO AREA	10.0	MOBIL PRODUCING T
8312746	F-08-653042	4215333831	RECEIVED:		12/08/82			
8312893	F-09-60280	4249700000	103		POWELL "20" #3 RRC #09207	SPRABERRY (TRENDO AREA	10.0	MOBIL PRODUCING T
8312834	F-78-68564	4222130201	103-4		ROCKER B "C" #3-4 RRC #04476	SPRABERRY (TRENDO AREA	5.0	EL PASO NATURAL G
8312835	F-78-68565	4236730800	RECEIVED:		12/08/82			
8312973	F-03-60755	4248131795	RECEIVED:		12/08/82			
8312716	F-03-647540	4205131920	103-2		STOVALL "A" #1	DECKERS PRAIRIE (9120	300.0	INTRASTATE SATHER
8312791	F-78-66202	4205932575	RECEIVED:		12/08/82			
8312749	F-7C-653431	4243500000	RECEIVED:		12/08/82			
8312796	F-7C-66696	4243532348	103		MCINTOSH (BIG SALINE)	LARD ATOKA	31.0	LONE STAR GAS CO
8312801	F-7C-66726	4243532375	103		CARTERVILLE STRAWN 12	MCINTOSH (BIG SALINE)	110.2	VALERO TRANSMISSI
8312797	F-7C-66697	4243532351	103		HILLJE SOUTH (MARG 51	CARTERVILLE STRAWN 12	177.8	LONE STAR GAS CO
8312800	F-7C-66723	4243532308	RECEIVED:		12/08/82			
8312772	F-78-654861	4222130688	RECEIVED:		12/08/82			
8312883	F-10-60169	4217931021	RECEIVED:		12/08/82			
8312903	F-09-60551	4250334714	RECEIVED:		12/08/82			
8312755	F-06-653718	4245930535	RECEIVED:		12/08/82			











JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	RECEIVED: 12/08/82	JA: TX	FIELD NAME	PROD	PURCHASER	PAGE 007
-SCANDRILL INC									
8312763	F-78-054428	4244733003	SULLIVAN #10	103	JA: TX	THROCKMORTON CO REG (	9.1	THROCKMORTON GAS	
8312766	F-78-054455	4244733005	SULLIVAN #11	103		THROCKMORTON CO REG (	17.9	THROCKMORTON GAS	
8312765	F-78-054453	4244733004	SULLIVAN #12	103		THROCKMORTON CO REG (	15.7	THROCKMORTON GAS	
8312759	F-78-054412	4244733006	SULLIVAN #13	103		THROCKMORTON CO REG (	22.3	THROCKMORTON GAS	
8312762	F-78-054418	4244733001	SULLIVAN #14	103		THROCKMORTON CO REG (	7.2	THROCKMORTON GAS	
8312761	F-78-054417	4244733007	SULLIVAN #9	103		THROCKMORTON CO REG (	8.4	THROCKMORTON GAS	
8312760	F-09-054415	4223734452	W 6 STAMPER #3	103		BOBILL (CONGL)	43.8	LONE STAR GAS CO	
-SEAGULL RESOURCES INC									
8312780	F-05-055472	4222300000	MILLER GAS UNIT #1	103-4	JA: TX	PICKTON (SMACKOVER) F	0.0	TEXAS UTILITIES F	
-SHANE OIL CORP									
8312841	F-78-589931	4242933347	COOK HEIRS #1-C ID NO APPLIED FOR	103-4	JA: TX	FRANKEL S (STRAWN)	43.0	WARREN PETROLEUM	
8312842	F-78-589933	4242933349	COOK HEIRS #1-D ID NO APPLIED FOR	103-4	JA: TX	FRANKEL S (STRAWN)	36.0	WARREN PETROLEUM	
-SHELL OIL CO									
8312777	F-8A-855132	4250132176	YOAKUM WASSON CLEARFORK UNIT #4512Y WASSON 72	103	JA: TX	1.2 SHELL OIL CO			
-SNOW OIL CO									
8312986	F-78-60796	4213333952	CLINTON KELLAR #1 (18760)	102-4	JA: TX	RES (MARBLE FALLS)	66.0	LONE STAR GAS CO	
8312987	F-78-60797	4213333920	DUPREE-EAST #1 (18762)	102-4		JWJ (MARBLE FALLS)	99.0	LONE STAR GAS CO	
8312935	F-78-60639	4213333624	SNOW 26 UNIT #1 (18409)	102-4		MANGUM NORTH (3200)	46.0	ODESSA NATURAL CO	
8312934	F-78-60638	4213333623	SNOW 26 UNIT #2 (18409)	102-4		MANGUM NORTH (3200)	66.0	ODESSA NATURAL CO	
8312988	F-78-60798	4213333958	TEXEL-BEGGS #1 (181866)	102-4		SNOW (DUFFER)	121.0	LONE STAR GAS CO	
8312913	F-78-60588	4213333412	TEXEL-CASTLEBERRY #1 (18462)	102-4	JA: TX	RES (MARBLE FALLS)	37.0	LONE STAR GAS CO	
-SO-TEX PETROLEUM, INC.									
8312976	F-78-60769	4244132237	SOUTH CORNETT #3	103	JA: TX	JOCELYN-VARN (FRY)	48.0	UNION TEXAS PETRO	
-SOUTHERN CRUDE OIL RESOURCES INC									
8312878	F-78-60091	4236732253	LAMBERT-MOORE UNIT #1	102-4	JA: TX	PEASTER SE (MARBLE FA	0.0	LONE STAR GAS CO	
-SOUTHLAND ROYALTY CO									
8312707	F-7C-020864	4217300000	HOWARD "A" #1	108	JA: TX	CALVIN	7.0	PHILLIPS PETROLEU	
8312711	F-7C-036453	4238300000	O F SOYO "A" #1-44	108		CALVIN	3.4	UNION TEXAS PETRO	
8312946	F-08-60654	4247532686	UNIVERSITY 16-12 C #5	103	JA: TX	SOUTH WICKETT	28.0	CABOT CORP	
-SPAR-WOOD OIL CO									
8312989	F-78-60799	4214330724	S J KEITH #1 (17801)	102-4	JA: TX	BYRNES (DUFFER)	9.0	CORONADO TRANSMIS	
-SS & B PRODUCTION CO									
8312974	F-10-60766	4217931251	MACKIE #5	103	JA: TX	PANHANDLE GRAY COUNTY	72.0	INTER NORTH INC	
8312975	F-10-60767	4217931250	MACKIE #6	103		PANHANDLE GRAY COUNTY	72.0	INTER NORTH INC	
-SUN EXPLORATION & PRODUCTION CO									
8312783	F-08-55592	4249531366	M J HILL #30	103	JA: TX	HALLEY (GLORIETA)	28.0	TRANSWESTERN PIPE	
8312855	F-78-59593	4242900000	M YANDELL #1	108		VEALE (MARBLE FALLS)	5.0	SOUTHWESTERN GAS	
8312961	F-08-60721	4246100000	MCELROY S W UNIT #12	108		MCELROY	0.2	PHILLIPS PETROLEU	
8312960	F-08-60720	4246100000	MCELROY S W UNIT #16	108		MCELROY	0.3	PHILLIPS PETROLEU	
8312979	F-08-60778	4246100000	MCELROY S W UNIT #20	108		MCELROY	0.3	PHILLIPS PETROLEU	
8312959	F-08-60719	4246100000	MCELROY S W UNIT #28	108		MCELROY	0.3	PHILLIPS PETROLEU	
8312980	F-08-60779	4246100000	MCELROY S W UNIT #32	108		MCELROY	0.3	PHILLIPS PETROLEU	
8312829	F-78-58227	4213300000	RANGER/MCCLESKEY SAND FLD UT #18	108		RANGER	6.0	SUN GAS TRANSMIS	
8312962	F-08-60722	4200300000	UNIVERSITY -B- #3	108		FULLERTON	0.4	PHILLIPS PETROLEU	
8312983	F-08-60784	4210300000	UNIVERSITY -L- #1	108		DUNE	0.7	PHILLIPS PETROLEU	
8312982	F-8A-60781	4250100000	WASSON N CLEARFORK UNIT #31	108		WASSON N E (CLEARFORK	0.7	SHELL OIL CO	
8312981	F-8A-60780	4250100000	WASSON N CLEARFORK UNIT #45	108		WASSON N E (CLEARFORK	0.6	SHELL OIL CO	
8312984	F-08-60785	4231700000	YATER WILKINSON #1	108	JA: TX	SPRABERRY TREND AREA	3.0	PHILLIPS PETROLEU	
-T W QUIGLEY									
8312706	F-02003983	4202500000	C P SPARKMAN WELL #2	108-ER	JA: TX	MINERAL NORTH (7550)	72.0	TEXAS EASTERN TRA	
-TADLOCK PRODUCTIONS									
8312770	F-10-054829	4223300000	SALLIE PRITCHARD "A-9" (A-10) #020*	103	JA: TX	PANHANDLE HUTCHINSON	0.0	DIAMOND SHAMROCK	



JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	VOLUME 607	PAGE 008
8312771	F-10-054831	4223300000	103 SALLIE PRITCHARD "A-9" (A-10) #020*	PANHANDLE HUTCHINSON	0.0 DIAMOND SHAMROCK	
-TASCOCITA ENERGY CO			RECEIVED: 12/08/82	JJA: TX		
8312717	F-03-048213	4215731181	102-4 103 SCHULTZ #1	WILDCAT	1500.0 DOW CHEMICAL CO	
-TAYLOR BROTHERS OIL CO			RECEIVED: 12/08/82	JJA: TX		
8312933	F-10-06637	4234130848	103 JONES #10 #0190	PANHANDLE MOORE COUNT	90.0 PHILLIPS PETROLEUM	
-TENNECO OIL COMPANY			RECEIVED: 12/08/82	JJA: TX		
8312911	F-03-60578	4231330367	102-4 H L MCFARLAND #1	FT TRINIDAD - (LEWIS)	0.0	
-TERRY L MCIVER			RECEIVED: 12/08/82	JJA: TX		
8312795	F-78-56482	4208333078	102-4 WILLIAM BROWN #1	ELLIS (FRY)	500.0 LONE STAR GAS CO	
-TEXACO INC			RECEIVED: 12/08/82	JJA: TX		
8312824	F-8A-57815	4221933534	103 BOB SLAUGHTER BLK #340	SLAUGHTER	0.0 AMOCO PRODUCTION	
8312873	F-08-60018	4238900000	108 REEVES "AC" FEE #4	EAST FORD (DEL SAND)	2.5 CONOCO INC	
-TEXAL PETROLEUM INC			RECEIVED: 12/08/82	JJA: TX		
8312737	F-78-051550	4236700000	103 O'FLAHERTY #1	MEEKER (CONGL 3850)	72.0 UPHAM OIL & GAS CO	
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 12/08/82	JJA: TX		
8312748	F-03-053290	4214900000	102-2 PEGGY BROWN A-21	GIDDINGS (AUSTIN CHAL	0.0 SOUTH CENTEX GAS	
-TEXAS INTERSTATE PETROLEUM CORP			RECEIVED: 12/08/82	JJA: TX		
8312875	F-03-60066	4214900000	108 ERIK POAG LITTLEJOHN #2 RRC #035453	ARNIM (COCKRELL 1ST 1	20.9 SOUTH CENTEX GAS	
8312874	F-03-60065	4214900000	108 ERIK POAG LITTLEJOHN #4 RRC #037957	ARNIM (SPARTA 1000)	15.1 SOUTH CENTEX GAS	
-TEXLAND-RECTOR & SCHUMACHER			RECEIVED: 12/08/82	JJA: TX		
8312843	F-7C-59801	4246131859	103 UNIVERSITY 10-B #1	BENEDEUM (FUSSELMAN)	146.0 INTRATEX GAS CO	
-THOMPSON J CLEO & JAMES CLEO JR			RECEIVED: 12/08/82	JJA: TX		
8312753	F-7C-053632	4210532708	103 107-TF MAYER TA	SAWYER (CANYON)	175.0 INTER NORTH INC	
8312728	F-7C-050782	4210533638	102-4 107-TF UNIVERSITY 31-14 #1	UNIVERSITY 31 (STRAWN	600.0 PHILLIPS PETROLEUM	
8312738	F-7C-051806	4210533951	102-4 107-TF UNIVERSITY 31-20 #1	UNIVERSITY 31 (STRAWN	300.0	
8312735	F-7C-051379	4210533950	102-4 107-TF UNIVERSITY 31-29E #2	UNIVERSITY 31 (STRAWN	425.0	
-THROCKMORTON GAS SYSTEMS			RECEIVED: 12/08/82	JJA: TX		
8312830	F-7B-58299	4244733160	102-2 CONDRON #2	BROWN RANCH (CADOO)	0.0 WARREN PETROLEUM	
-TIPPERARY OIL AND GAS CORP			RECEIVED: 12/08/82	JJA: TX		
8312807	F-03-57070	4214931381	103 ELLISOR "D" #1	GIDDINGS (AUSTIN CHAL	0.0 PHILLIPS PETROLEUM	
-TON RASMUSSEN			RECEIVED: 12/08/82	JJA: TX		
8312966	F-08-60739	4213500000	108 PARKER #1	HARPER	2.0 PHILLIPS PETROLEUM	
8312967	F-08-60741	4213500000	108 PARKER #2	HARPER	2.0 PHILLIPS PETROLEUM	
8312968	F-08-60741	4213500000	108 PARKER #3	HARPER	2.0 PHILLIPS PETROLEUM	
-TOMMY LITTLEPAGE			RECEIVED: 12/08/82	JJA: TX		
8312918	F-09-60598	4250335165	103 WADLEY #18733	VICTORIA (3100)	30.0 SUN GAS TRANSMISS	
-TXO PRODUCTION CORP			RECEIVED: 12/08/82	JJA: TX		
8312756	F-05-053966	4216130725	103 107-TF MEMPHILL #1-2	REED (HAYNESVILLE)	0.0	
8312781	F-06-051323	4245930526	103 107-TF MACHIN #1	ROSEWOOD (COTTON VALL	0.0	
8312758	F-10-054223	4245931116	103 PAINE "C" #1	FOLLETT WEST (CHERONE	20.0 PHILLIPS PETROLEUM	
8312754	F-02-053644	4212331212	102-4 WHITE M-1	REED N (COTTON VALLEY	0.0 DELHI GAS PIPELIN	
8312804	F-05-56908	4216130740	103 107-TF WILLIFORD GAS UNIT #1-2	REED N (COTTON VALLEY	0.0 UNITED GAS PIPELI	
-V F NEUMAUS			RECEIVED: 12/08/82	JJA: TX		
8312740	F-04-052123	4242700000	102-4 Y2AGUIRRE #4	Y2AGUIRRE	10.0 FLORIDA GAS TRANS	
-VENUS OIL COMPANY			RECEIVED: 12/08/82	JJA: TX		
8312819	F-03-57564	4203931833	102-4 STEVENS UNIT #1	LAKE ALASKA (FRIO 837	0.0 VALERO TRANSMISSI	
-WINSON EXPLORATION			RECEIVED: 12/08/82	JJA: TX		
8312823	F-7C-57764	4210500000	102-4 UNIVERSITY "33-AA" #1	INGHAM (QUEEN)	82.0 SOUTHWESTERN GAS	
-VOYAGER PETROLEUMS LTD			RECEIVED: 12/08/82	JJA: TX		
8312776	F-01-055007	4217731128	102-2 TUCH UNIT #1 07826	PEACH CREEK	0.0	
-W C MILLER			RECEIVED: 12/08/82	JJA: TX		
8312767	F-01-054539	4231100000	102-4 J W ATKINSON A-2	LOMA ALTA (4070*) YEG	130.0 TEXAS EASTERN TRA	
-W LAUGHLIN			RECEIVED: 12/08/82	JJA: TX		



VOLUME 807 PAGE 009

JD NO	JA CKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD PURCHASER
8312757	F-04-054004	422490000	102-4		C M LAUGHLIN A#3	PREMONT	75.0 VALLEY GAS TRANSM
8312820	F-08-57587	4210332247	108		J V TERRILL "A" #13	SAND HILLS (JUDKINS)	0.2 EL PASO NATURAL G
8312879	F-08-60107	4210332959	103		P J LEA #140	LEA (SAN ANDRES)	0.6 EL PASO NATURAL G
8312931	F-05-57943	4235331331	103		R H JORDAN RANCH #3	SUGGS ELLENBURGER	4.4 LONE STAR GAS CO
8312826	F-05-57943	4216130457	107-TF		ZENO KING UNIT II WELL #1	TEAGUE (BOSSIER SAND)	500.0 LONE STAR GAS CO
8312723	F-10-048879	4208700000	108		J C BREEDING (87836) #1	EAST PANHANDLE	10.0 EL PASO NATURAL G
8312803	F-02-56876	4205700000	102-4		P H WELDER "D" #2L	KATIE WELDER J-6	0.0 SEAGULL PIPELINE
8312867	F-06-53928	4240141342	102-3		107-TF S S LAIRD GAS UNIT WELL #1	HENDERSON N COTTON V	400.0 UNITED GAS PIPE L
8312848	F-06-59401	4220330972	103		107-TF TRAMWELL #1	WASKOM COTTON VALLEY	500.0 TEXAS EASTERN TRA
8312919	F-7C-60600	4243532658	103		107-TF DUKE WILSON #161-1 ID #101792	SHURLEY RANCH (CANYON	0.0 VALERO TRANSMISSI
8312921	F-03-60608	4200530143	102-4		CARTER BROS GAS UNIT #6 WELL #6	DAMASCUS (WOODBINE 93	750.0 EASTEX GAS TRANSM
8312884	F-06-60197	4242330570	102-4		HOUSTON METRS #2	SUNSHINE	0.0 SEMCO GAS INC
8312930	F-10-60627	4206531266	103		AEBERSOLD (04904) #5	PANHANDLE	76.7 GETTY OIL CO

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-8808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8661.

BILLING CODE 6717-01-0



The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after

publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease  
102-2: New well (2.5 mile rule)  
102-3: New well (1000 ft rule)  
102-4: New onshore reservoir  
102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper  
107-GB: Geopressured brine  
107-CS: Coal seams  
107-DV: Devonian shale  
107-PE: Production enhancement  
107-TF: New tight formation  
107-RT: Recompletion tight formation

Section 108: Stripper well  
108-SA: Seasonally affected  
108-ER: Enhanced recovery  
108-PB: Pressure buildup

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-1169 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M



[Volume 808]

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 11, 1983.

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
<b>KANSAS CORPORATION COMMISSION</b>						
<b>-ANADARKO PRODUCTION COMPANY</b>						
8313171		1517520536	RECEIVED: 12/08/82	HUGOTON	27.0	CIMARRON-QUINQUE
8313176		1512920599	103 APSLEY "A" #1	PANOMA	37.0	PANHANDLE EASTERN
8313173		1517520535	103 FITZGERALD "A" #1	HUGOTON	27.0	CIMARRON-QUINQUE
8313175		1512920601	103 FULLER "B" #1	PANOMA	37.0	PANHANDLE EASTERN
<b>-GEITY OIL COMPANY</b>						
8313181		1500730054	RECEIVED: 12/09/82	AETNA	0.0	CITIES SERVICE CO
<b>-MOBIL OIL CORP</b>						
8313216		1518920553	RECEIVED: 12/13/82	PANOMA COUNCIL GROVE	70.0	INTERNORTH INC
<b>-STERLING DRILLING &amp; PROD CO INC</b>						
8313179		1515921252	103 K BROWN UNIT NO 3 WELL	W/C	180.0	PENDING
<b>-W B OSBORN JR (OPERATOR)</b>						
8313170		1509320762	RECEIVED: 12/08/82	HUGOTON	50.0	PANHANDLE EASTERN
8313172		1509320745	102-2 GOERING #1-H	PANOMA (COUNCIL GROVE	50.0	PANHANDLE EASTERN
8313174		1509320746	103 LAGESSE #1-A	PANOMA	60.0	PANHANDLE EASTERN
8313168		1509320764	102-2 MASSINGALE #1-A	HUGOTON	50.0	PANHANDLE EASTERN
8313169		1509320765	102-2 PILON #1-H	HUGOTON	50.0	PANHANDLE EASTERN
<b>-W B OSBORN JR (OPERATOR)</b>						
8313180		1509320747	RECEIVED: 12/09/82	HUGOTON (CHASE)	100.0	PANHANDLE EASTERN
<b>-WALTER KUHN DRILLING COMPANY</b>						
8313215		1518920558	RECEIVED: 12/13/82	UNNAMED	91.0	INTERNORTH INC
<b>MICHIGAN DEPARTMENT OF NATURAL RESOURCES</b>						
<b>-SCHMUDE &amp; PANGBORN ASSOCIATES</b>						
8313178		2110100000	RECEIVED: 12/09/82	MAPLE GROVE 208 FIELD	80.0	CONSUMERS POWER C
8313177		2107900000	102-4 PAKMANEN 1-20A	BLUE LAKE #8	0.0	MICHIGAN CONSOLID
<b>OHIO DEPARTMENT OF NATURAL RESOURCES</b>						
<b>-ALLEN W ANDERSON</b>						
8313057		3416727304	RECEIVED: 12/10/82		10.0	
<b>-ALSID OIL &amp; GAS DEVELOPMENT CO</b>						
8313056		3412725478	RECEIVED: 12/10/82		15.0	
<b>-ATLAS ENERGY GROUP INC</b>						
8313058		3415522205	RECEIVED: 12/10/82		25.0	COPPERVELD STEEL
<b>-BADGER OIL &amp; GAS CO INC</b>						
8313059		3416720315	RECEIVED: 12/10/82	DEVONIAN SHALE	0.0	COLUMBIA GAS TRAN
<b>-BARTLO OIL AND GAS COMPANY</b>						
8313060		3410323183	RECEIVED: 12/10/82		20.0	
<b>-BELDEN &amp; BLAKE &amp; CO 80</b>						



JOB NO	JA CMT	API NO	D SEC(1) SEC(2) WELL NAME	VOLUME 806	PAGE 002	PROD PURCHASER
8313061		3410323039	103 107-TF 0 & 5 CRANDALL ET AL #1 - 34-1212		36.5	
-BEREA OIL AND GAS CORPORATION			RECEIVED: 12/10/82 JA: OH			0.0 COLUMBIA GAS TRAN
8313063		3415222007	103 107-TF C MESSERWITH #1			0.0 COLUMBIA GAS TRAN
8313064		3415222186	103 107-TF R CALDWELL #3			9.0 COLUMBIA GAS TRAN
8313062		3405233159	102-4 8 MOORE #3			
-BERMAN J SHAFER			RECEIVED: 12/10/82 JA: OH			7.5 COLUMBIA GAS TRAN
8313155		3410322851	107-TF PARTON #1			0.0
-BERKESFORD ENTERPRISES INC			RECEIVED: 12/10/82 JA: OH			10.0 EAST OHIO GAS CO
8313067		3411522375	103 JAMES HOPKINS ET AL #1			9.0 COLUMBIA GAS TRAN
-CLINTON OIL CO			RECEIVED: 12/10/82 JA: OH			9.0 COLUMBIA GAS TRAN
8313068		3415720357	108 STUKIS-ERVIN UNIT #1			9.0 COLUMBIA GAS TRAN
-COASTAL PETROLEUM CORP			RECEIVED: 12/10/82 JA: OH			20.0 EAST OHIO GAS CO
8313071		3415321196	107-TF BAKO #1			22.0 COLUMBIA GAS TRAN
8313069		3410323045	107-TF GOODSON DAVIDSON BELL #1			9.0 COLUMBIA GAS TRAN
8313072		3416232264	107-TF HILTY #1			9.0 COLUMBIA GAS TRAN
8313070		3410323150	107-TF JUDITH LYNN ENT & STILES #1			9.0 COLUMBIA GAS TRAN
-DONALD P SHANAHAN			RECEIVED: 12/10/82 JA: OH			20.0 EAST OHIO GAS CO
8313156		3416727162	103 DUSKEY COMMUNITY #1			22.0 COLUMBIA GAS TRAN
-EASTERN OHIO PETROLEUM INC			RECEIVED: 12/10/82 JA: OH			22.0 COLUMBIA GAS TRAN
8313075		3416923260	107-TF HERSBERGER #2			10.0 COLUMBIA GAS TRAN
8313076		3416923310	107-TF MILLER/ADAMS UNIT #1			0.0
8313074		3416923233	107-TF SPARR-ULLOW UNIT #1			0.0
-ELAN ENERGY INC			RECEIVED: 12/10/82 JA: OH			0.0
8313077		3416923370	103 107-TF ANDY MILLER 2			0.1 NATIONAL GAS & OI
-EVERFLOW EASTERN INC			RECEIVED: 12/10/82 JA: OH			0.0
8313080		3415723754	103 107-TF BOND #1			10.0
8313078		3409921494	103 107-TF THEOFILO #1			0.5
8313079A		3415723643	103 THOMAS #5			1.5
8313079B		3415723643	107-TF THOMAS #5			20.0
-FINCK OIL & GAS CO			RECEIVED: 12/10/82 JA: OH			20.0
8313081		3412725729	103 D RUDD ETAL #1			YANKEE RESOURCES
-FORAKER PRODUCING COMPANY INC			RECEIVED: 12/10/82 JA: OH			YANKEE RESOURCES
8313082		3411924623	108 C MOORE #2			15.0 COLUMBIA GAS TRAN
8313085		3412724990	103 DEROLPH #3			0.0 COLUMBIA GAS TRAN
8313084		3412724165	108 SELF-TAMS #1A			10.0 COLUMBIA GAS TRAN
8313083		3411924624	108 WELLS MINING CO #1			10.0 COLUMBIA GAS TRAN
-GASEARCH INC			RECEIVED: 12/10/82 JA: OH			0.0 EAST OHIO GAS
8313088		3415521712	103 107-TF KEZER #1			25.0 COLUMBIA GAS TRAN
8313089		3415521713	103 107-TF KEZER #2			20.0 COLUMBIA GAS TRAN
8313086		3400721857	103 107-TF STAMPER #1			20.0
8313087		3400721858	103 107-TF STAMPER #2			20.0
-GEO ENERGY INC			RECEIVED: 12/10/82 JA: OH			15.0 COLUMBIA GAS TRAN
8313090		3409321162	107-TF PLATA-RUBESNE #70-3			0.0 COLUMBIA GAS TRAN
-HORTIN & HUFFMAN			RECEIVED: 12/10/82 JA: OH			10.0 COLUMBIA GAS TRAN
8313093		3412320067	103 #1 BESSIE DEWITZ			10.0 COLUMBIA GAS TRAN
8313092		3400522225	107-TF LARRY AND BARBARA HOOVER #1			0.0 EAST OHIO GAS
-IRVIN PRODUCING COMPANY			RECEIVED: 12/10/82 JA: OH			25.0 COLUMBIA GAS TRAN
8313095		3412725768	103 107-TF DAINE MAXWELL B-14			20.0 COLUMBIA GAS TRAN
-J P WHITE			RECEIVED: 12/10/82 JA: OH			20.0
8313148		3400721825	107-TF R & C ROLL GRINDING INC #1			20.0
-JACOIL INC			RECEIVED: 12/10/82 JA: OH			20.0
8313097		3403124749	107-TF ALVIN N MILLER #2			
8313099		3403124751	107-TF LAURA & EMMA AMMANN #5			



JD NO	JA CKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	VOLUME 808	PAGE 003
8313096		3403124166	107-TF NOBLE FAIR #1			
8313098		3403124750	107-TF RAYMOND & BEVERLY PATTERSON #4			
-JAMES R BERNHARDT			RECEIVED: 12/10/82 JA: OH			
8313065		3410322567	103 107-TF GOIK WELL #1			20.0 COLUMBIA GAS TRAN
8313066		3410322965	103 107-TF MICKEL WELL #1			24.0 COLUMBIA GAS TRAN
-L & M PETROLEUM INC			RECEIVED: 12/10/82 JA: OH			
8313103		3412725731	103 A R STARNER #3			15.0 COLUMBIA GAS TRAN
8313104		3412725731	103 JOSEPH ELLAR #1			15.0 COLUMBIA GAS TRAN
8313106		3412725490	107-TF MEREDITH/GINGERICH/DUNN #1			10.0 COLUMBIA GAS TRAN
8313101		3412725529	103 OTHEL RADIGAN #1			10.0 COLUMBIA GAS TRAN
8313102		3412725634	107-TF			15.0 YANKEE RESOURCES
-LAKE REGION OIL INC			RECEIVED: 12/10/82 JA: OH			
8313104		3407523881	103 107-TF NOAH TROYER #1			50.0
-LANDPROVEST INC			RECEIVED: 12/10/82 JA: OH	INDIAN CAMP		
8313106		3405923365	107-TF BERRY-TURRILL #1A-82	INDIAN CAMP		
8313105		3405923245	107-TF GRAHAM #2			25.0 COLUMBIA GAS TRAN
-LIBERTY OIL & GAS CORP			RECEIVED: 12/10/82 JA: OH			
8313107		3410522323	107-TF GLEN ROBINSON #B #1			18.0 COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC			RECEIVED: 12/10/82 JA: OH			
8313110		3406720568	103 107-TF A WEBB #2			18.0 TENNECO
8313111		3406720568	103 107-TF CUSTER-WILSON #1			17.0 TENNECO
8313112		3415123780	103 107-TF D ROHR #6			20.0 YANKEE RESOURCES
-NORAMCO INC			RECEIVED: 12/10/82 JA: OH			
8313113		3407523771	103 STITZLEIN #1	STITZLEIN LEASE		
8313114		3407523853	103 STITZLEIN #2	STITZLEIN LEASE		
-OHIO L & M CO INC			RECEIVED: 12/10/82 JA: OH			
8313116		3416923374	107-TF SCHULER #1			22.0 COLUMBIA GAS TRAN
8313115		3416923356	107-TF SWARTZ #5			22.0 COLUMBIA GAS TRAN
-ONEAL PETROLEUM INC			RECEIVED: 12/10/82 JA: OH			
8313117		3411522565	107-TF J WHITEHOUSE #2			20.0 COLUMBIA GAS TRAN
-OXFORD OIL CO			RECEIVED: 12/10/82 JA: OH			
8313118		3411926458	107-TF BECK-STAKER UNIT #1			11.0
8313119		3411926459	107-TF ROBERT CONLEY #1			11.0
-PENN-OHIO ENERGY CORP			RECEIVED: 12/10/82 JA: OH			
8313123		3405520338	107-TF S KAUFMAN GC-403			30.0 EAST OHIO GAS CO
-PETROCON INC			RECEIVED: 12/10/82 JA: OH			
8313125		3415123789	103 DIMMERLING #B UNIT WELL #1-A			9.0
8313124		3415123776	103 DIMMERLING #B UNIT WELL #2			5.0
-POI ENERGY INC			RECEIVED: 12/10/82 JA: OH			
8313122		3413322758	103 107-TF HAFER #T-1			24.0 NOT YET DETERMINE
8313120		3400520369	103 107-TF YMCA #3			45.0
8313121		3400520370	103 107-TF YMCA #5			50.0
-POMINEX INC			RECEIVED: 12/10/82 JA: OH			
8313131		3409921499	103 107-TF #1 BARGER			18.0
8313129		3409921492	103 107-TF #1 BRUCOLI			18.0
8313132		3409921502	103 107-TF #1 MAYO			18.0
8313127		3409921488	103 107-TF #1 ZARLENGA UNIT			18.0
8313135		3409921519	103 107-TF #2 H MOFF			18.0
8313133		3409921503	103 107-TF #2 MAYO			18.0
8313134		3409921516	103 107-TF #2 R MOFF			18.0
8313126		3409921350	103 107-TF #2 TIPPECANOE UNIT			18.0
8313128		3409921489	103 107-TF #2 ZARLENGA UNIT			18.0
8313130		3409921498	103 107-TF #3 ANDERSON			18.0
-PONDEROSA OIL COMPANY			RECEIVED: 12/10/82 JA: OH			







JO NO	JA LKT	API NO	C SEC(1)	SEC(2)	WELL NAME	FIELD NAME	VOLUME	PAGE	PROD	PURCHASER
UTAH DIVISION OF OIL, GAS, & MINING										
-NATURAL GAS CORPORATION OF CALIF										
831292	K-149-3	4304730571	108	RECEIVED: 12/13/82	JA: UT	MAIN CANYON	54.0	PACIFIC GAS & ELE		
WEST VIRGINIA DEPARTMENT OF MINES										
-ALDRIDGE GAS CO										
8313018		4764580073	108	RECEIVED: 12/87/82	JA: WV	GUYAN RIVER	0.0	COLUMBIA GAS TRAN		
8313019		4764580136	108	JOHN JUSTICE #2		GUYAN RIVER	0.0	COLUMBIA GAS TRAN		
-ALFRED E KNOBLER										
8313183		4704302520	103	RECEIVED: 12/10/82	JA: WV	DUVAL DISTRICT	14.6	ROARING FORK GAS		
8313186		4701100690	107-DV	BILLY ALFORD #1 (K-66)		MCCOMAS DISTRICT	14.6	COLUMBIA GAS TRAN		
-ALLEGHENY LAND & MINERAL COMPANY										
831294	A-1072	4706300588	103	RECEIVED: 12/87/82	JA: WV	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313024		4706300572	103	A-1072		ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313020		4709702396	103	BENSON-BALLTOWN-FIFTH A-1144		ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313025		4704103160	103	BENSON-RILEY-SPEECHLY A-1077		BANKS DISTRICT	0.0	COLUMBIA GAS TRAN		
8313022		4708300564	103	BRADF-BALLT-SPEECHLY-BAYA A-1-79		HACKERS CREEK DISTRICT	0.0	CONSOLIDATED GAS		
8313023		4708300570	103	ELK A-1007		ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313029		4708300581	103	ELK A-1155		MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313027		4708300587	103	ELK-BALLTOWN-FIFTH A-1113		ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313026		4708300584	103	ELK-BENSON A-1064		ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313026		4708300547	103	ELK-BENSON-FIFTH A-1116		ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313021		4709702393	103	ELK-BENSON-SPEECHLY A-1096		ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313013	A-1069	4708300533	103	ELK-FIFTH-FOURTH A-1119		MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN		
-APPALACHIAN ENERGY INC										
8313204		4701702449	103	RECEIVED: 12/10/82	JA: WV	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN		
8313205		4703302167	103	FOREST SWISHER #1 AE-94		NEW MILTON DISTRICT	25.0	CONSOLIDATED GAS		
8313206		4703302600	103	PAUL HORNER #1 AE-45		COAL DISTRICT	25.0	CONSOLIDATED GAS		
-BIG SAND DRILLING CO										
8313008		4700100156	108	RECEIVED: 12/07/82	JA: WV	CLAY DISTRICT	25.0	CONSOLIDATED GAS		
8313004		4700100158	108	TRUMAN E GORE #1		VALLEY	0.0	COLUMBIA GAS TRAN		
8313003		4700100160	108	TRUMAN E GORE #2		VALLEY	0.0	COLUMBIA GAS TRAN		
8313002		4700100183	108	TRUMAN E GORE #3		VALLEY	0.0	COLUMBIA GAS TRAN		
8313012		4700100195	108	TRUMAN E GORE #4		VALLEY	0.0	COLUMBIA GAS TRAN		
8313001		4700100197	108	TRUMAN E GORE #5		VALLEY	0.0	COLUMBIA GAS TRAN		
-CUMBERLAND GAS COMPANY										
8313198		4703903698	108	RECEIVED: 12/10/82	JA: WV	LOUDON	2.4	COLUMBIA GAS TRAN		
8313197		4703903900	108	BRADFORD & LAIDLEY #BR-11		LOUDON	2.4	COLUMBIA GAS TRAN		
8313188		4703903901	108	BRADFORD & LAIDLEY #BR-17		LOUDON	3.7	COLUMBIA GAS TRAN		
8313196		4703903899	108	ELIZABETH BRADFORD #BR-18		LOUDON	9.5	COLUMBIA GAS TRAN		
-DORAN & ASSOCIATES INC										
8313207		4703302694	103	RECEIVED: 12/10/82	JA: WV	CLAY DISTRICT	25.0	CONSOLIDATED GAS		
8313203		4703301955	108	BELL MINING CO #1 KM-16		COAL DISTRICT	20.0	CONSOLIDATED GAS		
8313208		4703302713	103	L J STROTHERS #2 KH-4		CLAY DISTRICT	25.0	CONSOLIDATED GAS		
-FRANCIS E CAIN										
8313199		4701300081	108	RECEIVED: 12/10/82	JA: WV	SHERIDAN	0.0	CONSOLIDATED GAS		
8313201		4701302997	108	CAIN-CARROLL #1		SHERIDAN	0.0	CABOT CORP		
8313202		4701303191	108	RUSSELL B RICHARDS #1		SHERIDAN	0.0	CABOT CORP		
8313200		4701303274	108	RUSSELL B RICHARDS #2		SHERIDAN	0.0	CABOT CORP		
-FRANKLIN ADKINS										
				RECEIVED: 12/10/82	JA: WV	SHERIDAN	0.0	CABOT CORP		



PAGE 006

VOLUME 806

JD NO	JA OKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8313182		4709921756	107-DV		FERGUSON #2	LINCOLN	0.0	COLUMBIA GAS TRAN
8313187		4704322534	107-DV		J L JEFFER HRS #1	SHERRIDAN DISTRICT	14.6	COLUMBIA GAS TRAN
-G & S DRILLING CO			RECEIVED:	12/07/82	JA: WV			
8313033		4708525341	107-DV		JOHN THORN #1	MURPHY DISTRICT	10.0	CABOT CORP
8313034		4708525232	107-DV		ORVAL ECHARD #1	MURPHY DISTRICT	0.0	CABOT CORPORATION
-HAUGHT INC			RECEIVED:	12/07/82	JA: WV			
8313037		4707301109	107-DV		D & H SHINGLETON H-1218	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
8312996		4708505178	107-DV		DALE WILSON H-1260	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8313035		4708505178	103		DALE WILSON H-1260	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8312998		4708504984	107-DV		EDWIN DEEN H-1129	UNION DISTRICT	15.0	CONSOLIDATED GAS
8313036		4708504984	103		EDWIN DEEN H-1129	UNION DISTRICT	15.0	CONSOLIDATED GAS
8313014		4708505029	107-DV		H L & C A WILSON H-1169	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8312995		4708505440	107-DV		STANLEY H-1302	GRANT DISTRICT	20.0	CONSOLIDATED GAS
-JAMAR LAND CO INC			RECEIVED:	12/07/82	JA: WV			
8313032		4709901729	103		D-1	LOST CREEK	0.0	COLUMBIA GAS TRAN
8313000		4709901713	108		GLENHAYES #5	LINCOLN DISTRICT	0.0	COLUMBIA GAS TRAN
-JAMES F SCOTT			RECEIVED:	12/10/82	JA: WV			
8313212		4703302446	108		WILLIAM NEUMAN S-315	SARDIS	32.0	CONSOLIDATED GAS
-JOHN L DIAL			RECEIVED:	12/07/82	JA: WV			
8313008		4709921309	108		BOYES	BUTLER DISTRICT	0.8	DEVON CORP
8313009		4709921277	108		DEWEY WATTS #1	BUTLER DISTRICT	2.3	DEVON CORP
8313010		4709921129	108		LUCY SKEENS	BUTLER DISTRICT	0.7	DEVON CORP
-PEANE OPERATING CO			RECEIVED:	12/07/82	JA: WV			
8313015		4708100583	107-TF		#1-A LILLY	BECKLEY DISTRICT	5.0	ROARING FORK GAS
8313016		4708100573	107-TF		NEW RIVER #4-AR	TOWN DISTRICT	5.0	
8313017		4708100560	107-TF		NEW RIVER #6-AR	TOWN DISTRICT	5.0	
-PETRO-LEWIS CORPORATION			RECEIVED:	12/10/82	JA: WV			
8313194		4709701519	108		BAILEY HEIRS ELIZABETH	WASHINGTON DISTRICT	10.9	COLUMBIA GAS TRAN
8313191		4708701253	108		SUFORD NICHOLS #2	SPENCER DISTRICT	3.6	COLUMBIA GAS TRAN
8313192		4709700490	108		CARTER #1	WASHINGTON DISTRICT	2.0	COLUMBIA GAS TRAN
8313189		4708100465	108		LENA #1	VALLEY DISTRICT	15.2	COLUMBIA GAS TRAN
8313193		4709701205	108		PUGH #1 ALTAMAE	WASHINGTON	17.2	COLUMBIA GAS TRAN
8313195		4708700866	108		SINGLETON #1	OTTER DISTRICT	4.5	CONSOLIDATED GAS
8313213		4700700795	108		WORTHY #1	OTTER DISTRICT	1.9	CONSOLIDATED GAS
8313190		4700100474	108		YEAGER #1 SL	VALLEY DISTRICT	14.9	COLUMBIA GAS TRAN
-R & R ASSOCIATES LTD			RECEIVED:	12/07/82	JA: WV			
8313007		4708504354	108		BRADLEY DAVIS H-800	MURPHY DISTRICT	30.0	COLUMBIA GAS TRAN
8313006		4708504355	108		BRADLEY DAVIS H-801	MURPHY DISTRICT	30.0	COLUMBIA GAS TRAN
-RICHARDS ENERGY CO			RECEIVED:	12/10/82	JA: WV			
8313214		4708525302	103		A K RICHARDS #R-27-RIT 5302	PULLMAN	4.4	CONSOLIDATED GAS
8313210		4708525303	103		A K RICHARDS #R-28-RIT 5303	PULLMAN	9.1	CONSOLIDATED GAS
8313209		4708525305	103		A K RICHARDS #R-30-RIT 5305	PULLMAN	9.3	CONSOLIDATED GAS
8313211		4708525304	103		A K RICHARDS #R-29-RIT 5304	PULLMAN	1.8	CONSOLIDATED GAS
-UPLAND RESOURCES INC			RECEIVED:	12/07/82	JA: WV			
8313031		4705700072	102-2		OSLEBAY #2	HEADSVILLE	0.0	
8313030		4705700067	102-2		VIRGINIA FERTIG #2	HEADSVILLE	0.0	
-V-H JOINT VENTURE			RECEIVED:	12/07/82	JA: WV			
8312999		4701702350	107-DV		COPLIN VH-715	NEW MILTON DISTRICT	60.0	CONSOLIDATED GAS
8312997		4701702425	107-DV		RUBY FARR MAXWELL H-735	CENTRAL DISTRICT	40.0	COLUMBIA GAS TRAN
-WARREN R HAUGHT AGENT			RECEIVED:	12/07/82	JA: WV			
8313011		4708504183	108		MAXINE MOATS H-689	GRANT DISTRICT	20.0	CONSOLIDATED GAS
-WESCAP OIL & GAS CO			RECEIVED:	12/10/82	JA: WV			
8313184		4710301202	103		FITZSIMMONS #1		15.0	



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	VOLUME	802	PAGE	007	PROD	PURCHASER
8313165		4710301222	107-DV		FITZSIMMONS #1					15.0	
DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER, WY											
-WIDLANDS GAS CORPORATION											
8313042	W179-2	2507121214	108		1031 FEDERAL 1					2.0	KANSAS-NEBRASKA N
8313043	W181-2	2507121714	108		2331 FEDERAL 1					5.0	KANSAS-NEBRASKA N
8313038	W74-2	2507121314	108		3542 FEDERAL 1					5.0	KANSAS-NEBRASKA N
-DIAMOND SHAMROCK CORPORATION											
8313053	ND193-2	3300700711	102-2		RECEIVED: 12/13/82 JA: ND 5					23.0	
-PETRO-LEWIS CORPORATION											
8313047	ND185-2	3301100268	103		RECEIVED: 12/13/82 JA: ND 5						
8313049	ND187-2	3301100281	103		FEDERAL 1-22					153.3	MONTANA-DAKOTA UT
8313048	ND186-2	3301100269	103		FEDERAL 1-29					69.3	MONTANA-DAKOTA UT
-AMERICAN GUAR PETROLEUM CO											
8313054	W194-2	4903520537	102-4		RECEIVED: 12/13/82 JA: WY 5					113.2	MONTANA-DAKOTA UT
-CITIES SERVICE COMPANY											
8313039	W176-2	4900525392	103		RECEIVED: 12/13/82 JA: WY 5					0.0	
8313046	W184-2	4900526348	103		RECEIVED: 12/13/82 JA: WY 5					0.7	
-DAVIS OIL COMPANY											
8313055	W195-2	4903721839	107-DP		RECEIVED: 12/13/82 JA: WY 5					54.8	PANHANDLE EASTERN
-EXETER EXPLORATION COMPANY											
8313045	W183-2	4900922843	102-2		RECEIVED: 12/13/82 JA: WY 5					205.4	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY											
8313044	W182-2	4900526519	102-2		RECEIVED: 12/13/82 JA: WY 5					23.0	CHINOOK CONSTRUCT
-SNYDER OIL CO											
8313050	W188-2	4900720700	103		RECEIVED: 12/13/82 JA: WY 5					53.6	PANHANDLE EASTERN
-TERRA RESOURCES INC											
8313052	W192-2	4902921020	102-2		RECEIVED: 12/13/82 JA: WY 5					128.0	NORTHWEST PIPELIN
8313051	W191-2	4902921052	102-2		RECEIVED: 12/13/82 JA: WY 5					419.0	
-WOODS PETROLEUM CORPORATION											
8313041	W1782	4900526371	102-4		RECEIVED: 12/13/82 JA: WY 5					558.0	TENNESSEE GAS PIP
8313040	W177-2	4900526113	103		RECEIVED: 12/13/82 JA: WY 5					49.0	WESTERN GAS PROCE
					PINE TREE UNIT NO 20-33					0.0	WESTERN GAS PROCE
					PINE TREE UNIT 17-30						

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

(PR Dec 83-1170 Filed 1-14-83; 8:45 am)

BILLING CODE 8717-01-C



[Docket No. ER81-504-001]

**Delmarva Power & Light Co.;  
Compliance Filing**

January 11, 1983.

Take notice that on December 29, 1982, Delmarva Power & Light Company filed a compliance report pursuant to the Commission's order dated November 23, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 25, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1146 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-124-002]

**East Tennessee Natural Gas Co.,  
Revised Rate Filing**

January 11, 1983.

Take notice that on December 30, 1982, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Fifth Revised Sheet No. 4 to Original Volume No. 1 of its FERC Gas Tariff to be effective on February 1, 1983. East Tennessee states that the purpose of the revised tariff sheet is to revise the rates suspended until February 1, 1983 in this proceeding to reflect (1) the elimination of all facilities and related costs which will not have been certificated and placed in service by January 31, 1983, (2) a change from a modified fixed-variable rate design method to the Atlantic Seaboard rate design method pursuant to the Commission's warning in its October 27, 1982 and November 24, 1982 orders herein and pursuant to the request of East Tennessee's affected jurisdictional customers, and (3) the current average cost of purchased gas and the other rate adjustments reflected in East Tennessee's November 30, 1982 PGA filing in Docket Nos. TA83-1-2, et al.

East Tennessee further states that copies of the revised filing were served on all customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commissioner's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition is not required to file a further pleading. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1147 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-222-000]

**Empire District Electric Co.; Filing**

January 11, 1983.

Take notice that the Empire District Electric Company (EDE), on January 3, 1983, tendered for filing a proposed change in the Agreement between the Southwestern Power Administration (SWPA) and the Empire District Electric Company, Contract Number 14-02-0001-1671.

The Admendment provides for the extension of the termination date until December 31, 1992.

Copies of the filing were served upon the Missouri Public Service Commission and SWPA.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1148 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-221-000]

**Illinois Power Co.; Filing**

January 11, 1983.

Take notice that on January 3, 1983, Illinois Power Company (Illinois) tendered for filing proposed Amendment No. 15, dated December 10, 1982, to the Interconnection Agreement, dated March 1, 1964, between Commonwealth Edison Company (CE) and Illinois.

Illinois indicates that this filing is made for a change in the Interchange Power rate.

A copy of the filing was served upon CE and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1149 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-46-003]

**Kentucky West Virginia Gas Co.;  
Proposed Change in Rates**

January 11, 1983.

Take notice that on January 3, 1983, Kentucky West Virginia Gas Company ("Kentucky West") tendered for filing its Substitute Revised Twenty-Fourth Revised Sheet No. 27 to its FERC Gas Tariff, First Revised Volume No. 1, to become effective October 1, 1982.

Kentucky West has filed its Substitute Revised Twenty-Fourth Revised Sheet No. 27 to its FERC Gas Tariff in compliance with the requirements set out in the Commission's said Order



dated December 2, 1982. By doing so, Kentucky West does not intend to waive or prejudice its rights to rehearing and/or further appeal of the Commission's said order dated April 30, 1979, in Docket Nos. RP73-97 and RP76-93 (PGA 79-1).

Kentucky West further states that this filing is made under protest since Kentucky West believes the requirements of the Commission's December 2, 1982 Order are unlawful. Further, Kentucky West by this filing does not intend to waive or prejudice its right to continue to prosecute its petition for review with the United States Court of Appeals for the Fourth circuit of the Commission's Order dated December 2, 1982, denying Kentucky West's application for rehearing of the Order issued April 30, 1982 in Docket Nos. TA82-2-46-001 (PGA-2) (IPR82-2). (*Kentucky West Virginia Gas Company vs. FERC*, Case No. 82-2097—Filed December 3, 1982.)

In addition, nothing contained herein shall be construed as a waiver on behalf of Kentucky West of its right to retroactively collect any amounts that are subsequently determined by the Commission and/or the courts to be applicable to a pipeline's own production nor the right to collect carrying charges applicable thereto. Kentucky West believes that it is entitled to collect NGPA rates for all of its pipeline production from December 1, 1978 forward and that it is not barred by any rate settlement or otherwise from collecting NGPA prices for such production.

Copies of the filing were served upon the Company's jurisdictional customers or interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1148 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-14-002; (PGA 83-2)]

**Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff**

January 11, 1983.

Take notice that on January 4, 1983, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing three (3) revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, all of which are dated as issued on December 30, 1982 proposed to become effective February 1, 1983, and identified as follows:

Thirtieth Revised Sheet No. 4.  
Twenty-seventh Revised Sheet No. 18.  
Seventh Revised Sheet No. 4-B.

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment Provision and Incremental Pricing Surcharge Provision.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1150 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-117-004]

**Midwestern Gas Transmission Co.; Supplemental revised rate filing**

January 11, 1983.

Take notice that on January 6, 1983, Midwestern Gas Transmission Company (Midwestern) tendered for filing Seventh Revised Sheet No. 37 to Original Volume No. 2 of its FERC Gas Tariff, to be effective January 1, 1983.

Midwestern states that the sole purpose of the revised tariff sheets is to incorporate a subsequent revision in its Rate Schedule T-2 with the rates filed in this proceeding on July 1, 1982, which the Commission permitted to become

effective January 1, 1983, subject to refund.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before January 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1151 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-224-000]

**Missouri Public Service Co. and the Empire District Electric Co.; Filing**

January 11, 1983.

Take notice that the Missouri Public Service Company and The Empire District Electric Company on January 3, 1983, tendered for filing proposed changes in its FPC Electric Service Tariff (Missouri FPC No. 22, Empire FPC No. 82).

The increases in revenues from jurisdiction sales and service are not quantifiable due to random use of the emergency point of delivery. Inclusion of an additional point of delivery is proposed. The reasons for the proposed changes are to (1) compensate the supplying utility for services rendered and (2) include an additional point of delivery to supply emergency service.

Copies of this filing were served upon the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests



should be filed on or before January 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1152 Filed 1-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket Nos. CP80-7-003, CP80-78-003  
and RP82-126-003]

#### Mountain Fuel Supply Co.; Proposed Tariff Change

January 11, 1983.

Take notice that on December 29, 1982, Mountain Fuel Supply Company (Mountain Fuel) tendered for filing and acceptance, Original Sheet Nos. 710 through 752, Rate Schedule X-31, Fifth Revised Sheet No. 1-B and First Revised Sheet No. 639 to its FERC Gas Tariff Original Volume No. 1.

Mountain Fuel states that Rate Schedule X-31 is a Natural Gas Transportation Agreement (Agreement) dated February 21, 1980, as amended by the August 15, 1982 amendment between Mountain Fuel and Northern Natural Gas Company (Northern). The arrangements specified by the Agreement were certificated by the Commission's Opinion No. 138 dated March 12, 1982, in Docket No. CP80-7. Mountain Fuel agrees to transport natural gas as Northern may control in the Painter Reservoir area of Uinta County, Wyoming, and the Pagoda Area in Moffat County, Colorado. Mountain Fuel will deliver such volumes for Northern's account to the WIC Segment of the Trailblazer System at the Rock Springs Compression facilities, Mountain Fuel's interconnection with the WIC Segment. Rate Schedule X-31 provides for similar service as Rate Schedule X-27, which will terminate upon first delivery of Northern's gas to the WIC Segment of Trailblazer. The specific provisions for which authorization was sought and received are more fully set forth in the Agreement dated February 21, 1980, the Amendment dated August 15, 1982, the Commission's March 12, 1982 Opinion No. 138 in Docket No. CP80-7, and Ordering Paragraph (F) of the Commission's May 8, 1981 Order in Docket No. CP80-78. Mountain Fuel further states that the tendered tariff sheets reflect only the provisions of the Agreement as

amended on August 15, 1982, the provisions of the Commission's March 12, 1982 Opinion No. 138 in Docket No. CP80-78, and Ordering Paragraph (F) of the Commission's May 8, 1981 Order in Docket No. CP80-78.

Mountain Fuel requests that the Commission make the filed tariff sheets effective February 1, 1983.

Mountain Fuel has served Northern with a copy of the subject tariff sheet filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1153 Filed 1-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TA83-1-16-002]

#### National Fuel Gas Supply Corp.; Proposed Tariff Change

January 11, 1983.

Take notice that on Jan. 4, 1983, National Fuel Gas Supply Corporation ("National Fuel") tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Forty-First Revised Sheet No. 4 proposed to be effective February 1, 1983.

National Fuel states that the purpose of this revised tariff sheet is to adjust National's rates pursuant to Article 17 (PGA) of the General Terms and Conditions. National further states that Forty-First Revised Sheet No. 4 reflects a decrease in National's rates of 27.37¢ per Mcf.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections

211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1154 Filed 1-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP82-56-005]

#### Northwest Pipeline Corp.; Change in FERC Gas Tariff

January 11, 1983.

Take notice that on December 30, 1982, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets and Exercise of Storage Option between Northwest and the Washington Water Power Company dated December 20, 1982:

Original Sheets Nos. 35, 36, 37 and 210-A.  
First Revised Sheets Nos. 31 through 34.  
Ninth Revised Sheet No. 10.  
Exercise of Storage Option.

The above tendered tariff sheets constitute Rate Schedule SGS-1 to Northwest's First Revised Volume No. 1 Gas Tariff. Northwest is proposing to add a new Section 10 to Rate Schedule SGS-1 in order to allow all Buyers under that rate schedule the option to have working gas stored for their account in the Jackson Prairie Storage Field. The Washington Water Power Company is Northwest's only customer exercising the proposed option as of this date. Any of Northwest's other customers purchasing gas may exercise the proposed option prior to February 1, 1983 for service commencing May 1, 1983.

Northwest requests waiver of the Commission's regulations in order to allow an effective date of May 1, 1983, the first day of the 1983 injection period.

A copy of this filing has been mailed to all of Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal



Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-1155 Filed 1-14-83; 8:45 am]  
BILLING CODE 6717-01-M

#### **Orange and Rockland Utilities, Inc.; Refund Report**

[Docket Nos. ER82-565-000 and ER82-566-000]

January 11, 1983.

Take notice that on December 29, 1982, Orange and Rockland Utilities, Inc. submitted for filing a refund report pursuant to the Commission's order dated November 26, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 25, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-1156 Filed 1-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP82-58-000]

#### **Panhandle Eastern Pipe Line Co.; Informal Settlement Conference**

January 11, 1983.

Take notice that an informal settlement conference in the above-captioned docket will be convened at 10:00 a.m., on February 2, 1983, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

All interested parties and Staff will be permitted to attend.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-1157 Filed 1-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP81-96-001]

#### **Tennessee Natural Gas Lines, Inc.; Compliance Tariff Filing**

January 11, 1983.

Take notice that on December 30, 1982, Tennessee Natural Gas Lines, Inc. (TNGL) tendered for filing revisions to its FERC Gas Tariff, First Revised Volume No. 1 as follows:

Fortieth Revised Sheet No. PGA-1.

Tenth Revised Sheet No. 4-A.

Third Revised Sheet Nos. 4-B (1) and (2) and 4-C.

TNGL states that the sole purpose of its tariff filing is to reflect the agreed upon Base Tariff Rate and modifications to the purchased gas adjustment provisions resulting from the settlement agreement approved by the Commission's letter order issued November 19, 1982, in this proceeding.

TNGL states that the settlement agreement approved in this proceeding provides that the tariff sheets tendered by it shall become effective on the first day of the month following its filing, i.e., on January 1, 1983.

TNGL states that a copy of its tariff filing is available for public inspection at TNGL's offices in Nashville, Tennessee and was served upon its jurisdictional customer and upon the affected state regulatory commission, the Tennessee Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-1158 Filed 1-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TA83-1-10-000]

#### **Tennessee Natural Gas Lines, Inc.; PGA Tariff Filing**

January 11, 1983.

Take notice that on December 30, 1982, Tennessee Natural Gas Lines, Inc. ("TNGL"), tendered for filing a rate change, pursuant to the purchased gas cost adjustment ("PGA") provisions of its FERC Gas Tariff, First Revised Volume No. 1, consisting of the following tariff sheets:

Forty-First Revised Sheet No. PGA-1.

TNGL requests that such tariff sheets be allowed to become effective on January 1, 1983.

TNGL states that the purposes of its filing are: to reflect in its rates the changed rates of its sole supplier Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("TPG"), which will become effective on January 1, 1983.

TNGL states that copies of the filing were served upon its jurisdictional customer, the interested state regulatory commission, its non-jurisdictional customers estimated to be billed for NGPA incremental pricing surcharges, and are available for public inspection at TNGL's offices in Nashville, Tennessee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-1159 Filed 1-14-83; 8:45 am]  
BILLING CODE 6717-01-M



[Docket No. TA83-1-17-003]

**Texas Eastern Transmission Corp.;  
Proposed Changes in FERC Gas Tariff**

January 11, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on Dec. 30, 1982 tendered for filing as part of its FERC Gas Tariff, Fourth Revision Volume No. 1, the following sheets:

Sixty-fourth Revised Sheet No. 14  
Sixty-fourth Revised Sheet No. 14A  
Sixty-fourth Revised Sheet No. 14B  
Sixty-fourth Revised Sheet No. 14C  
Sixty-fourth Revised Sheet No. 14D  
Seventh Revised Sheet No. 14E.

These sheets are being issued pursuant to provisions of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff contained in Section 12.4, Demand Charge Adjustment Commodity Surcharge; Section 23, Purchased Gas Cost Adjustment and Section 27, Electric Power Cost (EPC) Adjustment.

The changes proposed consist of:

- (1) Changes in the DCA Commodity Surcharges pursuant to Section 12.4;
- (2) A PGA increase of \$1.859/dth in the demand component of Texas Eastern's rates and a decrease of \$.2878/dth in the commodity component based on a net reduction in the projected cost of gas purchased from producer and pipeline suppliers and a negative balance in Account 191 as of November 30, 1982 pursuant to Section 23;
- (3) Projected Incremental Pricing Surcharges for the period February, 1983 through July, 1983 pursuant to Section 23;
- (4) Changes in rates for sales and transportation services pursuant to Section 27 to reflect the projected annual electric power cost incurred in the operation of transmission compressor stations with electric motor prime movers for the twelve months beginning February 1, 1983 and to reflect the EPC surcharge which is designed to clear the latest balance in the Deferred EPC Account of November 30, 1982.

Pursuant to the Commission's Order issued July 30, 1982 in Docket No. TA82-2-17-000, there is included the required information regarding Texas Eastern's Order Nos. 93 and 93-A special surcharge. In addition, pursuant to the clarification by the Commission in its Order issued December 6, 1982 in the same docket, Schedule No. 2D reflects those contracts under which retroactive payments to producers under Order Nos. 93 and 93-A have been made as of November 30, 1982.

With its last semiannual PGA tracking filing Texas Eastern reported the results

of a settlement in the property damage action against Dow Chemical Corporation regarding the Staten Island LNG facility pursuant to Article XI of the RP78-87 Stipulation and Agreement. The proceeds from the Dow Settlement were reduced by a contingent liability to Texas Eastern's Liability Insurers in the amount of \$293,738. Texas Eastern reports that it has settled its contingent liability to its Liability Insurers for the sum of \$117,762. Attached thereto is Schedule No. 10 which reflects the revised calculation of the reduction to the unamortized portion of 55% of the net investment in the Staten Island LNG facility based upon the settlement of the Liability Insurer's claim.

The proposed effective date of the above tariff sheets is February 1, 1983.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1174 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-17-004]

**Texas Eastern Transmission Corp.;  
Proposed Changes in FERC Gas Tariff**

January 11, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on January 5, 1982, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Substitute Sixty-fourth Revised Sheet No. 14.

On December 30, 1982, Texas Eastern filed with the Federal Energy Regulatory Commission (Commission) its semi-annual PGA tracker to be effective February 1, 1983. In its December 30, 1982 filing, Texas Eastern inadvertently omitted a previously filed revision to its

Rate Schedule ISS-II Space Charge. The sole purpose of this substitute tariff sheet was to reflect such change in Rate Schedule ISS-II Space Charge.

Texas Eastern filed on December 1, 1982 revisions to both its ISS-II and SS-II Space Charge pursuant to Section 4.F of Texas Eastern's Rate Schedule ISS-II and Section 4.G of Texas Eastern's Rate Schedule SS-II, respectively, to reflect a flow-through of changes made in Consolidated Gas Supply Corporation's (Consolidated) GSS rates. The December 1, 1982 filing was proposed to be effective January 1, 1983 and was approved by Commission order dated December 29, 1982.

The proposed effective date of the above substitute tariff sheet is February 1, 1983.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1163 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP 83-107-000]

**Texas Gas Transmission Corp.;  
Request Under Blanket Authorization**

January 11, 1983.

Take notice that on November 26, 1982, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP 83-107-000 a request as supplemented January 3, 1983, pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Texas Gas proposes to abandon by sale certain pipeline and related facilities to Terre Haute Gas Corporation (Terre Haute) and abandon its direct industrial service to the Logan Clay Products Company (Logan Clay) under authorization issued



in Docket No. CP 82-407-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas proposes the abandonment by sale to Terre Haute 67,165 feet of 4½-inch O.D. pipeline, 8,616.5 feet of 6 5/8-inch O.D. pipeline along with all the attendant facilities attached thereto, and its direct industrial serviced to Logan Clay. Logan Clay in agreement with such abandonment would concurrently become an industrial customer of Terre Haute. Such facilities, it is asserted, are located in Clay and Vigo Counties, Indiana. It is further stated that as a result of the proposed abandonment the Marion Brick Sales Meter Station where natural gas is measured for Terre Haute's industrial customer, the Marion Brick Company, would be deleted as a point of delivery under the service agreement between Terre Haute and Texas Gas. Deliveries to Terre Haute will continue to be rendered at the Brazil Station located immediately upstream of the facilities proposed to be abandoned. Upon abandonment of said facilities, the Brazil Station would become the northern terminus of the Martinsville-Brazil 6-inch line.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1162 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. ER-223-000]

#### Washington Water Power Co.; Filing

January 11, 1983.

Take notice that the Washington Water Power Company (Washington) on January 3, 1983, tendered for filing proposed changes in its FERC Electric Service Tariff, Schedule 61. The proposed changes would increase

revenues from jurisdictional sales and services by approximately \$999,000 based on the 12-month period ending September 30, 1982.

Washington states that the proposal rate change is submitted for the purpose of compensating the Washington Water Power Company for increases in its cost of capital, labor, materials, supplies, and taxes.

Washington proposes an effective date of March 5, 1983.

Copies of the filing have been served upon the five Washington wholesale customers affected by this filing, the Idaho Public Utilities Commission and the Washington Utilities and Transportation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motion or protest should be filed on or before January 25, 1983. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1165 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. TA83-1-61-000]

#### West Lake Arthur Corp.; Proposed Tariff Change

January 11, 1983.

Take notice that West Lake Arthur Corporation (WLAC) on December 30, 1982, tendered for filing Fourth Revised Sheet No. 4A of its FERC GAS Tariff, Original Volume No. 1. The tariff sheet was filed pursuant to the Purchased Gas Cost Adjustment provision contained in Section 15 of WALC's tariff.

Copies of the filing were served upon WLAC's jurisdictional customer and interested state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 385.214). All such petitions or

protests should be filed on or before January 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1166 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. ER82-23-000]

#### West Texas Utilities Co.; Refund Compliance Report

January 11, 1983.

Take notice that on January 3, 1983, West Texas Utilities Company filed a refund compliance report pursuant to the Commission's letter order of November 18, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 25, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-1174 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

#### Oil Pipeline Tentative Valuation

January 12, 1983.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative valuation is under consideration for the common carrier by pipeline listed below:

#### 1977 and 1978 Consolidated Report

Valuation Docket, No. PV-1453-000—Osage Pipe Line Company, 1670 Broadway, Denver, Colorado 80217

On or before February 18, 1983, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file,



pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under Section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an appropriate certificate of service must be attached to the petition. Persons specifically designated in Section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,  
Administrative Officer, Oil Pipeline Board.

[FR Doc. 83-1100 Filed 1-14-83; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59110B; TSH-FRL 2286-3]

### Certain Chemicals; Approval of Test Marketing Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of TM-83-12 and TM-83-13, two applications for test marketing exemptions (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

**EFFECTIVE DATE:** January 7, 1983.

**FOR FURTHER INFORMATION CONTACT:** Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-207, 401 M St. SW., Washington, D.C. 20460, (202-382-3725).

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time period specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

#### TME 83-12

*Date of Receipt:* November 30, 1982.  
*Notice of receipt:* December 10, 1982  
(47 FR 55517).

*Applicant:* Confidential.  
*Chemical:* Aromatic polyimide (generic).

*Use:* Specialty coating (generic).  
*Production Volume:* Confidential.  
*Number of Customers:* Confidential.  
*Test Marketing Period:* 18 months.  
*Commencing on:* (Insert signature date.)

*Risk Assessment:* Based on the analysis of the chemical structure of the test market substance and the low potential for exposure and release, no significant health or environmental effects are anticipated.

*Public Comments:* None.

#### TME 83-13

*Date of Receipt:* November 30, 1982.  
*Notice of Receipt:* December 10, 1982  
(47 FR 55517).

*Applicant:* Confidential.  
*Chemical:* Aromatic polyimide (generic).

*Use:* Specialty coating (generic).  
*Production Volume:* Confidential.  
*Number of Customers:* Confidential.  
*Process Information:* Confidential.  
*Test Marketing Exemption Period:* 18 months.

*Commencing on:* (Insert signature date.)

*Risk Assessment:* The Agency did not identify any significant health or environmental effects based on the information received from the submitter and analysis of the chemical structure. In addition, the production volume and potential for exposure and release are

very low. The overall concerns, therefore, for health and ecotoxicity are low.

*Public Comments:* None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

*Dated:* January 7, 1983.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 83-1206 Filed 1-14-83; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL ELECTION COMMISSION

[Notice 1983-1]

### Filing Dates for Texas Special Election

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of Filing Dates for Texas Special Election.

**SUMMARY:** Committees required to file reports in connection with the special election to be held in the 6th Congressional District of Texas on February 12, 1983, must file a 12-day pre-election report due on January 31, 1983, and a 30-day post-election report due on March 14, 1983.

After filing these reports, committees should resume filing reports on a semi-annual basis for 1983.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bobby Werfel, Public Information Office, 1325 K Street, N.W., Washington, D.C. 20463, Tel: (202) 523-4068; Toll-free: (800) 424-9530.

### Notice of Filing Dates for Special Election, 6th Congressional District, Texas

The State of Texas has scheduled a special election in the 6th Congressional District for February 12, 1983.

All principal campaign committees of candidates involved in the special election, and all other political committees not filing monthly that support candidates in this special election, shall file a 12-day pre-election report due on January 31, 1983, with coverage dates from January 1, 1983, or the date of registration, whichever is later, through January 23, 1983, and a 30-day post election report due on March 14, 1983, with coverage dates from January 24, 1983, through March 4, 1983.

All political committees registered with the Commission (Clerk of the House or Secretary of the Senate) by December 31, 1982, are required to file



the year end report regardless of their obligation to file any reports in connection with the Texas special election.

Dated: 12, 1983.

Danny Lee McDonald,  
Chairman, Federal Election Commission.

[FR Doc. 83-1216 Filed 1-14-83; 8:45 am]

BILLING CODE 6715-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Illinois; Amendment of Major-Disaster Declaration

(FEMA-674-DR)

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Illinois (FEMA-674-DR), dated December 13, 1982, and related determinations.

**DATED:** January 6, 1983.

**FOR FURTHER INFORMATION CONTACT:**  
Sewall H. E. Johnson, Disaster  
Assistance Programs, Federal  
Emergency Management Agency,  
Washington, D.C. 20472 (202) 287-0501.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Illinois dated December 13, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982.

For Public Assistance:

The Counties of Macoupin, Monroe, and Randolph.

The Alexander County Unit Road District.  
(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02)

Dave McLoughlin,

Acting Associate Director, State and Local  
Programs and Support, Federal Emergency  
Management Agency.

[FR Doc. 83-1104 Filed 1-14-83; 8:45 am]

BILLING CODE 6718-01-M

(FEMA-675-DR)

### Louisiana; Notice of Major Disaster and Related Determinations

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Louisiana

(FEMA-675-DR), dated January 11, 1983, and related determinations.

**DATED:** January 11, 1983.

**FOR FURTHER INFORMATION CONTACT:**  
Sewall H. E. Johnson, Disaster  
Assistance Programs, Federal  
Emergency Management Agency,  
Washington, D.C. 20472, (202) 287-0501.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of January 11, 1983, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from severe storms, and flooding beginning on or about December 19, 1982 is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I, therefore, declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide necessary Public Assistance in the affected areas when these requirements are known and an acceptable State commitment for these purposes is provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Public Law 93-288 for public assistance will be limited to 75 percent of total eligible costs in the designated areas.

Pursuant to Section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the individual and family grant program, to be repaid to the United States when it is able to do so.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. William C. Tidball of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster. I do hereby

determine the following areas of the State of Louisiana to have been affected adversely by this declared major disaster:

For Individual Assistance only, the Parishes of:

Allen	La Salle
Beauregard	Natchitoches
Calcasieu	Ouachita
Catahoula	Rapides
Grant	Winn

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02)

Lee M. Thomas,

Associate Director, State and Local Programs  
and Support, Federal Emergency  
Management Agency.

[FR Doc. 83-1185 Filed 1-14-83; 8:45 am]

BILLING CODE 6718-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Application Announcement for Grants for Predoctoral Training in Family Medicine

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1983 Grants for Predoctoral Training in Family Medicine are now being accepted under the authority of Section 786(a) of the Public Health Service Act, as amended by Pub. L. 97-35.

Section 786(a) of the Public Health Service Act, authorizes the award of grants to assist in meeting the cost of planning, developing and operating or participating in approved predoctoral training programs in the field of family medicine. Grants may include support for the program only or support for both the program and the trainees.

To receive support, programs must meet the requirements of regulations, published in the *Federal Register* on October 16, 1980, Vol. 45, No. 202. Eligible applicants are accredited public or nonprofit private schools of medicine or osteopathic medicine. Funding preference will be accorded approved applications with projects in which:

1. Substantial training experience is in settings which exemplify interdependent utilization of physicians and physician assistants or nurse practitioners; and/or
2. Substantial portions of the training program are conducted in a primary medical care manpower shortage area which is a part of a health manpower shortage area(s) designated under Section 332 of the PHS Act, or, in an



Area Health Education Center funded, at least in part under Section 781(a) of the Act.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D-15), Bureau of Health Professions, Health Resources and Services Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone: (301) 436-6588.

Should additional programmatic information be required, please contact: Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, Room 4-50, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone: (301) 436-7350.

Approximately \$2,400,000 is expected to be available in Fiscal Year 1983 for competitive grants. The deadline date for receipt of applications is February 18, 1983.

This program is listed at 13.896 in the *Catalog of Federal Domestic Assistance*. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A-95.

Dated: January 10, 1983.

Robert Graham,  
Administrator, Assistant Surgeon General.

[FR Doc. 83-1193 Filed 1-14-83; 8:45 am]

BILLING CODE 4160-16-M

#### **Title VII of the Public Health Service Act Health Research and Teaching Facilities and Training of Professional Health Personnel; Delegation of Authority**

Notice is hereby given that the Administrator, Health Resources and Services Administration (HRSA), delegated to the following HRSA officials authorities under Title VII of the Public Health Service Act (42 U.S.C. 292 *et seq.*), as amended, which were delegated to the Administrator, Health Resources and Services Administration, by the Secretary of the Department of Health and Human Services in the September 1, 1982, Reorganization Order. Previously these authorities were delegated to the Administrator, Health Resources Administration, by the Acting Assistant Secretary for Health on July 12, 1982 [47 FR 33013]:

1. The Director, Bureau of Health Professions, Health Resources and Services Administration, has been delegated the below listed authorities

under Title VII of the Public Health Service Act, as amended:

a. Part A, Title VII of the Public Health Service Act, concerning the administration of the general provisions under Title VII, excluding certain authorities under Section 708 which are to be coordinated with the National Center for Health Statistics, Office of the Assistant Secretary for Health;

b. Part C, Subpart III, Title VII of the Public Health Service Act, providing for traineeships for students in schools of public health and other graduate programs;

c. Part D, Title VII of the Public Health Service Act, providing for grants to provide professional and technical training in the field of family medicine;

d. Part E, Title VII of the Public Health Service Act, providing for grants to improve the quality of schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, and podiatry;

e. Part F, Title VII of the Public Health Service Act, providing for grants and contracts for programs and projects, excluding the authority under Section 785 and certain authorities under Section 790 which pertain to the administration of Title VII programs assigned to the Centers for Disease Control; and

f. Part G, Title VII of the Public Health Service Act, providing for programs for personnel in health administration and in allied health, excluding the responsibilities under Section 794 which are to be coordinated with the National Center for Health Statistics, Office of the Assistant Secretary for Health.

2. The Director, Bureau of Health Maintenance Organizations and Resources Development, Health Resources and Services Administration, has been delegated the authority under Part B, Title VII of the Public Health Service Act, providing for grants and loan guarantees and interest subsidies for construction of teaching facilities for medical, dental, and other health personnel.

The above listed authorities may be redelegated to HRSA Central Office personnel only, with further redelegation prohibited.

This delegation has superseded the portion of HRA Delegation No. 63, dated May 13, 1981 [46 FR 35791-35792], made by the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Professions, the Director, Bureau of Health Facilities, and the Associate Administrator for Health Resources Opportunity Program, pertaining to authorities under Title VII of the Public Health Service Act. Provision has been made for previous

delegations and redelegations of authority under Title VII of the Public Health Service Act to officials within the Health Resources Administration to continue in effect for no more than 80 days from the effective date of this delegation, provided they are consistent with this delegation.

The Title VII delegation was effective on December 9, 1982.

Dated: December 9, 1982.

John H. Kelso,  
Acting Administrator.

[FR Doc. 83-1194 Filed 1-14-83; 8:45 am]

BILLING CODE 4160-16-M

#### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

##### **Office of the Secretary**

[Docket No. D-83-690]

#### **Redelegation of Authority Concerning Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees' Claims Act of 1964**

AGENCY: Office of the Secretary, HUD.

ACTION: Redelegation of authority.

**SUMMARY:** The General Counsel redelegates full authority to dispose of claims under the Federal Tort Claims Act and the Military Personnel and Civilian Employees' Claims Act to the Associate General Counsel for Equal Opportunity and Administrative Law and to Regional Counsel.

**EFFECTIVE DATE:** January 17, 1983.

**FOR FURTHER INFORMATION CONTACT:** David D. White, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development, Room 10252, 451 Seventh Street, S.W., Washington, D.C. 20410.

#### **Redelegation of Authority**

Authority delegated to the General Counsel of HUD concerning claims under the Federal Tort Claims Act, 24 CFR 17.7, and the Military Personnel and Civilian Employees' Claims Act, 24 CFR 17.47, is hereby redelegated as follows:

1. The Associate General Counsel for Equal Opportunity and Administrative Law is authorized: (a) To consider, ascertain, adjust, determine, compromise, allow, deny, or otherwise dispose of claims under the Federal Tort Claims Act; and (b) to consider, ascertain, adjust, determine, compromise, allow, deny, or otherwise dispose of claims under the Military Personnel and Civilian Employees' Claims Act.



2. Each Regional Counsel is authorized: (a) To consider, ascertain, adjust, determine, compromise, allow, deny, or otherwise dispose of claims under the Federal Tort Claims Act arising out of occurrences within the HUD Region for which the Regional Counsel is responsible; and (b) to consider, ascertain, adjust, determine, compromise, allow, deny, or otherwise dispose of claims under the Military Personnel and Civilian Employees' Claims Act by HUD employees within the Region for which the Regional Counsel is responsible.

3. This redelegation supersedes redelegations of authority to the Associate General Counsel for Equal Opportunity and Administrative Law and to Regional counsel published at 40 FR 28115 (1975).

24 CFR 17.7 and 17.47

Dated: January 7, 1983.

John J. Knapp,

General Counsel, Department of Housing and Urban Development.

[FR Doc. 83-12043 Filed 1-14-83; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Arizona; Revised Final Wilderness Intensive Inventory Decision

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of revised final wilderness intensive inventory decision.

**SUMMARY:** On August 26, 1982, the Interior Board of Land Appeals (IBLA) affirmed in part and set aside and remanded in part the decision of the Arizona State Director to eliminate the San Francisco subunit of inventory unit AZ-040-022/023/024(A), Gila Box, from further consideration as a Wilderness Study Area (WSA). The issue on appeal by the National Public Lands Task Force *et al.*, was whether the outside sights and sounds of the nearby Phelps Dodge mining operation were of such an overwhelming impact on the natural qualities of the subunit as to justify elimination of the entire subunit from further wilderness study.

IBLA concluded that BLM's decision to eliminate the outer perimeters of the subunit was proper but the interior portions of the subunit should be included in the WSA for further wilderness study. In the decision, IBLA directed BLM to re-establish the boundary of the WSA in accordance with a map submitted by the appellant,

so the interior portions of the subunit would be included in the WSA.

As directed by IBLA, the boundary of the Gila Box WSA has been re-established to include the interior portions of the subunit. The new boundary adds approximately 4,361 acres, primarily the river canyons of the Gila and San Francisco Rivers, to the WSA boundaries are available from the Safford District Office at the address below.

#### Right of Appeal

The publication of this notice begins a 30-day appeal period. Any person adversely affected by this decision may appeal. An appeal from this decision must be taken to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subparts A, B, and E. If an appeal is taken, the Notice of Appeal must be filed with the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, not IBLA. A copy of the Notice of appeal and any statement of reasons, written arguments, or briefs must be served on the Field Solicitor, U.S. Department of the Interior, 2080 Valley Bank Center, Phoenix, Arizona 85073, not later than 15 days after filing the appeal. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

**FOR FURTHER INFORMATION CONTACT:** Steve Knox, Wilderness Coordinator, Safford District Office, 425 E. 4th Street, Safford, Arizona 85546, or phone (602) 428-4040.

Dated: December 30, 1982.

Harold H. Ramsbacher,  
Acting State Director.

[FR Doc. 83-067 Filed 1-14-83; 8:45 am]

BILLING CODE 4310-84-M

#### [NM 54961(OK)]

#### Proposed Withdrawal and Reservation of Lands

The Department of the Army, Corps of Engineers, on October 22, 1982, filed application NM 54961(OK) for the withdrawal of the following described land from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, subject to valid existing rights:

Indian Meridian, Oklahoma

T. 5N., R. 18 E.,

Sec. 2, lot 3, SE $\frac{1}{4}$  NW $\frac{1}{4}$ .

The area described comprises approximately 79.80 acres in Pittsburg County, Oklahoma.

The applicant agency desires that the land be withdrawn and reserved in order to assure full realization of present and future flood control, water supply, power, navigation, public outdoor recreational, and fish and wildlife purposes of the Eufaula Lake project, as authorized by the River and Harbor Act, approved 24 July 1946, Project Document HD 758, 79th Congress, 2nd Session, et al., (43 CFR 8.0).

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before March 10, 1983.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, NM 87501, on or before March 10, 1983. Upon determination by the State Director that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary of the application will be published in the Federal Register. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.



Effective on the date of publication of this notice, the above-described lands shall be segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. The segregative effect of this proposed withdrawal shall continue for a period of 2 years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Division of Operations, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, NM 87501.

Leroy C. Montoya,  
Chief, Division of Operations.

[FR Doc. 83-1227 Filed 1-14-83; 8:45 am]  
BILLING CODE 4310-84-M

(U-52368)

#### Utah; Notice of Invitation to Participate in Coal Exploration Program; Consolidation Coal Company

Consolidation Coal Company is inviting all qualified parties to participate in a program for the exploration of coal reserves on Walker Flat near Emery, Utah. The lands are located in Sevier County, Utah, and are described as follows:

T. 23 S., R. 5E., SLM, Utah.  
Sec. 11, all.

Containing 640.00 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Randy Stockdale, Exploration Manager, Consolidation Coal Company, 14 Inverness Drive East, Building 6-Q, Englewood, CO 80112. Such written notice must be received within 30 days after the publication of this notice in the Federal Register.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by Consolidation Coal Company is available for public review during normal business hours, in the

following office, under Serial Number U-52368: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

W. R. Papworth,  
Deputy State Director for Operations.  
January 4, 1983.

[FR Doc. 83-1189 Filed 1-14-83; 8:45 am]  
BILLING CODE 4310-84-M

#### [ES 30592, Survey Group 98]

#### Wisconsin; Filing of Plat of Survey Stayed

On Wednesday September 1, 1982, there was published in the Federal Register, Volume 47, at page 38638, a notice of the filing of plat of survey of lands in T. 40 N., R. 5 E., Fourth Principal Meridian, Wisconsin, accepted December 5, 1979.

The official filing of the plat is hereby stayed pending consideration of all protests and final determination on all objections to the survey. The plat will not be officially filed until the day after all protests have been resolved or subsequent appeals have been decided by the Interior Board of Land Appeals.

All inquiries relating to lands described in the notice published on September 1, 1982, should be sent to the Deputy State Director for Lands and Minerals Operations, 350 South Pickett Street, Alexandria, Virginia 22304.

G. Curtis Jones, Jr.,  
Eastern States Director.

[FR Doc. 83-1225 Filed 1-14-83; 8:45 am]  
BILLING CODE 4310-84-M

#### Minerals Management Service

#### Final Outer Continental Shelf Orders Governing Oil and Gas Lease Operations on the Alaska Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of final Alaska Outer Continental Shelf (OCS) orders for the Alaska OCS Region; correction.

**SUMMARY:** This Notice corrects typographical and clerical errors and omissions in the final Alaska OCS Orders in FR Doc. 82-29072 beginning on page 47180 in the issue of October 22, 1982 (47 FR 47180).

**FOR FURTHER INFORMATION CONTACT:** Mr. David A. Schuenke, Offshore Rules and Operations Division, Mail Stop 646, Minerals Management Service, Department of the Interior, 12203 Sunrise Valley Drive, Reston, Virginia

22091, telephone (703) 860-7916 or (FTS) 928-7916.

Dated: January 3, 1983.

Harold Doley,  
Director.

The following corrections are made to the final Alaska OCS Orders appearing in FR Doc. 82-29072 on October 22, 1982 (47 FR 47180).

#### OCS Order No. 2

1. On page 47193, line 14 in the third column, change "Fire watch" to "Fire Watch."

2. On page 47193, line 27 in the third column, insert "been" between "have" and "rendered."

3. On page 47194, line 6 in the last paragraph of the first column, change "annual" to "annular."

4. On page 47195, line 4 in the third column, correct the spelling of "annulus."

5. On page 47196, line 5 of the second paragraph below the chart in the first column, change "of" to "or," and in line 7 change "is" to "if."

6. On page 47196, line 15 of item a of subparagraph 5.1.1 in the second column, correct the spelling of "acoustic," and in line 1 of item b, change "at" to "At."

7. On page 47197, line 3 in the first column, remove "5."

8. On page 47197, line 12 below Note 5e in the first column, remove the comma between "5.B.13" and "Prior" and replace with a period.

9. On page 47197, line 4 of the last paragraph in column two, correct the spelling of "diverter."

10. On page 47198, line 5 of subparagraph 5.7.4 in the first column, add "and other valves not actuated during the weekly pressure test," between "equipment" and "such."

11. On page 47198, line 5 of the subparagraph 5.8 in the first column, correct the spelling of "function."

12. On page 47198, line 6 of the second column, change "QCS" to "OCS."

13. On page 47199, line 28 in the second column change "45 days" to "60 days."

#### OCS Order No. 3

14. On page 47201, line 2 of item a of subparagraph 2.4.1 in the first column, change "30 meters (98 feet)" to "30 meters (98 feet)."

#### OCS Order No. 4

15. On page 47201, line 10 of paragraph 1 of OCS Order No. 4 in the third column, change "move" to "moved."



**OCS Order No. 5**

16. On page 47202, line 13 of the first paragraph of OCS Order No. 5 in the first column, change "order" to "Order."

17. On page 47203, line 14 in the third column, correct the spelling of "hydrocarbon."

18. On page 47205, line 10 in the second column, change "Sensor" to "Sensors."

19. On page 47206, line 8 of subparagraph 5.1.9e in the first column, change "section" to "sections."

20. On page 47206, line 7 of subparagraph 5.1.11 in the second column, correct the spelling of "annual."

21. On page 47207, line 8 of subparagraph 5.4.3e in the second column, correct the spelling of "noncombustible."

22. On page 47208, line 9 of the second column, change "representative" to "representatives."

**OCS Order No. 7**

23. On page 47209, line 2 of subparagraph 1.1.3.2 in the first column, change "continuing" to "containing."

24. On page 47210, line 4 of item e(3) of subparagraph 3.2 in the first column, correct the spelling of "directing."

**OCS Order No. 8**

25. On page 47211, line 16 in the second column, correct the spelling of "Verification."

26. On page 47211, line 20 in the third column, change "2,000 feet" to "2,000 feet."

27. On page 47212, line 6 in the first column, correct the spelling of "approaches."

28. On page 47212, line 17, add a comma between "determinations" and "the."

29. On page 47212, line 5 of item e of subparagraph 3.2.1.4 in the first column, correct the spelling of "analysis."

**OCS Order No. 12**

30. On page 47213, line 2 in the second column, change "squeeze" to "Squeeze."

31. On page 47213, line 27 in the third column, change "data" to "Data."

[FR Doc. 83-1216 Filed 1-14-83; 8:45 am]

BILLING CODE 4310-MR-M

**Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Union Oil Company of California has

submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4000, Block 53, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 228.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 5, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-1186 Filed 1-14-83; 8:45 am]

BILLING CODE 4310-31-M

**Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 5031, Block 253, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North

Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 228.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 7, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-1223 Filed 1-14-83; 8:45 am]

BILLING CODE 4310-31-M

**Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that the Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4910, Block 100, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 228.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected



States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 10, 1983.

John L. Rankin,  
Acting Regional Manager, Gulf of Mexico  
OCS Region.

[FR Doc. 83-1224 Filed 1-14-83; 8:45 am]  
BILLING CODE 4310-31-M

### Workshop on Nondestructive Evaluation Methods of Structures Summary

The nondestructive evaluation (NDE) methods workshop is part of an ongoing research project jointly sponsored by the Department of the Interior, Minerals Management Service, and the U.S. Navy, Office of Naval Research, into NDE techniques as applied to offshore platforms and other structures. This workshop will review and discuss research sponsored to date, present developments and information on new NDE techniques, and provide an opportunity for the exchange of information on current and future research.

The workshop will take place on January 24-25, 1983, at the Marriott Hotel at Dulles International Airport, Chantilly, Virginia. The telephone number is (703) 471-9500.

For information, contact Mr. Charles E. Smith, Minerals Management Service, Mail Stop 647, Reston, Virginia 22091, telephone number (703) 860-7865, or Dr. Nicholas L. Basdekas, Office of Naval Research, 800 North Quincy Street, Arlington, Virginia 22217, telephone number (703) 696-4307.

Robert L. Rioux,  
Associate Director for Offshore Minerals  
Management.

[FR Doc. 83-1222 Filed 1-14-83; 8:45 am]  
BILLING CODE 4310-MR-M

### INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

#### Exemptions for Contract Tariffs

AGENCY: Interstate Commerce  
Commission.

ACTION: Notice of Provisional  
Exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract

tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission Washington, DC 20423.

#### FOR FURTHER INFORMATION CONTACT:

Douglas Galloway (202) 275-7278  
or  
Tom Smerdon (202) 275-7277

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances 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 requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions: These grants neither shall be construed to mean that the Commission has approved the contracts 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 these contracts and to determine their lawfulness.

Sub- No.	Name of railroad, contract No. and specifics	Re- view Board <sup>1</sup>	Decided date
607	Burlington Northern Railroad Co., ICC-BN-C-0243, (Corn syrup, HFCS, dehydrated corn syrup and corn starch)	1	1-7-83
608	Burlington Northern Railroad Co., ICC-BN-C-0244, (Corn sweeteners)	2	1-7-83
609	Kansas City Southern Railway Co., ICC-KCS-C-0040, (Sulphur) via Port of New Orleans	1	1-7-83
610	Chicago, Milwaukee, St Paul and Pacific Co., ICC-MILW-0310, (Gluten feed and gluten meal)	1	1-7-83
611	Southern Pacific Transportation Co., ICC-SP-C-0326, (Asphalt)	1	1-7-83
612	Kansas City Southern Railway Co., ICC-KCS-C-0041, (Woodpulp) via Port of New Orleans	2	1-7-83
613	Consolidated Rail Corp. ICC-CR-C-0026-A, Supplement 1, (Scrap iron and steel)	1	1-7-83

<sup>1</sup> Review Board No. 1, Members Parker, Chandler, and Fortier. Member Chandler not participating. Review Board No. 2, Members Carleton, Williams, and Ewing.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-1046 Filed 1-14-83; 8:45 am]  
BILLING CODE 7035-01-M

[Volume No. 20]

### Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s): The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

New York Docket No. T-1479, filed January 4, 1983. Applicant: CENTRAL CARTING CO., INC., 138 Manitoba Street, Buffalo, NY 14206. Representative: Michael Beilewech, Jr., Esq., 20 Cathedral Park, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows:  
Transportation of: *Fresh meats, packing house products and dairy products:* From the City of Buffalo to all points in Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Monroe, Niagara, Ontario, Orleans, Steuben, Tioga, Tompkins, Wyoming, Onondaga, Oneida and Broome Counties. *Pickles, tomatoes, sauerkraut and fish products in temperature controlled vehicles:* From the Town of Cheektowaga (Erie County) to all points in Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Monroe, Niagara, Ontario, Orleans, Steuben, Tioga, Tompkins, Wyoming, Onondaga, Oneida and Broome Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and



should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-1160 Filed 1-14-83; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carriers; Decision Notice; Finance Applications

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 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 reconsideration; 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 1181.4 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 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 20 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.

Agatha L. Mergenovich,

Secretary.

For status please call Team 1 at 202-275-7992.

### Volume No. OP1-FC-7

MC-FC-81071. By decision of January 10, 1983 under 49 U.S.C. 10926 and the transfer rules at CFR Part 1181, Review Board Number 3 approved the transfer

to MERCHANTS DELIVERY MOVING AND STORAGE CO., Racine, WI, of Certificate No. MC-18591, issued June 14, 1955, to NELSON MOVING AND STORAGE, INC., Racine, WI, authorizing the transportation of general commodities, with the usual exceptions, between points in Racine County, WI, on and east of U.S. Hwy 45, and household goods, from points in Racine County, WI, to points in IL and IN, and from points in IL and IN, to Racine, WI, and points in WI within 85 miles of Racine. Transferee holds authority under No. MC-108404. Applicant's representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203.

For status please call Team 4 at 202-275-7669.

### Volume No. OP4-FC-007

MC-FC-81122, filed December 27, 1982. By decision of 1-10-83 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to American Movers, Inc., of Minnetonka, MN, a portion of the interstate operating authority in Certificate No. MC-156986 Sub 1, issued August 5, 1982 to Five Star Trucking, Inc., Minnetonka, MN, authorizing the transportation of household goods, between points in IA, MN, ND, SD, WI, MT, NE, IL and the Upper Peninsula of MI. Representative: James E. Ballenthin, 1016 Conwed Tower, 444 Cedar St., St. Paul, MN 55101.

For status please call Team 5 at 202-275-7289.

### Volume No. OP5-FC-313

MC-FC-81056. By decision of December 22, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to B.L.T. Corporation, (a Delaware Corporation), Brooklyn, NY, of Permits Nos. MC-134349 and Subs-Nos. 4, 6, 8, 14F, 15, 16, 18, 21, 22, 25F, 27F, 28F, 30F, 34F, 35F, 36F, 37X, and 38, issued on April 16, 1971, November 29, 1972, November 7, 1974, July 25, 1975, June 25, 1981, October 28, 1976, April 5, 1977, June 14, 1977, December 22, 1977, August 3, 1978, August 13, 1979, January 14, 1980, June 4, 1980, September 18, 1980, July 23, 1980, August 28, 1980, October 24, 1980, May 27, 1981, and September 29, 1982, respectively, to B.L.T. CORPORATION (a New Jersey Corporation), Brooklyn, NY, authorizing the transportation of: such commodities as are dealt in by women's and children's ready-to-wear retail stores, and, in connection therewith, equipment and supplies used

in the conduct of such businesses, between New York, NY, and Secaucus, NJ, on the one hand, and, on the other, points in NC, GA, FL, LA, MS, AL, OH, IL, WI, PA, DE, AR, IN, IA, KY, MD, NJ, SC, TN, VA, and WV, under continuing contract(s) with Gaylords National Corporation of New York, NY, and Secaucus, NJ; such commodities as are dealt in or used in the operations of retail department stores, between New York, NY, and North Bergen, NJ, on the one hand, and, on the other, points in IN, IA, KY, MN, OH, TX, and TN, under continuing contract(s) with Allied Stores Corporation of New York, NY, and (a) books, educational products, supplies, and equipment, audio and visual parts and equipment, and playground apparatus, between points in that portion of the New York, NY Commercial Zone within which local operations may be conducted pursuant to the partial exemption provided by Section 10526(b)(1) of the Revised Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, Somerville, NJ, Kenosha, WI, Cedar Falls, IA, Moline and Kankakee, IL, Allentown, PA, Central Islip, NY, Nashville and Knoxville, TN, Commerce, GA, Little Rock, AR, and Clarksville, TX, under continuing contract(s) with The Baker and Taylor Companies, Division of W.R. Grace, Inc.; (b) books, educational products, educational supplies, and educational equipment, between points in the New York, NY, Commercial Zone as just described, on the one hand, and, on the other, Scranton, Dunmore, and Philadelphia, PA, Westminster, MD, Berryville, VA, Conklin and Binghamton, NY, Burlington, Lawrence, and Waltham, MA, and points in NJ (except Somerville); and between those points just named (including Somerville), on the one hand, and, on the other, those points named in (a) (except Somerville), under continuing contract(s) with The Baker and Taylor Companies, Division of W. R. Grace, Inc.; such commodities as are dealt in or used by department stores, between points in the U.S. under continuing contract(s) with Gaylords National Corp., of New York, NY, Allied Stores Marketing Corporation of New York, NY, Burdine's Florida of Miami, FL, Jubilee Shops, Inc., of Secaucus, NJ, Jefferson-Ward division of Montgomery Ward & Co., Inc., and Diana Shops, Inc., a division of Daylin, of North Bergen, NJ; printed matter, rubber and plastic products, lumber and wood products, machinery, and instruments and photographic goods, between points in the U.S., under continuing contract(s) with The Baker and Taylor Companies,



Division of W. R. Grace, Inc.; *such commodities* as are dealt in or used by a manufacturer and distributor of birds, fish, pets, pet food, aquarium supplies and related products, between points in the U.S., under continuing contract(s) with The Hartz Mountain Corporation of Harrison, NJ; *such commodities* as are dealt in or used by manufacturers and distributors of laboratory furniture, fixtures and supplies, between points in the U.S., under continuing contract(s) with Duralab Equipment Corp., of Brooklyn, NY; *chemicals and related products, rubber or plastic products, and leather and leather products*, between points in the U.S., under continuing contract(s) with Lanvin-Charles of the Ritz, Inc., of Holmdel, NJ; *chemicals and related products*, between points in the U.S., under continuing contract(s) with Troy Chemical Corporation, of Newark, NJ; *metal products* between points in the U.S., under continuing contract(s) with Tube-Line Corporation, of Long Island City, NY; *food and related products*, between points in the U.S., under continuing contract(s) with Stella D'oro Biscuit Co., Inc., of Bronx, NY; and *chemicals and related products*, between points in the U.S. (except Alaska and Hawaii), under continuing contract(s) with Hempel's Marine Paints, Inc., of Wallington, NJ.

[FR Doc. 83-1182 Filed 1-14-83; 8:45 am]

BILLING CODE 7035-01-M

#### [Volume No. OP-5-005]

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: January 10, 1983

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the *Federal Register* on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the *Federal Register* December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are

governed by Subpart D of 49 CFR Part 1160, published in the *Federal Register* on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days

from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,  
Secretary.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 5 at (202) 275-7289.

MC 83539 (Sub-545), filed December 13, 1982. Applicant: C&H TRANSPORTATION CO., INC., 9757 Military Parkway, Dallas, TX 75227-9989. Representative: Thomas E. James, P.O. Box 270535, Dallas, TX 75227-9989, (412) 288-3305. Transporting (1) *Mercer commodities* and (2) *machinery*, between points in the U.S., under continuing contract(s) with Standard Oil Company (Indiana), of Chicago, IL, and its subsidiaries.

MC 128078 (Sub-6), filed December 16, 1982. Applicant: MICHAEL VALIHORA, P.O. Box 33942, Detroit, MI 48232. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801 (616) 941-5313. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co. of Chicago, IL.

MC 140159 (Sub-24), filed December 12, 1982. Originally published in *Federal Register* (Republication) on December 3,



1982. Applicant: C.L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16603. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, 412-471-3300. Transporting *general commodities* (except classes A and B explosives, and household goods), between those points in the U.S. 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 eastern boundary of Itasca County, MN, thence northward along the eastern boundaries of Itasca and Kooching Counties, MN, to the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This application is republished to modify the commodity description.

MC 143658 (Sub-3), filed December 10, 1982. Applicant: SIERRA TRUCKING, INC., 1490 E. Second St., Reno, NV 89502. Representative: Mike Pavlakis, Box 646, Carson City, NV 89701 (702) 882-0202. Transporting *chemicals and related products*, between points in AZ, CA, ID, MT, NV, OR, UT, and WA.

MC 157668 (Sub-1), filed November 28, 1982. Originally published in the *Federal Register* (Republication) on December 15, 1982. Applicant: B & S HAULING COMPANY, Rt. 1, P.O. Box 268, Wapakoneta, OH 45895. Representative: James Duvall 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017 614-889-2531. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

Note.—This application is republished to modify the scope of authority.

MC 160698 (Sub-2), filed December 13, 1982. Applicant: JBM ENTERPRISES, INC., 405 Hansen Ave., Butler, PA 16001. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA, 15219 (412) 281-9494. Transporting (1) *such commodities* as are dealt in or used by homeproducts manufacturers and distributors of cosmetics, toilet preparations and jewelry, (2) *such commodities* as are distributed by hardware stores, (3) *such commodities* as are sold and distributed by mail order businesses through catalogue sales, and (4) *medical, hospital and photographic equipment and supplies*, between points in the U.S. in and east of MN, IA, MO, AR, TX, and LA.

MC 162329, filed December 27, 1982. Applicant: RICHARD D. HANSON d.b.a. D & A TRUCKING, Box 97, Karlstad, MN 56732. Representative: Thomas J. Simmons, P.O. Box 480 Sioux Falls, SD

57101 (605) 339-3629. Transporting *fertilizer*, between points in MN and ND.

MC 163078 (Sub-1), filed December 27, 1982. Applicant: ART KNIGHT, INC., 705 North Cook St., Portland, OR 97227. Representative: Harold E. Hass, P.O. Box 14826, Portland, OR 97214 (503) 284-7431. Transporting *wall and floor tile products and materials, equipment and supplies used in the installation of wall and floor tile products*, between points in the U.S., under continuing contract(s) with United Title Co., Inc., of Portland, OR.

MC 165109, filed December 9, 1982. (Republication) Originally published in *Federal Register* January 5, 1983. Applicant: BUDSON COMPANY, INC., 1705 Ship Ave., Anchorage, AK 99501. Representative: J. G. Dail, Jr., P.O. Box 11, McLean, VA 22101 (703) 893-3050. Transporting *general commodities* (except household goods), between points in AK and WA. Condition: Any certificate issued in this proceeding to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time, to a period expiring five years from the date of service.

Note.—This republication places this application under the appropriate decision notice heading (except fitness-only).

MC 165379, filed December 27, 1982. Applicant: REGO LEASING CO., P.O. Box 276, Madison, IL 62060. Representative: John K. Goretzke, Sr. (Same address as applicant) 618-274-4992. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL and MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165409, filed December 29, 1982. Applicant: DEARBORN MOVING & STORAGE, INC., 33709 Schoolcraft, Livonia, MI 48150. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, 202-785-0024. Transporting *household goods*, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, WI, and DC.

(FR Doc. 83-1183 Filed 1-14-83; 8:45 am)  
BILLING CODE 7035-01-M

#### Motor Carriers; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These

rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the *Federal Register* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *Federal Register*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protests shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protest are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

#### Motor Carriers of Property

##### Notice No. F-230

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 123179 (Sub-1-2TA), filed December 28, 1982. Applicant: ARROW FREIGHT LINES, INC., 80 Progress Avenue, West Springfield, MA 01089. Representative: David M. Marshall, Marshall and Marshall, Sixth Floor—95 State Street, Springfield, MA 01103. Contract carrier: irregular routes: *Such products as are dealt in by a manufacturer or distributor of furniture or furniture parts*, between Morristown and Livingston, TN on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, NJ and PA, under continuing contract(s) with The Berkline Corporation, Morristown, TN. Supporting shipper: The Berkline Corporation, 1 Berkline Drive, Morristown, TN 37814.



MC 13028 (Sub-1-1TA), filed December 30, 1982. Applicant: BONANZA BUS LINES, INC., 27 Sabin Street, P.O. Box 1116, Annex Station, Providence, RI 02901. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Common carrier*: regular route: *Passengers* between Pittsfield, MA and New York, NY, from Pittsfield, over U.S. Hwy 7 to MA Hwy 23, then over MA Hwy 23 to MA-NY State line, then over NY Hwy 23 to NY Hwy 22, then over NY Hwy 22 to U.S. Hwy 44, then over U.S. Hwy 44 to NY Hwy 82, then over NY Hwy 82 to NY Hwy 376, then over NY Hwy 376 to NY Hwy 52, then over NY Hwy 52 to I-84, then over I-84 to I-684, then over I-684 to I-287, then over I-287 to I-87, then over I-87 to NYC, and return over the same route, serving all intermediate points. Supporting shipper(s): None. Applicant presents a letter of intent to abandon on behalf of Resort Bus Lines, Inc., the carrier who has been providing service over the above route.

MC 164726 (Sub-1-2TA), filed December 28, 1982. Applicant: C & D VAN HORN, INC., Box 93, Valley Street, Delaware, NJ 07833. Representative: Raymond Talipski, 121 S. Main Street, Taylor, PA 18517. (1) *Citrus juice concentrate*, between points in Orange, Polk, Manatee, Pasco, Indian River, St. Lucie, Lake Desoto, Hendry and Highlands Counties, FL, on the one hand, and, on the other, points in Union County, NJ; (2) *Citrus juice concentrate* between points in Union County, NJ on the one hand, and, on the other, points in the U.S. (except AK and HI); and (3) *Citrus juice concentrate* between Polk and St. Lucie Counties, FL on the one hand, and, on the other, New York, NY. Supporting shipper(s): Tuscan Dairy Farms, 750 Union Avenue, Union, NJ 07083; Williams Delivery Corp., 80-22 Caldwell Avenue, Elmhurst, NY 11373.

MC 141603 (Sub-1-1TA), filed December 30, 1982. Applicant: CANADIAN PACIFIC EXPRESS & TRANSPORT LTD., 2255 Sheppard Avenue East, Willowdale, Ontario, CD M2J 4Y1. Representative: Robert D. Gundersman, Esq., Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Common carrier*: irregular routes: *Paper and paper products, and materials, supplies and equipment used in the manufacture, production, sale or distribution of paper and paper products*, between ports of entry on the International Boundary line between the U.S. and CD on the St. Lawrence River, on the one hand, and, on the other, St. Albans, VT under continuing contract(s) with Domtar Pulp & Paper Products, 395

de Maisonneuve Blvd., West, P.O. Box 7211, Montreal, Quebec, CD H3C 3M2.

MC 158936 (Sub-1-3TA), filed December 28, 1982. Applicant: DIESEL SERVICES, INC., d.b.a. D.S.I. TRANSPORTATION CO., 127 Bound Brook Court, Sewell, NJ 08080. Applicant's Representative: Raymond A. Thistle, Jr., Five Cottman Ct., 426 Cottman Street, Jenkintown, PA 19046. *Contract carrier*: irregular routes: *Petroleum and its products*, (1) from Philadelphia and Marcus Hook, PA, to points in DE, Chestertown, MD, and points in NJ on and south of U.S. Hwy Rt 80; (2) From Gloucester and Paulsboro, NJ to points in DE, and points in Delaware, Montgomery, Chester, Bucks, Philadelphia, Lehigh, Northampton, Lebanon and Lancaster Counties, PA; and (3) From Claymont, DE to points in NJ on and south of U.S. Hwy Rt 80 and points in Delaware, Montgomery, Chester, Bucks, Philadelphia, Lehigh, Northampton, Lebanon and Lancaster Counties, PA, under continuing contract(s) with Swann Oil, Inc., Bala Cynwyd, PA and Petroleum Heat & Power Co., Philadelphia, PA. Supporting shipper(s): Swann Oil, Inc., 130 Presidential Blvd., Bala Cynwyd, PA 19004; Petroleum Heat & Power Co., 3000 Peltz Street, Philadelphia, PA 19146.

MC 154993 (Sub-1-8TA), filed December 29, 1982. Applicant: H & W ENTERPRISES, INC., P.O. Box 325, South Witham Road, Auburn, ME 04210. Representative: Ignatius B. Trombetta, One Public Square, #1001, Cleveland, OH 44113. *Contract carrier*: irregular routes: *Textile mill products* between points in ME, MA, CT, NY, RI, NH, PA, OH, NJ, MD, NC, SC, AL, IL and GA, under continuing contracts(s) with W. S. Libby Company of Lewiston, ME. Supporting shipper: W. S. Libby Company, 1 Mill Street, Lewiston, ME 04240.

MC 70172 (Sub-1-1TA), filed December 28, 1982. Applicant: B. J. KIRK TRANSPORTATION CO., 672 Roosevelt Avenue, Pawtucket, RI 02860. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852. *Such commodities as are dealt in or used by retail department stores, and in connection therewith, materials, supplies, fixtures and equipment used in connection with the operation of such stores* (1) between East Providence, Millis, MA and Cumberland, and Warwick, RI, and Seekonk and North Dartmouth, MA. Supporting shipper: An and Hope, Inc., 1 Mill Street, Cumberland, RI 02804.

MC 155645 (Sub-1-2TA), filed December 28, 1982. Applicant: LAND-LINK TRUCKING CORP., 807 Ocean

Road, Point Pleasant Beach, NJ 08742. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier*: irregular routes: *Salt and salt products in packages and bulk* from White Marsh, MD, Lansing and Watkins Glen, NY, and Perth Amboy, NJ to points in DE, MD, NJ, NY and PA, under continuing contract(s) with Cargill, Inc., Watkins Glen, NY. Supporting shipper: Cargill, Inc., P.O. Box 150, Watkins Glen, NY 14891.

MC 164099 (Sub-1-2TA), filed December 30, 1982. Applicant: NORTHERN RENTALS, INC., 32 San Remo Drive, P.O. Box 2126, So. Burlington, VT 05401. Representative: James M. Burns, Suite 403, 1365 Main Street, Springfield, MA 01103. *Petroleum and petroleum products*, between points in Cumberland County, MW, on the one hand, and, on the other, points in MA, NH, NY and VT. SUPPORTING SHIPPER(S): A. R. Sandri, Inc., 400 Chapman St., Greenfield, MA 01302; Fred's Plumbing & Heating, Inc., P.O. Box 17, Derby, VT 05829; N. C. McCulloch, South St., Bethlehem, NH 03574; Cities Service Co., 36 Washington St., Wellesley Hills, MA 02181; Champlain Oil Co., Inc., P.O. Box 2126, So. Burlington, VT 05401.

MC 151193 (Sub-1-4TA), filed December 28, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, P.O. Drawer D, Avenel, NJ 07001. Applicant's Representative: Michael A. Beam (same as applicant). *Contract carrier*: irregular routes: *Such commodities as are dealt in and sold by supermarkets, and equipment, materials and supplies used in manufacture, sale and distribution of such commodities*, from NJ to points in CA, FL, GA, MI, OH and TX, under continuing contract(s) with Schorr Pickled Products, Paterson, NJ. Supporting shipper: Schorr Pickled Products, 75 Illinois Avenue, Paterson, NJ 07503.

MC 164768 (Sub-1-2TA), filed December 28, 1982. Applicant: S & F ENTERPRISES, INC., 107-45 93rd Street, Ozone Park, NY 11375. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier*: irregular routes: *Malt beverages*, from Fulton, NY, to Brooklyn and Staten Island, NY, under continuing contract(s) with Staten Island Beverage, Staten Island, NY; Beehive Beer Distr. Corp., Bray Phoenix Beverage, Inc., and Forbee Bros. Corp., all of Brooklyn, NY. Supporting shipper(s): Staten Island Beverage, 101 Ellis St., Staten Island, NY 10307; Beehive Beer Distr. Corp., 160-170 Stewart Ave., Brooklyn, NY 11237; Bray



Phoenix Beverage, Inc., 161 Gardner Ave., Brooklyn, NY 11237; and Forbee Bros. Corp., 313 Irving Ave., Brooklyn, NY 11237.

MC 164542 (Sub-I-1TA), filed December 30, 1982. Applicant: TRANSPORT GUILBAULT INC., 220, rue Principale, St-Charles des Gronines (Portneuf), Quebec, CD COA 1WO. Representative: Robert D. Gunderman, Esq., Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. Contract carrier: irregular routes: Paper and paper products, and materials, supplies and equipment used in the manufacture, production, sale or distribution of paper and paper products, between ports of entry on the International Boundary line between the U.S. and CD on the St. Lawrence River, on the one hand, and, on the other, St. Albans, VT under continuing contract(s) with Domtar Pulp & Paper Products of Montreal, Quebec, CD. Supporting shipper: Domtar Pulp & Paper Products, 395 de Maisonneuve Blvd., West, P.O. Box 7211, Montreal, Quebec, CD H3C 3M2.

MC 164541 (Sub-I-1TA), filed December 30, 1982. Applicant: TRANSPORT THIBODEAU INC., 228, 2e Avenue, Portneuf, Quebec, CD GOA 2YO. Representative: Robert D. Gunderman, Esq., Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. Contract carrier: irregular routes: Paper and paper products, and materials, supplies and equipment used in the manufacture, production, sale or distribution of paper and paper products, between ports of entry on the International Boundary line between the U.S. and CD on the St. Lawrence River, on the one hand, and, on the other, St. Albans, VT under continuing contract(s) with Domtar Pulp & Paper Products of Montreal, Quebec, CD. Supporting shipper: Domtar Pulp & Paper Products, 395 de Maisonneuve Blvd., West, P.O. Box 7211 Montreal, Quebec, CD H3C 3M2.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 67646 (Sub-II-11TA), filed December 29, 1982. Applicant: HALL's MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same as applicant). Transporting: Contract, irregular: 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 E. I. duPont de Nemours & Company. An underlying ETA seeks 120 days authority.

Supporting shipper: E. I. duPont de Nemours & Company, Wilmington, DE 19898.

MC 56244 (Sub-II-13TA), filed December 27, 1982. Applicant: KUHN TRANSPORTATION COMPANY, INC., R.D. #2, P.O. Box 98, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. General commodities (except Classes A & B explosives, household goods as defined by the Commission and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX, for 270 days. Supporting shipper(s): Signode Corp., 3610 W. Lake Ave., Glenview, IL 60025.

MC 165319 (Sub-II-1TA), filed December 22, 1982. Applicant: L & L Transfer, Inc., 56 Wheeler St., Pittsburgh, PA 15205. Representative: Jan C. Swensen, 2208 Lawyers Bldg., Pittsburgh, PA 15219. Contract: Irregular: Household appliances and appliance parts between Pittsburgh, PA, Cleveland and Columbus, OH. Supporting shipper: White Consolidated Industries, Inc., 930 Fort Duquesne Blvd., Pittsburgh, PA 15222.

MC 165319 (Sub-II-2TA), filed December 22, 1982. Applicant: L & L TRANSFER, INC., 56 Wheeler St., Pittsburgh, PA 15205. Representative: Jan C. Swensen, 2208 Lawyers Bldg., Pittsburgh, PA 15219. Contract, irregular: Household appliances from Pittsburgh, PA to points in Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, PA, having a prior movement in interstate commerce. Supporting shipper(s): General Electric Co., Appliance Park, KY.

MC 153981 (Sub-II-3TA), filed December 21, 1982. Applicant: LEEWAY FLEET LINES, INC., 1218 Chestnut St., Suite 1008-09, Philadelphia, PA 19107. Representative: Curtis J. Lee, Jr. (same address as applicant). Common, regular: Passengers and their baggage, from Ft. Dix, NJ over NJ 68 West, to NJ 206 West, to interstate 295 South, to NJ 42 North, to Walt Whitman Bridge, to 95 South to Philadelphia International Airport and return, for 270 days. Supporting shipper(s): Cpl. James Jenkins, Ft. Dix, NJ; Harriett Johnson, Pemberton, NJ; PFC Alice Gibson, Ft. Dix, NJ.

MC 165305 (Sub-II-1TA), filed December 20, 1982. Applicant: FREEMAN McCLEARY & SHERWELL CHRISTIE, d.b.a. McCLEARY-CHRISTIE, 1099 E. Main St., Clarion, PA 16214. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave.,

Pittsburgh, PA 15222. Coal, in bulk, in dump vehicles, from Strattanville, PA to Jamestown, NY. An underlying ETA seeks 120 days authority. Supporting shipper(s): Glacial Minerals, Inc., P.O. Box 161, Strattanville, PA 16258.

MC 165400 (Sub-II-1TA), filed December 29, 1982. Applicant: MCDARIES TRUCKING COMPANY, INC., Rt. 3, Box 69C, Big Stone Gap, VA 24219. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. Contract Carrier, Irregular Route, Lumber and Lumber Products between points in KY, NC, SC, TN and VA. An ETA application has been filed for 120 days. Supporting shipper(s): Plum Creek, Inc.—Hardwood Div., P.O. Box 152, Appalachia, VA 24216.

MC 164340 (Sub-II-2TA), filed December 29, 1982. Applicant: PATTERSON TRUCKING, INC., Box 56, Line Lexington, PA 18932. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375. Contract, irregular: transporting clay from Industry, PA to Quakertown, PA, under continuing contract(s) with American Olean Tile Co. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Olean Tile Co. 1000 Cannon Ave., Lansdale, PA 19446.

MC 69052 (Sub-II-7TA), filed December 29, 1982. Applicant: REED TRUCKING COMPANY, P.O. Box 216, Milton, DE 19968. Representative: Jon F. Höllengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Food and related products, between points in DE, MD, NJ, NY, OH, PA, VA, WV, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are seven statements of support attached to this application, which may be examined at the I.C.C. Regional Office, Philadelphia, PA.

MC 129090 (Sub-II-1TA), filed December 22, 1982. Applicant: REPUBLIC PORTSMOUTH STORAGE CORP., P.O. Box 927, Portsmouth, VA 23704. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036. Household goods, as defined by the Commission and General Commodities (except Classes A & B explosives and commodities in bulk), restricted to transportation for U.S. Government, between all points in the U.S. (except NY, MT, ND, SD, NM, VT, AK, HI). An underlying ETA seeks 120 days authority. Supporting shipper(s): No shipper support accompanied



application. Applicant submitted verified statement.

MC 152672 (Sub-II-13TA), filed December 22, 1982. Applicant: A. ROGER LEASING, LTD., P.O. Box 836, Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. Contract, Irregular: *paper boxes* between Norwood, OH, on the one hand, and, on the other points in the U.S. (except AK & HI), under continuing contract(s) with C.W. Zumbiel Company of Cincinnati, OH. An underlying ETA seeks 120 days authority. Supporting shipper: C.W. Zumbiel Company, 2339 Harris Ave., Cincinnati, OH 45212.

MC 165320 (Sub-II-1TA), filed December 22, 1982. Applicant: GEORGE R. SCHALL, d.b.a. GEORGE R. SCHALL TRUCKING, Bulford Rd., R.D. #5, Shavertown, PA 18708. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375. Contract, Irregular: transporting *coal* from Lackawanna, Luzerne and Schuylkill Counties, PA to points in CT, MA, NY, PA and VT, under continuing contract(s) with Lijoma Sales Inc. of Torrington, CT for 270 days. An underlying ETA seeks 30 days authority. Supporting shipper: Lijoma Sales Inc., P.O. Box 1112, Torrington, CT.

MC 144724 (Sub-II-2TA), filed December 22, 1982. Applicant: WALTER J. SHEETS & SON, INC., 100 Bittles Cove, Lewisburg, WVa. 24901. Representative: Walter J. Sheets (same address as applicant). Contract, Irregular: *Bark, Sawdust, Wood chips, and Lumber* between Edwight, Man, Ronceverte and Richwood, WV; Burnside and Monticello, KY; and Appalachia, VA, on the one hand, and, on the other, points in IL, TN, WV, VA, KY, NC, SC, PA, GA, OH, MD, DE, NJ, NY, and IN, under continuing contract(s) with Plum Creek, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Plum Creek, Inc., P.O. Box 160, Columbia Falls, Mont. 59912.

MC 110683 (Sub-II-15TA), filed December 22, 1982. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Robert L. Stover (same address as applicant). Contract, Irregular: *General commodities (except household goods as defined by the Commission, commodities in bulk and Classes A and B explosives)*, between points in the U.S. (except AK & HI), under continuing contract(s) with W. R. Grace & Co. Supporting shipper(s): W. R. Grace & Co., 1114 Ave. of the Americas, New York, NY 10036.

MC 110683 (Sub-II-16TA), filed December 29, 1982. Applicant: SMITH'S

TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401.

Representative: Robert L. Stover (same address as applicant). Contract, Irregular: *General commodities (except household goods as defined by the Commission, commodities in bulk and classes A & B explosives)*, between points in the U.S. (except AK & HI), under continuing contract(s) with Cotter & Co. Supporting shipper(s): Cotter & Company, 308 S. Division St., Harvard, IL 60033.

MC 138714 (Sub-II-9TA), filed December 22, 1982. Applicant: VIRGINIA TRANSPORTATION, INC., Box 985, Leadbetter Road, Ashland, VA 23005. Representative: Eric Meierhoefer, 915 Pennsylvania Building, 425 13th Street, NW., Washington, DC 20004. Contract, Irregular: *general commodities (except classes A and B explosives, household goods, and commodities in bulk)*, between points in Fairfax County, VA, on the one hand, and, on the other, Dallas and Houston, TX; Indianapolis, IN; Chicago, IL; Philadelphia, PA; and points in their commercial zones, under continuing contract(s) with T. H. Mandy, Division of United States Shoe Corporation, of Merrifield, VA. Supporting shipper: T. H. Mandy, Division of United States Shoe Corporation, 2930 Prosperity Avenue, Merrifield, VA 22116.

MC 147282 (Sub-II-3TA), filed December 22, 1982. Applicant: SCOTT WEBSTER TRUCKING COMPANY, 209 Valley Park Dr., Pittsburgh, PA 15216. Representative: Scott Webster (same as applicant). *General commodities (except commodities in bulk, in tank vehicles, household goods as defined by the commission and classes A and B explosives)* between points in DE, KY, MD, NJ, NY, OH, PA and WV for 270 days. Supporting shipper(s): Babcock Lumber Company, 2220 Palmer Street, Pittsburgh PA 15218. Titan Rubber International, 92-19th Street, Wheeling WV 26003; Childs Store Fixtures, 901 Killarney Dr., Pittsburgh PA 15234.

MC 164459 (Sub-II-1TA), filed December 20, 1982. Applicant: WEST CENTRAL SERVICE & TRANSFER CORP., R.D. #6, Box 209, Johnstown, PA 15909. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Irregular, Contract, *Petroleum and petroleum products*, between points in the U.S. under a continuing contract(s) with Pennzoil Products Co. Supporting shipper: Pennzoil Products Co., P.O. Box 808, Oil City, PA 16301.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300,

1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 165946 (Sub-3-1TA), filed January 5, 1983. Applicant: GRACO CARTAGE COMPANY, INC., 437 North Preston Street, Louisville, KY 40202. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Metal products*, from Louisville, KY, and its commercial zone, to facilities used by Shelby Steel, Inc. at or near Shelbyville, Evansville and New Haven, IN; Nashville, TN; and Nitro, WV, restricted to traffic having a prior movement by water. Supporting shipper: Shelby Steel, Inc., P.O. Box 36128, 4800 Allmond Ave., Louisville, KY 40233.

MC 164213 (Sub-3-2TA), filed January 5, 1983. Applicant: CAROLINA FARMS TRANSPORT, INC., P.O. Box 175, Hwy. 278S, Barnwell, SC 29812. Representative: John Sorrell (same address as applicant). Contract: Irregular: *Low level uranium Derbys and materials and supplies used in the manufacture of low level uranium Derbys* between Barnwell County, SC and Middlesex County, MA. Supporting shipper: Carolina Metals, Inc., P.O. Box 1366, Highway 80, Barnwell, SC 29812.

MC 164213 (Sub-3-1TA), filed January 5, 1983. Applicant: CAROLINA FARMS TRANSPORT, INC., P.O. Box 175, Hwy. 278 S, Barnwell, SC 29812.

Representative: John Sorrell, "Same address as applicant". Contract: Irregular: *Building Materials (Lumber Products)* rough or dressed lumber, flooring, plywood, weather boarding, sheathing, roofing and other building materials between points in Allendale County, SC on the one hand, and on the other hand, points in FL, GA, VA, NC, WV, OH, KY, TN, and AL. Supporting shipper: Collum's Lumber Company, Inc., Highway 301, Allendale, SC 29810.

MC 165424 (Sub-3-1TA), filed January 3, 1983. Applicant: JOE REED d.b.a. REED TRUCKING COMPANY, P.O. Box 238, Dyer, TN 38330. Representative: Hugh R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. Contract: *Carrier: irregular routes, Graphite Electrodes*, between points in the U.S., except AK and HI, under continuing contract(s) with Sigr Carbon Corporation, of Hickman, KY. Supporting shipper: Sigr Carbon Corporation, Cory Road, Hickman, KY 42050.

MC 164830 (Sub-3-1TA), filed January 3, 1983. Applicant: INTERNATIONAL EXPEDITING INC., 3400 McIntosh Road, Fort Lauderdale, FL 33316. Representative: Roger A. Kirschenbaum, 3390 Peachtree Road, N.E., Suite 520, Atlanta, GA 30326. *General*



commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in Dade, Broward, and Palm Beach Counties, FL, on the one hand, and, on the other, points in the US (except AK and HI). Restricted to traffic having a prior or subsequent movement by water or rail. Supporting shipper: Winchester Corporation, P.O. Box 350426, Fort Lauderdale, FL 33335.

MC 2900 (Sub-3-36TA), filed January 3, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as above). Contract carrier: Irregular: 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) under continuing contract(s) with Allied Corporation and its subsidiaries. Supporting shipper: Allied Corporation, Columbia Turnpike and Park Avenue, Morristown, NJ 07960.

MC 117872 (Sub-3-3TA), filed January 3, 1983. Applicant: A. JOSEPH AND COMPANY, P.O. Box 4798, Jackson, MS 39216. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Malt beverages, related advertising materials, empty containers and such commodities as are used in and dealt in by breweries, between points in Jefferson County, CO, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, VA and DC. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 121470 (Sub-3-4 TA), filed December 29, 1982. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: Helen Jones (same address as applicant). Forest products and building materials between Crittenden County, AK, on the one hand, and, on the other, points in the US, (except AK and HI). Supporting shipper: West Memphis Plywood, Corporation, West Memphis, AR 72301.

The following applications were filed in region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 120114 (Sub-5-2 TA), filed January 3, 1983. Applicant: COLDIRON LINES, INC., 5325 S. Madera, Oklahoma City, OK 73129. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. (1) Potash (except in bulk), from the facilities of KCL Sales, Inc., at or near Carlsbad, NM to points in AL, AR, CA, CO, FL, GA, KS, LA, NM, MS, MT, ND, OH, OK, TX, UT, VA and WY;

and (2) plastic pipe and parts and accessories thereto, from the facilities of Carlon Division, Indianhead, Inc., at or near Oklahoma City, OK to points in NM. Supporting shippers: KCL Sales, Inc., Tyler, TX; Carlon Division, Indianhead, Inc., Cleveland, OH.

MC 139182 (Sub-5-4 TA), filed January 3, 1983. Applicant: ATLAS DELIVERY SERVICE, INC., P.O. Box 1514, Athens, TX 75751. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, Air Conditioners and Related Commodities between Tyler, TX on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to the facilities of Train Cac, Inc. Supporting shipper: Train Cac, Inc., Tyler, TX.

MC 142857 (Sub-5-4TA), filed January 4, 1983. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107-B, Hope, AR 71801. Representative: Mark J. Andrews, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036. Contract irregular plastic articles, and materials, equipment and supplies used in the manufacture and distribution of plastic articles, between points in the U.S. under continuing contract(s) with Mobil Chemical Company of Macedon, NY.

MC 143638 (Sub-5-4TA), filed January 3, 1983. Applicant: JOHNSON'S TRUCKING, INC., Route 1, Box 31, Inola, OK 74036. Representative: Troy Johnson (same as above). Freight all kinds, in ocean containers with detachable under-carriages, and having a prior or subsequent movement by water or rail, between Port of Muskogee, OK on the one hand, and, on the other, points in AR, KS, MO, LA, OK and TX. Supporting shipper: Willbros Terminal Company, Port #50, Muskogee, OK.

MC 148209 (Sub-5-4TA), filed January 8, 1983. Applicant: MARRIOTT-RIDDLE, Inc., Post Office Box 409, Green Forest, AR 72638. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. Contract: Irregular: Food and Related Products (except in bulk)—Between points in the U.S. (except AK and HI), under continuing contract(s) with Grand Enterprises, Inc., of Springfield, MO.

MC 148284 (Sub-5-5TA), filed January 3, 1983. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065 Fayetteville, AR 72702. New Furniture—Between points in the U.S. (except, AK and HI). Supporting shipper: Dunkin & Dunkin Enterprises, Inc., Stigler, OK.

MC 150115 (Sub-5-4TA), filed January 3, 1983. Applicant: DONALD R. PRICE d.b.a. PRICE MOVING & STORAGE CO., P.O. Box 369, Winfield, KS 67156. Representative: Donald R. Price (same as above). General commodities restricted to the transportation of traffic contained in TOFC trailer having an immediate, prior subsequent movement by rail in interstate traffic, between points in Summer Count, Cowley County, and Sedgwick County, Kansas. Supporting shippers: Richardson Bros. Inc., Winfield Kansas; Gott Manufacturing Co., Winfield KS.

MC 153743 (Sub-5-2 TA), filed January 3, 1983. Applicant: IMPERIAL SWEETENER DISTRIBUTORS, INC., 8016 U.S. Hwy-90A, Sugar Land, TX 77478. Representative: James R. Skiles (Same as above). Contract Irregular (1) Liquid Sugar, from Sugar Land, TX to points in AR, on one hand; and on the other, (2) Corn Syrup, from Memphis, TN to Houston, TX. Supporting shipper: Coca-Cola USA, Atlanta GA.

MC 154106 (Sub-5-5 TA), filed January 3, 1983. Applicant: Mt. HOPE TRUCKING, INC., MT. HOPE, KS 67108. Representative: Clyde N. Christer, Ks Credit Union Bldg., 1010 Tyler, Suite 110-L, Topeka, KS 66612. Food, food products and related items, between Cowley County, KS, on the one hand, and points in the U.S., on the other hand (except AK; HI; WV; WY; MT; NV; UT and VT). Supporting shipper: Kansas Food Packers, Inc., Wichita, KS.

MC 159643 (Sub-5-1 TA), filed January 4, 1983. Applicant: HAS TRUCKING, INC., 3906 Elm Street, Bettendorf, IA 52722. Representative: Kenneth L. Core, Corporate Counsel, P.O. Box 68, Cedar Rapids, IA 52406. Aluminum and aluminum articles, between the facilities of Alcoa at or near Riverdale, IA, on the one hand, and, on the other, points in MI. Supporting Shipper: Aluminum Company of America, Pittsburgh, PA.

MC 165429 (Sub-5-1 TA), filed January 3, 1983. Applicant: CHEVALLEY MOVING & STORAGE OF DEWEY, INC., Post Office Box 70, 323 North Osage, Dewey, Oklahoma 74029. Representative: E. Ambarian (Same as above). Contract: Irregular: Household Goods, Office Furniture, Fixtures, and Equipment, Electronic Equipment; Art Objects and Displays and Exhibits, between points in the U.S. Supporting shipper: Phillips Petroleum Company, Bartlesville, Oklahoma.

MC 165431 (Sub-5-1 TA), filed January 3, 1983. Applicant: RAPID TRANSPORT, INC., P.O. Box 23, U.S. Highway 285, Orla, TX 79770. Representative: Fred J.



Raymond, P.O. Box 22, Robinson's Camp, Orla, TX 79770. Contract, Irregular: *Fresh, brine, production, and potassium chloride water*, from Orla and/or Mentone, TX to points in Eddy and Lea Counties, NM, for the account of Williamson and Williamson. Supporting shipper: Williamson & Williamson, Midland, TX.

MC 165433 (Sub-5-1TA), filed January 3, 1983. Applicant: SANSON, INC., 6161 Perkins, Suite 2-B, Baton Rouge, LA 70808. Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Suite C-1, Baton Rouge, LA 70806. *All liquids pertaining to drilling, bringing in, cleaning out and working over of oil and gas wells; and waste materials produced by industrial and oil well operations including, but not limited to, salt and fresh water, drilling muds (new and used); and, the transportation of condensate, crude oil and #6 fuel oil between all points in the states of AL, AR, FL, LA, MS, NM, OK and TX.* Supporting shippers: Dow Chemical, U.S.A., Plaquemine, LA 70764. Allied Corporation, Morristown, NJ 07960.

MC 165466 (Sub-5-1TA), filed January 4, 1983. Applicant: RICHARD AND ANN GILBERT d.b.a. GILBERT AND SONS, Route 4, Box 528, Tecumseh, OK 74873. Representative: James P. Whitten, 820 N.W. 38th Street, Oklahoma City, OK 73118. *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in IL, PA, MO, OK, TX, LA, CA, CO, KS, NE, AR, WA, IA, WI, MN, SD, ND, MT, WY, NM, AZ, UT, ID, OR, NV. Machinery and machine tools between points in TX, OH, TN, VA, WV, MD, DE, AL, DC, KY, MI. Plastics, plastic products, materials, equipment and supplies used in the manufacture and distribution of plastic products, and rubber products, between points in TX, IL, CT, CA, MA, GA, NY, OK, NJ, SC, NC, FL. Rough lumber, finished lumber, wood products, and building materials, between points in AR, OK, LA, TX, OR, NM, AZ, CO, MT, WY, ID, UT, MS, CA, WA, NV.* Supporting shippers—8.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St. Suite 501, San Francisco, CA 94105.

MC 158818 (Sub-6-4TA), filed January 5, 1983. Applicant: BOB BOYD, d.b.a. BOB BOYD TRUCKING, 417 North M, Livingston, MT 59047. Representative: Charles A. Murray, Jr., 2822 Third Ave.

N, Billings, MT 59101. *Tires, tubes, wheels and shock absorbers* from Memphis, TN, to Butte and Billings, MT, for 270 days. Supporting shipper: Whalen Tire Co., Inc., 904 Utah, Butte, MT, 59701.

MC 165413 (Sub-6-1TA), filed January 4, 1983. Applicant: CALIFORNIA GOLDEN BEAR BUS CO., INC., 7 Lehnig Way, Brisbane, CA 94005. Representative: Lawrence E. Lindeman, P.C., 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304. *Passengers and their baggage*, in charter and special operations, between points in Alameda, Contra Costa, San Francisco, San Mateo, and San Joaquin Counties, CA, on the one hand, and, on the other, points in NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are six supporting shippers. Their statements may be examined at the Regional Office listed.

MC 165478 (Sub-6-1TA), filed January 4, 1983. Applicant: COMMUTER BUS LINES, INC., 11123 Long Beach Blvd., Lynwood, CA 90262. Representative: William D. Bourne, 4203 West Capitol Avenue, West Sacramento, CA 95691. *Passengers and their express, newspapers or baggage*, in same vehicle, in charter operations from points in CA to points in the U.S. for 270 days. Supporting shipper: None.

MC 165505 (Sub-6-1TA), filed January 5, 1983. Applicant: E. LYLE MYERS, d.b.a. EVERGREEN TRANSPORTATION SERVICE, 10121 Argent Rd., Pasco, WA 99301. Representative: E. Lyle Myers (same address as applicant). *Anhydrous ammonia and Fertilizers* in bulk in tank vehicles between points in WA, OR and ID, for 270 days. Supporting shippers: Sherman Farm Chemicals, P.O. Box 161 Wasco, OR 97065. Simplot Soilbuilders, P.O. Box 52, Nampa, ID 83651.

MC 41098 (Sub-6-18TA), filed January 5, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. *Contract carrier, irregular routes, general commodities* (except classes A and B explosives and commodities in bulk) between points in the U.S. under continuing contract(s) with Hughes Aircraft Company of Los Angeles, CA, for 270 days. Supporting shipper: Hughes Aircraft Company, P.O. Box 90515, Los Angeles, CA 90009.

MC 144631 (Sub-6-2TA), filed January 5, 1983. Applicant: HVH TRANSPORTATION, INC., d.b.a. THACKER TRANSPORTATION, 4201

East 52nd Ave., Commerce City, CO 80022. Representative: Kissinger & Lansing, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *General Commodities* (except hazardous materials and classes A and B explosives) between Pueblo, CO and the plant site and warehouse facilities of Atlantic Richfield Company at or near Gardner, CO, for 270 days. Supporting shippers: Daniel Construction Co., 520 S. Albert St., Walsenburg, CO 81089. Arco Oil & Gas Co., P.O. Box 325, Gardner, CO 81040.

MC 165230 (Sub-6-1TA), filed January 4, 1983. Applicant: W. JANE LINES, d.b.a. LINES TRUCKING, P.O. Box 55, Quinalt, WA 98575. Representative: Jim Pitzer, 15 S. Grady Way, Ste 321, Renton, WA 98055. (1) *Malt Beverages, Beer*, (2) *Dunnage, empty bottles, kegs, between points in CA, OR, WA* for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 6 shippers. Their statements may be examined in the office listed.

MC 145587 (Sub-6-1TA), filed January 5, 1983. Applicant: MD TRUCKING CORPORATION, 1221 E. Costilla Ave., Littleton, CO 80122. Representative: Nancy P. Bigbee, 745 E. 18th Ave., #101, Denver, CO 80203. *Petroleum and petroleum products* between points in the U.S. in and west of MN, IA, MO, AR, and LA (except AK and HI); for 270 days. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional Office listed above.

MC 730 (Sub-6-2TA), filed January 3, 1983. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: Alfred G. Krebs (same as applicant). *Contract carrier, irregular routes, General commodities* (except Class 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 Allied Corporation for 270 days. An ETA seeks 120 days authority. Supporting shipper: Allied Corporation, Box 1087R, Morristown, NJ 07960.

MC 165465 (Sub-6-1TA), filed January 3, 1983. Applicant: PAYLESS DRUG STORES NORTHWEST, INC., 9275 SW Peyton Lane, Wilsonville, OR 97070. Representative: Beverly Barclay (same as applicant). *Contract carrier, irregular routes: between points in U.S. (except AK and HI), General Commodities* (except commodities in bulk and class A & B explosives and household goods) under continuing contracts with Washington Oregon Shipper's Co-op association and Ramallah Wholesale



Co., Inc., for 270 days. Supporting shippers: Washington Oregon Shippers Coop Association, 200 West Thomas St., Seattle, WA 98119. Ramallah Wholesale Co., Inc., 340 Valley Drive, Brisband, CA 94005.

MC 165479 (Sub-6-1TA), filed January 3, 1983. Applicant: WESTWOOD COMPANY, W. 323 Logan, Rt. 4, Box 112, Rathdrum, ID 83858. Representative: H. E. Franklin, 625 Strander Blvd. Suite "C", Seattle, WA 98188. *Contract carrier, irregular routes: General Commodities*, (except class A & B explosives, commodities in bulk) between points in WA, OR, ID, and MT for 270 days for the account of Maverick Salvage Inc. and Puget Sound Shippers Agent. Supporting shippers: Maverick Salvage Inc., E. 1413 Francis Ave., Spokane, WA 99207 and Puget Sound Shippers Agent, 625 Strander Blvd., Suite "C", Seattle, WA 98188.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-1181 Filed 1-14-83; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Contract Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the Federal Register on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1169, Subpart E.

These applications may be protested only on the grounds that applicant is not

fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the application may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. 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 duplicated 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 Team 1, (202) 275-7992.

#### Volume No. OP1-09

Decided: January 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 290 (Sub-11(B)), filed December 21, 1982. Applicant: JACK RABBIT LINES, INCORPORATED, 301 North Dakota Ave., Sioux Falls, SD 57102. Representative: James R. Becker, 412 West Ninth St., P.O. Box 1443, Sioux Falls, SD 57101-1443, (605) 338-2585. Over regular routes, transporting passengers, (1) between Sioux Falls, SD, and Mankato, MN, (a) from Sioux Falls, SD over SD Hwy 115 to Interstate Hwy 90, then over Interstate Hwy 90 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction MN Hwy 60, then over MN Hwy 60 to Mankato, MN, and return over the same route, (b) from Sioux Falls, SD over SD Hwy 115 to Interstate Hwy 90, then over Interstate Hwy 90 to junction MN Hwy 60, then over MN Hwy 60 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction U.S. Hwy 14, then over U.S. Hwy 14 to junction MN Hwy 68, then over MN Hwy 68 to junction U.S. Hwy 169 (also MN Hwy 60), then over U.S. Hwy 169 (also MN Hwy 60), to Mankato, MN, and return over the same route, and (2) between Sioux City, IA, and Worthington, MN from Sioux City, IA, over U.S. Hwy 75 to junction IA Hwy 60, then over IA Hwy 60 to junction IA Hwy 10, then over IA Hwy 10 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction U.S. Hwy 18, then over U.S. Hwy 18 to junction IA Hwy 60, then over IA Hwy 60 to the IA-MN State line, then over MN Hwy 60 to Worthington, MN, and return over the same route, serving all intermediate points in (1) and (2) above.

Note.—Applicant seeks to provide service to a community where the only motor common carrier of passengers providing interstate transportation to such community applies to discontinue such transportation under 49 U.S.C. 10925(c) or applies to reduce its intrastate service to such community under 49 U.S.C. 10935. The non-fitness portion of this application is published in this same Federal Register issue docketed MC-290 Sub-11(A).

MC 36031 (Sub-5), filed December 27, 1982. Applicant: CAREY TRANSPORTATION, INC., Building 199, J.F.K. International Airport, Jamaica, NY 11430. Representative: Morton L. Price, 1185 Avenue of the Americas, Room 3655, New York, NY 10036. Transporting



passengers, in charter and special operations, between points in the U.S.

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 99891 (Sub-17), filed December 28, 1982. Applicant: ARROW COACH LINES, INC., 2715 West 10th St., Little Rock, AR 72204. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902, (501) 782-1001. Transporting *passengers*, in charter and special operations, beginning and ending at points in AR, and extending to points in the U.S. (including AK but excluding HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 127120 (Sub-4), filed December 30, 1982. Applicant: BOLLMAN CHARTER SERVICE, INC., R.D. #1, Route 1, Everett, PA 15537. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 149101 (Sub-1), filed December 8, 1982. Applicant: ALLYM KJARSGAARD, d.b.a. THE ODYSSEY LINE, 2725 Fairfax, St., Eau Claire, WI 54701. Representative: Allyn Kjarsgaard (same address as applicant), (715) 832-8345. Transporting *passengers*, in charter and special operations, between points in the U.S.

**Note.**—Applicant seeks to provide privately funded charter and special transportation.

MC 153110 (Sub-3), filed December 28, 1982. Applicant: LADNER & DAVIDSON LINES, INC., 1680 W. Slauson Ave., Los Angeles, CA 90047. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 867-8107. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

**Note.**—Applicant seeks to provide privately funded charter and special transportation.

MC 163400(b), filed December 14, 1982. Applicant: FRONTIER STAGES, INC., 360 North Wolcott, Casper, WY 82601. Representative: Ronald D. Hall, 4548 County Side Court, Casper, WY 82604, (307) 237-8008. Transporting *passengers*, in charter and special operations, between points in the U.S.

**Note.**—Applicant seeks to provide privately funded charter and special transportation. Applicant has also filed a public interest non-fitness case (MC-163400(a)) published in this same Federal Register.

MC 165300, filed December 20, 1982. Applicant: SUPERIOR STUDENT TRANSPORT, INC., d.b.a. ZAFFREN'S TRANSPORTATION, 6647 North Orange Blossom Trail, Orlando, FL 32810. Representative: Daniel E. Zaffran (same address as applicant), (305) 298-1010. Transporting *passengers*, in charter and special operations, beginning and ending at Orlando, FL, and extending to points in the U.S.

**Note.**—Applicant seeks to provide privately funded charter and special transportation.

MC 165391, filed December 27, 1982. Applicant: TRI-J COACH, INC., Allerton Rd., Anandale, NJ 08801. Representative: Edward F. Bowes, Seven Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (201) 992-2200. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK but excluding HI).

**Note.**—Applicant seeks to provide privately funded charter and special transportation.

MC 165421, filed December 28, 1982. Applicant: WAYNE PETERSON AND SUSAN PETERSON, d.b.a. SPA VALLEY BUS, 11-600 Palm Dr., Suite "B", Desert Hot Springs, CA 92240. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667-8108. Transporting *passengers*, in charter and special operations, beginning and ending at points in San Bernardino and Riverside Counties, CA, and extending to points in the U.S. (except AK and HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 165440, filed December 28, 1982. Applicant: WILLIAM P. LUDOVIC, d.b.a. ASSOCIATED TRANSPORTATION CONSULTANTS, 1931 Brentwood Lane, Wheaton, IL 60187. Representative: William P. Ludovic (same address as applicant), (312) 653-1211. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status inquiries to Team 2 at 202-275-7030.

#### Volume No. OP2-014

Decided: December 30, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 145922 (Sub-1), filed December 21, 1982. Applicant: WRIGHT TRUCKING, INC., Rt. 1, Box 116, Coalville, UT 84107. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *food and other edible products and byproducts intended for human consumption except*

alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between the points in the U.S. (except AK and HI).

MC 165192, filed December 14, 1982. Applicant: GOKEY AND QUINN BUS COMPANY, INC., Ayer Rd., P.O. Box 204, Harvard, MA 01451. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 01281, (617) 235-5571. Transporting *passengers*, in charter and special operations, between points in the U.S.

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 165303, filed December 21, 1982. Applicant: BEECHMONT BUS SERVICE, INC., 24 Valley Place, New Rochelle, NY 10801. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840-8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

#### Volume No. OP2-016

Decided: January 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 95602 (Sub-2), filed December 10, 1982. Applicant: J. VERNON COOK d.b.a. COOK TRANSPORTATION CO., 58 West Fourth North, Logan, UT 84321. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 161342 (Sub-1), filed December 9, 1982. Applicant: SPECIALIZED TRANSPORT INTERNATIONAL, INC., 5 Augusta Dr., Seguin, TX 78155. Representative: Robert J. Brooks, 1828 L St., NW, Suite 1111, Washington, DC 20036, (202) 466-3892. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165323, filed December 21, 1982. Applicant: LINDENHURST BUS CO., INC., 243 Deer Park Avenue, Babylon, NY 11702. Representative: Edward L. Nehez, P.O. Box Y-7 Becker Farm Road, Roseland, NJ 07068, (201) 992-2200. Transporting *passengers*, in charter and



special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165402, filed December 27, 1982. Applicant: SCOTTSDALE STAGES, INC., 4131 East Winslow, Phoenix, AZ 85040. Representative: Ronald V. Meeks, 2924 North 24th Ave., Phoenix, AZ 85015, 602-253-2700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

#### Volume No. OP2-018

Decided: January 6, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 146473 (Sub-7), filed December 27, 1982. Applicant: C.L.D. TRANSPORTATION CO., INC., 751 Broadway, Bayonne, NJ 07002. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, 201-322-5030. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 154243 (Sub-1), filed December 27, 1982. Applicant: KOPECKY CORPORATION, 806 N. Euclid Ave., P.O. Box 5628, San Diego, CA 92105. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213-945-2745. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165343, filed December 20, 1982. Applicant: HOGLUND BUS CO., INC., Rt. 3, Box 14, Monticello, MN 55362. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751-2441. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

#### Volume No. OP2-020

Decided: January 10, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 145632 (Sub-6), filed December 27, 1982. Applicant: OTTUMWA TRANSIT LINES, INC., 1414 West Second St., Ottumwa, IA 52501. Representative: Steven C. Schoenebaum, 1100 Carriers Bldg., 601 Locust, Des Moines, IA 50309, (515) 283-2076. Transporting *passengers*, in charter and special operations, between points in the U.S. 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), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e) to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit, proof of filing the application(s) for common control, or the petition for exemption to team 2, room 2379.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 147162 (Sub-1), filed December 17, 1982. Applicant: SANDRA HOWARD, d.b.a. S. HOWARD BUS COMPANY, 399 Bank St., Fall River, MA 02720. Representative: Arthur M. White, 281 Pleasant St., P.O. Box 2547, Framingham, MA 01701, 617-879-5000. Transporting *passengers* in charter and special operations, beginning and ending at points in MA, RI, CT, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded, charter and special transportation.

MC 165362, filed December 28, 1982. Applicant: SPORT TOURS, INC., 2115 Downyflake Lane, Allentown, PA 18103. Representative: Joseph A. Bubba, 740 Hamilton Mall, Allentown, PA 18101, (215) 439-1451. Transporting *passengers*, in charter and special operations, beginning and ending at points in Lehigh, Northampton, Berks, and Bucks Counties, PA, and extending to points in NJ, NY, DE, MD, VA, WV, and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status inquiries to Team 4 at 202-275-7669.

#### Volume No. OP4-006

Decided: January 7, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing.

MC 100327 (Sub-16), filed December 23, 1982. Applicant: LONGUEUIL TRANSPORTATION, INC., 144 Shaker Rd., East Longmeadow, MA 01028. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103, (413) 732-1136. Transporting

*passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant states that it receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 165327, filed December 22, 1982. Applicant: THOMAS W. STOKES, JR., d.b.a. STOKES EXCAVATION INC., Rt. 3, Box 372, Conrad, MT 59425. Representative: Thomas W. Stokes, Jr. (same address as applicant), (406) 278-3394. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 at 202-275-7289.

#### Volume No. OP5-006

Decided: January 10, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 109148 (Sub-26), filed December 27, 1982. Applicant: LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 101 North Mojave Road, Las Vegas, NV 89104. Representative: John C. Russell, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017, (213) 483-4700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 147478 (Sub-4), filed November 29, 1982. Applicant: COYOTE TRUCK LINES, INC., P.O. Box 201, Hayti, SD 57241. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343-4036. Transporting *general commodities*, between (a) Richlmond, IL and Genoa City, Lake Geneva and Pell Lake, WI, (b) Agar, Gettysburg and Gorman, SD, (c) Camp Dodge and Johnston, IA, (d) Aniwa, Antigo, Birnamwood, Deerbrook, Elcho, Kempster, Malvern, Monaco, Pelican Lake and Summit Lake, WI, (e) Brushy Ridge and Coalmont, TN, (f) Solitude and Wadesville, IN, (g) Concordia, Emma, Lexington and Sweet Springs, MO, (h) Antoine and Delight, AR, (i) Baker, IL, (j) Mahtomedi and Summit, MN, (k) Frisbee, Holcomb and White Oak, MO, (l) Liverpool, IL, (m) Bedford, Clearfield, Conway, Kent, Lenox, and Merle, IA and Hopkins and Pickering, MO, (n) Irl, Octa and Senath, MO, (o) Ithaca, Malmo, Memphis and Prague, NE, (p) Dunreith, Mays, Sexton



and Spiceland, IN, (q) Jenera, Mt. Blanchard, Pandora, Pratts, Rimer, Rushmore and Vaughnsville, OH, (r) Greenbrae, CA, (s) Darlington, Leslie, Mackay and Moore, ID, (t) Beason, Burtonview, Hallville, Jenkins, Johnson Siding, New Holland and Skelton, IL, (u) Argenta and Oreana, IL, (v) Bradbury, Falmouth, Greenup, Hidalgo, Janesville, Jones, Rose Hill and Toledo, IL, (w) Armstrong, Dillsburg, Gifford, Penfield and Potomac, IL, (x) Brownwood, Covell, Hopedale, Natrona, San Jose and Stanford, IL, (y) Bay Pines and Walsingham, FL, (z) Granville and Middle Granville, NY and Poultny, Rupert and West Pawlet, VT, (aa) Walford, PA, (bb) Berrien Center, Eau Claire and Sodus, MI, (cc) North Warren, PA, (dd) Bristol, Fuller and Kinney, MI, (ee) Export and Murraysville, PA, (ff) Laurel Junction and McAdo, PA, (gg) Cashton, Melvina, Viroqua and Westby, WI, (hh) Blackwell, Bronte, Ft. Chadbourne, Shawville, and Tennyson, TX, (ii) Big Bend, Cheraw, Keesee and McClave, CO, (jj) Gatliff, WI, and (kk) Haskins, IA, on the one hand, and, on the other, points in the U.S.

**Note.**—The purpose of this application is to substitute motor common carrier service for completely abandoned rail service.

MC 152278 (Sub-1), filed December 28, 1982. Applicant: REALI BUS SERVICE, INC., 4 Daisy St., West Warwick, RI 02891. Representative: Merle K. Peirce, (same address as applicant), 401-828-8807. Transporting *passengers* in charter and special operations, beginning and ending at points in Kent and Providence Counties, RI, and extending to points in the U.S. (except AK and HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 163308, filed November 29, 1982. (republishing), previously published in Federal Register issue of January 6, 1983. Applicant: G&T TRUCKING, Rt. 4, Box 385, Couchhatta, LA 71019. Representative: J. Philip Goode, 1212 Mid South Towers, Shreveport, LA 71161, (318) 221-1601. Transporting *general commodities* (except classes A and B explosives), between Couchhatta, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

**Note.**—The purpose of this application is to provide service to a community not regularly served by a motor carrier. This republication adds the note.

MC 165289, filed December 20, 1982. Applicant: BASSEMIER'S TRANSPORTATION, INC., 1002 Lincoln Evansville, IN 47712. Representative: John F. Wickes, Jr., 1301 Merchants

Plaza, East Tower, Indianapolis, IN 46204, 317-638-1301. Transporting *passengers* in charter or special operations, between points in the U.S. (except AK and HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 165338, filed December 22, 1982. Applicant: HAYNES-RILEY COMPANY, INC., 109 North McKinney Street, Suite B, Richardson, TX 75081. Representative: Jessie M. Riley, (same address as applicant), (214) 231-8138. Transporting *passengers* in charter operations, beginning and ending at points in TX, and extending to points in the U.S. (except HI).

**Note.**—Applicant seeks to provide privately-funded charter transportation.

Agatha L. Mergenovich, Secretary.

(FR Doc. 83-1186 Filed 1-14-83; 8:45 am)  
BILLING CODE 7035-01-M

#### [ No. MC-F-15041 ]

**Motor Carriers, Robert L. Williams; Continuance in Control Exemption; S & C Transport, Inc. and Inland Waters Pollution Control, Inc.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed Exemption.

**SUMMARY:** Pursuant to 49 U.S.C. 11343(e), added by section 21 of the Bus Regulatory Reform Act of 1982, Pub. L. 97-261 (September 20, 1982), Robert L. Williams seeks an exemption from the requirement under section 11343 of prior regulatory approval for his continuance in control of S&C Transport, Inc. (No. MC-155411) and Inland Waters Pollution Control, Inc., (No. MC-155412), both of which are motor carriers.

**DATES:** Comments must be received within 30 days after the date of publication in the Federal Register.

**ADDRESSES:** Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

(2) Petitioner's representative, Neill T. Reddell 900 Guardian Building, Detroit, Michigan 48226

Comments should refer to No. MC-F-15041.

**FOR FURTHER INFORMATION CONTACT:** Warren C. Wood., (202) 275-7949.

**SUPPLEMENTARY INFORMATION:** Please refer to the petition for exemption which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for

exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: January 11, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich, Secretary

(FR Doc. 83-1187 Filed 1-14-83; 8:45 am)  
BILLING CODE 7035-01-M

#### MOTOR CARRIER RATEMAKING STUDY COMMISSION

##### Collective Ratemaking Process; Public Meeting

**DATE:** Thursday, January 27, 1983.

**PLACE:** Russell Senate Office Building, Room 235, Constitution Avenue and First Street, N.E., Washington, D.C. 20510.

**TIME:** 9:00 a.m.

**PURPOSE:** The Motor Carrier Act of 1980, Pub. L. 96-296, as amended by the Bus Regulatory Reform Act of 1982, directs the Motor Carrier Ratemaking Study Commission (Study Commission) to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers of property and of the need or lack of need for continued antitrust immunity thereof. The Study Commission is specifically directed to estimate the impact of the elimination of such immunity upon the rate levels and rate structures and to describe the impact of such on the Interstate Commerce Commission and its staff. Also, the Study Commission has been directed to give special consideration to the impact of the elimination of such immunity upon rural areas and small communities. The Study Commission shall submit to the President and the Congress its final report including its findings and recommendations.

The purpose of this meeting is to provide the opportunity for the Study Commission to discuss and consider the draft report, findings, and recommendations; to direct issuance of the final document with its findings and recommendations to the Congress and President; and to consider other business as appropriate.

**FOR FURTHER INFORMATION CONTACT:** J. Kent Jarrell, General Counsel, (202) 724-9600.



Submitted this, the 12th day of January, 1983.

Larry F. Darby,  
Executive Director.

[FR Doc. 83-1191 Filed 1-14-83; 8:45 am]  
BILLING CODE 6820-80-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-1]

### NASA Advisory Council, Aeronautics Advisory Committee; Meeting

#### Correction

In FR Doc. 82-35502, on page 99, in the issue of Monday, January 3, 1983, correct the Summary, line 6 to read: "NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on".

BILLING CODE 1505-01-M

## PENSION BENEFIT GUARANTY CORPORATION

### Pendency of Request for Approval of Special Withdrawal Liability Rules; International Longshoremen's and Warehousemen's Union-Pacific Maritime Association Pension Plan

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of pendency of request.

**SUMMARY:** This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the International Longshoremen's and Warehousemen's Union-Pacific Maritime Association Pension Plan for approval of a plan amendment providing for special withdrawal liability rules. Under section 4203(f) of the Employee Retirement Income Security Act of 1974, as amended, a plan may establish special withdrawal liability rules if PBGC finds that the rules apply to an industry that has the characteristics that would make use of the special rules appropriate, and that the rules would not pose a significant risk to the PBGC insurance system. The effect of this notice is to advise interested persons of this request for approval of special withdrawal liability rules and to solicit their views on it.

**DATES:** Comments must be submitted on or before March 3, 1983.

**ADDRESSES:** All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

The complete request for approval is available for public inspection at the PBFC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m. Any comments received will also be made available to the public at the above address at those times.

#### FOR FURTHER INFORMATION CONTACT:

James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862. [This is not a toll-free number.]

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 4203(a) of Employee Retirement Income Security Act of 1974, as amended ("ERISA") a complete withdrawal is generally defined as the permanent cessation of an employer's obligation to contribute under the plan, or the permanent cessation of all covered operations under the plan. Under section 4205, a partial withdrawal generally occurs when an employer reduces covered operations by seventy percent, or removes a continuing facility or bargaining unit from the plan while continuing to do the previously covered work in the area. Thus, the general rules on complete and partial withdrawal identify those events that normally result in a loss to the plan's contribution base.

However, Congress recognized that, in certain industries and under certain circumstances, a complete or partial cessation of the obligation to contribute by an employer normally does not weaken the plan's contribution base. For that reason, Congress established special withdrawal rules for the construction and entertainment industries.

Under the definition in ERISA section 4203(b)(2), a complete withdrawal occurs only if a construction industry employer ceases to have an obligation to contribute under the plan, and the employer either continues to perform previously covered work in the area of the collective bargaining agreement or resumes such work within five years without renewing the obligation to contribute at the time of resumption. Section 4203(c)(1) applies the same special definition of complete withdrawal to the entertainment industry, except that the pertinent area is the area of the plan rather than the area of the collective bargaining agreement. In contrast, the general definition of complete withdrawal imposes liability regardless of the continued activities of the withdrawn employer (section 4203(a)).

Congress also established special partial withdrawal liability rules for the construction and entertainment industries. In construction, a partial withdrawal occurs "only if the employer's obligation to contribute under the plan is continued for no more than an insubstantial portion of its work in the craft and area jurisdiction of the collective bargaining agreement of the type for which contributions are required" (ERISA section 4208(d)(1)). The entertainment industry is exempt from partial withdrawal liability "except under the conditions and to the extent prescribed by the corporation by regulation" (section 4208(d)(2)).

ERISA section 4203(f) provides that PBGC may authorize plans in industries other than construction and entertainment to adopt special complete withdrawal liability rules similar to those for the construction and entertainment industries in section 4203(b) and (c). Section 4208(e)(3) provides that PBGC may permit plans to adopt special partial withdrawal liability rules upon a finding by PBGC that the rules are consistent with the purposes of Title IV of ERISA. Under ERISA section 4203(f) and § 2645.4(a) of the PBGC's regulation on procedures for extension of special withdrawal liability rules (47 FR 12622, March 24, 1982), PBGC will approve a plan amendment establishing special withdrawal rules if the PBGC determines that the plan amendment—

(A) Will apply only to an industry that has characteristics that would make use of the special withdrawal rules appropriate; and

(B) Will not pose a significant risk to the insurance system.

In making these determinations, PBGC will conduct a comprehensive analysis of the request, the actuarial data submitted and other relevant information relating to the industry and the plan. PBGC may condition its approval of the special rules on the plan's taking certain additional actions in order to ensure satisfaction of the regulatory standards. For example, PBGC approval may be conditioned on the plan's modification of the rule or a change in the plan's funding practices.

In order for the PBGC to determine whether a special withdrawal rule is appropriate, § 2645.3(d)(7) of the regulation requires that plans provide information on the industry which is the subject of the rule. This includes information on the effects of withdrawals on the plan's contribution base, as well as information sufficient to demonstrate the existence of industry characteristics which would indicate that withdrawals in the industry do not



typically have an adverse effect on the plan's contribution base. (These characteristics include the mobility of employees, the intermittent nature of employment, the project-by-project nature of the work, extreme fluctuations in the level of an employer's covered work under the plan, the existence of a consistent pattern of entry and withdrawal by employers, and the local nature of the work performed.)

Under § 2645.2(a) of the regulation, a special partial withdrawal rule must be consistent with the rule the plan has adopted on complete withdrawals. The regulation also requires that a plan indicate how the special rules will operate in the event of a sale of assets by a contributing employer or the withdrawal from the plan of all employers (§ 2645.3(d)(4)). Finally, § 2645.4(b) requires PBGC to publish a notice of the pendency of a request for approval of special withdrawal rules in the Federal Register, and to provide interested parties with an opportunity to comment on the request.

#### Request

PBGC has received a request from the International Longshoremen's and Warehousemen's Union-Pacific Maritime Association Pension Plan (the "Plan") for approval of a Plan amendment providing for special withdrawal liability rules. In the request, the Plan represents, among other things, that:

#### Applicant

The Plan is a multiemployer plan, with approximately 110 employers contributing in 1980, that is maintained pursuant to collective bargaining agreements between the International Longshoremen's & Warehousemen's Union ("ILWU") and the Pacific Maritime Association ("PMA"). The Plan, which is located in San Francisco, covers all longshoring and stevedoring work with respect to dry cargo for ocean-going vessels arriving at or departing from any Pacific coast port. The Plan does not cover petroleum and other liquid cargoes, or cargoes handled by inland boatmen.

#### Employer Association

The PMA is an employer association charged with negotiating the industry's master collective bargaining agreement. The PMA is composed of operators and owners of vessels operating from Pacific ports, stevedoring firms, and terminal operators.

#### Plan

Virtually all of the employees covered by the Plan work in the longshoring

industry. As of December 1, 1981, the Plan covered 10,140 active workers and 9,322 retirees. The Plan had assets of \$165 million. As of June 30, 1981, the Plan had liability for vested benefits of \$512 million.<sup>1</sup> During 1981, the Plan received \$46.4 million in contributions and paid \$39.8 million in benefits. Plan assets were four times disbursements.

Plan benefit levels are set by negotiation between the PMA and the ILWU, while contribution rates are determined annually by the PMA. Currently, the stevedoring firms contribute at the rate of \$1.74 per hour of work. In addition, vessel operators currently contribute on the basis of tonnage. In 1984 and thereafter, contributions will be based solely on man-hours.

The total number of contributing employers remained relatively stable from 1972 through 1979 (110 and 107 employers, respectively.) However, about 30 percent of the individual employers contributing in 1972 were no longer contributing by 1979.

#### Special Characteristics of the Plan

Since 1938, the Pacific coast has been certified by the National Labor Relations Board as a single bargaining unit, with the ILWU certified as the exclusive longshore bargaining representative. Every Pacific coast port is under the jurisdiction of the ILWU-PMA agreement which requires contributions to the Plan for covered work. In support of its request for approval, the Plan states: "Because the entire coast is one bargaining unit, and all ports through which ocean-going dry cargo is shipped are completely organized by the ILWU, it is not possible for such cargo to be loaded or unloaded at any point on the coast without contributions being paid to the [Plan]. For this reason, the [Plan] is dependent upon the vitality of the west coast shipping industry as a whole, and not upon the continued existence of any given employer."

#### Industry Characteristics

The owner or operator of a vessel operating from a Pacific coast port contracts with a stevedoring firm for the loading or unloading of cargo. It is the stevedoring firm, not the vessel operator, which is the direct employer of the longshoremen and stevedores who load and unload cargo. Pacific coast longshore workers are not full-time employees of single employers. They are normally dispatched to stevedoring firms on a daily basis from a hiring hall,

jointly maintained by the PMA and ILWU, to load or unload cargo. Wages are paid to workers not by individual employers directly, but rather by the PMA, which maintains a coast-wide, computerized payroll system. The employer remits wages and funds for benefits to the PMA which in turn issues weekly payroll checks to all workers and transmits contributions to various benefit funds. On the average, active Plan participants worked for more than six employers in 1980.

The work of loading and unloading ocean-going vessels must be performed at the port of embarkation of debarkation. If an employer ceases work in the covered area, it can no longer compete for that work. Vessels do not shift their base of operations because of the movement of stevedoring firms.

The contribution base units for this plan are determined solely by the level of shipping activity in ports covered under the plan. That level is largely outside the control of the stevedoring firms, and, to a large extent, the shippers. For example, shipping activity can fluctuate on account of political factors, such as trade treaties or embargoes.

The Plan stated in summary that the characteristics of the Pacific coast longshore industry indicate that withdrawals by contributing employers typically do not damage the Plan's contribution base: "Shippers and carriers do not diminish their activities when a stevedoring employer goes out of business; they merely find other employers of longshore labor. . . . Moreover, because of the coast-wide work force, and the nature of employment in this industry, such a withdrawal has little effect on individual workers. Individual employment is generally not dependent on the continued existence of particular employers."

#### Actuarial Data

As part of its request, the Plan submitted copies of its three most recent actuarial valuation reports. Plan costs for funding purposes are determined on the entry age normal, level dollar method. Benefits are subject to collective bargaining and contributions are allocated to contributing employers on the basis of the ERISA minimum funding requirements.

The reports show that during the 4-year period spanned by the reports (12/31/77-12/31/81), the Plan population was relatively stable. During that period, the number of retirees increased 2.7 percent, while the number of active participants decreased less than one

<sup>1</sup> This figure does not reflect a major benefit increase that took effect on July 1, 1981.



percent. However, during this same period, tonnage handled increased. Annual contributions also increased from \$36.7 million to more than \$46 million, and Plan assets rose from \$64 million to \$178.8 million.

There were two benefit increases under the Plan during the period covered by the reports. The first, effected pursuant to the 1987 bargaining agreements, increased the Plan's unfunded accrued liability by \$96 million. The second increase, effective July 1, 1981, increased the unfunded accrued liability by approximately \$106 million, to approximately \$529 million. Specifically, the Plan's monthly accrual rate went from \$18 to \$26. This coupled with an increase in the maximum number of years for which participants could accrue benefits, raised the monthly maximum benefit from \$450 to \$780. PBGC notes that this monthly accrual rate of \$26 exceeds the maximum monthly accrual rate guaranteed by PBGC under section 4022A(c) of ERISA. The maximum guaranteed rate of \$16.25 is 62.5 percent of the Plan's accrual rate.

The rate of benefit increases under the Plan has exceeded the rate of contribution increases. As a result, annual benefit payments as a percentage of annual contributions have increased from 87 percent to 91 percent during the period reported.

It is also worth noting that the population of active participants is substantially older than under the typical multiemployer plan. Under an average multiemployer plan (based on studies conducted in conjunction with the 1980 multiemployer plan legislation), 40.7 percent of participants are at ages 25-39, as compared with only 22.6 percent of the participants in the Plan. At the other end of the age scale, 43.9 percent of the Plan's participants are at ages 50-64, as compared with only 26.8 percent in the typical plan.

The cost associated with a given level of benefits is greater in a plan with an older participant population. With an older population, benefit payments will begin sooner. Further, the value of accrued and vested benefits goes up more in such a plan than in the typical plan, when benefits are increased. Further, relatively more of the increase in plan costs resulting from benefit increases is allocated to past service, which is required to be funded over 30 years, than to normal costs, which are required to be currently funded.

A summary of the three actuarial valuations is set forth below.

#### SUMMARY OF ACTUARIAL VALUATION RESULTS<sup>1</sup>

	Valuation date		
	Dec. 31, 1981	Dec. 31, 1979	Dec. 31, 1977
<b>A. Participants and Benefits</b>			
1. Number of participants: <sup>2</sup>			
a. Active	10,140	10,179	10,216
b. Retired	9,322	9,237	9,073
2. Benefit accruals used for valuation:			
a. Monthly accrual rate	\$26	\$22	\$18
b. Maximum monthly benefit	780	550	450
<b>B. Contributions and Benefit Payout (in Thousands)</b>			
1. Annual contributions <sup>3</sup>	\$43,433	\$43,130	\$36,689
2. Annual benefit payout <sup>4</sup>	39,308	37,406	31,779
3. Market value of assets	178,844	134,753	100,861
4. Net minimum funding charges, ignoring credit balance	50,156	43,540	32,741
<b>C. Plan Liabilities (in Thousands)</b>			
1. Entry age normal cost	\$10,800	\$8,848	\$9,253
2. Unfunded <sup>5</sup> value of:			
a. Accrued liability—EAN	\$529,162	470,598	396,780
b. Liability for vested benefits	\$391,442	363,427	(*)
3. Interest rate used to value liabilities (percent)	6%	6%	5

<sup>1</sup> Taken from actuarial reports submitted with request.

<sup>2</sup> Excludes terminated vested participants (2 or 3 per reports).

<sup>3</sup> Average of cash basis for the 2-year period ending on the valuation date.

<sup>4</sup> Assets taken at market value as shown in B.3.

<sup>5</sup> Figures in report adjusted to reflect estimated effect of 7/1/81 benefit increase.

<sup>6</sup> Not reported.

#### Complete Withdrawal Rule

On March 23, 1982, the Plan adopted an amendment prescribing special withdrawal rules. The amendment was modified by the Plan on December 3, 1982. The amendment provides that, upon approval by the PBGC, the special rules shall be effective as of the effective date of the withdrawal liability provisions of the Multiemployer Pension Plan Amendments Act of 1980. The amendment would apply to an employer who contributes to the Plan for longshore work, as described in the special rules. Under the amendment, a complete withdrawal from the Plan would occur if:

"(A) An Employer permanently ceases to have an obligation to make Contributions to the Plan (unless such cessation of the obligation to contribute is attributable solely to a change in the method of determining Contributions to the Plan such as a change from a formula based on tonnage to one based on hours, or vice versa), and

"(B) The Employer

"(i) Continues to perform work of the type for which Contributions to the Plan are currently or were previously required at any Pacific Coast port in the United States,

"(ii) Resumes such work at any time during the Plan Year in which the obligation to make Contributions under the Plan ceases or the five succeeding Plan Years, and does not renew the obligation to make Contributions at the time of such resumption,

"(iii) Sells or otherwise transfers a substantial portion of its business or assets, directly or indirectly, to another person that, at any time during the six Plan Years described in clause (ii), performs longshore work within the meaning of Section 4.042 at any Pacific Coast port in the United States without having the obligation to make Contributions to the Plan in accordance with the Collective Bargaining Agreement under which the Plan is maintained, or

"(iv) Ceased to have an obligation to contribute in connection with the withdrawal of every Employer from the Plan or the withdrawal of substantially all the Employers pursuant to an agreement or arrangement to withdraw from the Plan within the meaning of Section 4219(c)(1)(D) of ERISA."

(Plan Amendment: section 1.42.)

#### Partial Withdrawal Rule

The Plan amendment also provides special partial withdrawal liability rules. Under the amendment, a partial withdrawal is defined as follows:

"\* \* \* Partial Withdrawal from the Plan by an Employer occurs on the date of a 'partial withdrawal' of such Employer within the meaning of Section 4205 of ERISA, but only if, at any time during the Plan Year in which such date occurs or the five succeeding Plan Years, the Employer

"(A) Performs work of the type for which Contributions to the Plan are currently or were previously required at any Pacific Coast port in the United States without having the obligation to make Contributions to the Plan in accordance with the Collective Bargaining Agreements under which the Plan is maintained, or

"(B) Sells or otherwise transfers a substantial portion of its business or assets, directly or indirectly, to another person that, at any time during the six Plan Years described in Paragraph 1.43, performs longshore work within the meaning of Section 4.042 at any Pacific Coast port in the United States without having the obligation to make Contributions to the Plan in accordance with the Collective Bargaining



Agreements under which the Plan is maintained."

(Plan Amendment; section 1.43.)

#### Other Provisions of the Plan Amendment

The Plan amendment contains other provisions, which read as follows:

"Notwithstanding any other provision of this Plan, the Contributions for each Plan Year shall be not less than the total administrative costs and benefits to be paid by the Trustees during said Plan Year." (See, Paragraph 4.011 of the ILWU-PMA Pension Agreement; hereafter referred to as the "Agreement".)

"\* \* \* Pursuant to ERISA, Section 4203(f) and amendments to the Plan adopted thereunder, an Employer who makes Contributions to the Plan on account of longshore work, including work performed by an longshoreman, clerk, walking boss, or foreman, carloader, lockerman, gearman, sweeper, grain handler, or other employee employed in connection with the loading or unloading of dry cargo on or off of vessels or at any facility used in the loading or unloading of dry cargo that is subject to the jurisdiction of the Union and/or its Locals shall have withdrawal liability under Part 1, Subtitle E of ERISA only for a Complete Withdrawal or a Partial Withdrawal within the meaning of Paragraphs 1.42 and 1.43, respectively." (Paragraph 4.042 of the Agreement.)

"\* \* \* The Union and Association by their mutual agreement in writing may at any time amend, modify, or delete any provisions of the Agreement \* \* \* provided, further, all amendments shall be consistent with the applicable provisions of the Employee Retirement Income Security Act of 1974, and no amendments shall be made to Paragraphs 1.42, 1.43 or 4.042, or to the second sentence of Paragraph 4.011, without the approval of the Pension Benefit Guaranty Corporation \* \* \* " (Paragraph 7.02 of the Agreement.)

#### Treatment of Sales of Assets

The Plan has stated that ERISA section 4204 (and applicable PBGC regulations thereunder) would continue to apply to sales of assets involving contributing employers to the Plan. As indicated by the Plan, if a sale of assets did not constitute a complete or partial withdrawal by reason of section 4204, there would be no occasion for the Plan's special liability rules to be applied, since there would be no withdrawal liability under Part 1, Subtitle E of ERISA. However, if a sale of assets should occur which did not meet the conditions of section 4204 and

accordingly gave rise to a complete or partial withdrawal under the statute, the Plan's special withdrawal liability rules apply.

#### Notice

A notice of the adoption of the Plan amendment and of the Plan's request for PBGC approval of the amendment has been mailed to all employers who have an obligation to contribute under the Plan and to the employee organization representing employees covered under the Plan.

#### Comments

All interested persons are invited to submit written comments on the pending request to the above address, on or before March 3, 1983. All comments will be made a part of the record. Comments received, as well as the application for approval of the plan amendment, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 10th day of January, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-1174 Filed 1-14-83; 8:45 am]

BILLING CODE 7708-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-19331; File No. SR-Amex-82-23]

### American Stock Exchange, Inc.; Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 3, 1982, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Article IV, Section 3(b) of the Exchange Constitution to permit the designation of authorized representatives to act on the Floor on behalf of options principal member ("OPM") Governors of the Exchange and regular member and OPM Exchange Officials while such Governors and Exchange Officials are engaged in Exchange business and attending

meetings of the Exchange's Board, respectively.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose. Article IV, Section 3(b) of the Constitution provides that the Exchange may authorize a representative of a regular member Governor to exercise the privilege of transacting on the Floor of the Exchange the business of such Governor or his member organization, while such Governor is engaged in Exchange business. Among other things, this delegation of trading privilege to an authorized representative enables a Floor Governor to attend Board meetings.

As a result of requests made by members, the Exchange proposes that this trading privilege be extended to Exchange Officials from the Trading Floor ("Floor Officials")<sup>1</sup> to make it as convenient for them to attend Board meetings as it is for Floor Governors. This proposed change will facilitate their participation in Board discussions regarding issues of interest to the Floor membership. It is therefore proposed that Article IV, Section 3(b) be amended so as to extend this trading privilege to Exchange Officials who are Floor Officials for the sole purpose of facilitating their attendance at such meetings. The privilege is not proposed to be extended while they are engaged in other Exchange business, since Exchange Officials have a more limited role in the general governance of the Exchange than Governors.

In connection with this amendment, it is also proposed that Section 3(b) be amended to extend the privilege of using

<sup>1</sup> Under Exchange Rule 21, Exchange Officials who spend a substantial part of their time on the Floor are appointed as Floor Officials.



authorized representatives on the Floor to Governors and Floor Officials who are OPMs while such Governors and Officials are engaged in Exchange business and attending Board meetings, respectively. The Exchange believes that any distinction between regular members and OPMs is not justified in this instance, since the provisions of the Constitution dealing with OPMs in general provide for their full participation in the governance of the Exchange.

(b) *Basis.* The proposed amendment is consistent with Section 8(b) in general and furthers the objective of Section 8(b)(3) in particular in that it will assist OPM Governors and regular member and OPM Exchange Officials in the discharge of their administrative responsibilities, thereby helping to assure a fair representation of the membership in the administration of Exchange affairs.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The proposed rule change will have no impact on competition.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received with respect to the proposed rule change.

#### *III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action*

Within thirty-five days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### *IV. Solicitation of Comments*

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes 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, NW., Washington, D.C. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 13, 1982.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-1196 Filed 1-14-83; 9:45 am]  
BILLING CODE 8010-01-M

[Release No. 19415; SR-Philadep-82-8]

#### **Philadelphia Depository Trust Company ("Philadep"); Order Approving Proposed Rule Change**

On November 12, 1982, Philadep filed a proposed rule change with the Commission pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78a(b)(2), and Rule 19b-4 thereunder. The proposed rule change authorizes Philadep to charge back dividend and bond interest directly to participants through their depository accounts when securities shipped for transfer into Philadep's nominee name miss record date processing. In addition, Philadep may invoke the charge back rule when it pays out dividend or bond interest to a participant but is subsequently unable to collect the funds due to a default by the issuer or paying agent.

Notice of the proposed rule change together with the terms of substance of the proposed rule change were given by publication of a Commission Release (Securities Exchange Act Release No. 19295 December 3, 1982) and by publication in the *Federal Register* [47 FR 55560, December 10, 1982]. The Commission solicited but did not receive any comments.

Previously, Philadep recovered dividend and interest payments that should not have been credited to participants' depository accounts by instituting claims against participants. Philadep was not authorized to debit participants' accounts for the claimed amount. Rather, when claims were resolved in Philadep's favor, participants reimbursed Philadep by other means (i.e., by check), a time

consuming and labor-intensive process. The proposed rule change, however, enables Philadep to debit participants' depository accounts when Philadep, despite its best efforts, is unable to obtain transfer of securities prior to the dividend or interest record date or the issuer or the paying agent defaults on its payment obligation. Philadep asserts, therefore, that the proposed rule change is consistent with the Act, and, in particular, Section 17A(b)(3)(F) of the Act, which requires registered clearing agencies to safeguard funds and securities within their custody or control.

The payment of dividends and interest by a clearing agency to its participants prior to receipt of such funds from the issuer or the paying agent, under certain circumstances, may be inconsistent with Section 17A(b)(3)(F) of the Act. Although in this instance, Philadep pays dividends and interest to participants on the day specified by the issuer for payment (the "payable date") prior to the receipt of the necessary funds from the issuer or paying agent, Philadep credits its participants in clearinghouse funds (i.e., funds that become available on the next day). Philadep also has historically received substantially all of the necessary funds by the day after payable date, and the Commission understands that Philadep will seek to maintain that receipt history. Therefore, Philadep's dividend and interest payment program appears to be consistent with the Act. Furthermore, the proposed rule change, by enabling Philadep to recover through book-entry movements the unpaid funds it credits participants, provides Philadep with even greater protection with respect to funds within its control than under current rules and procedures.

The Commission finds, therefore, 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.

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.

January 10, 1983.

[FR Doc. 83-1197 Filed 1-14-83; 9:45 am]  
BILLING CODE 8010-01-M



[File Nos. 22-12200 and 22-12200-01]

**Standard Oil Co. and Kennecott Corp.;  
Application and Opportunity for  
Hearing**

Notice is hereby given that the Standard Oil Company ("Sohio") and Kennecott Corporation ("Kennecott", Sohio and Kennecott being sometimes referred to herein as the "Applicants") have filed a joint Application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank under an existing indenture that has been qualified under the Act, and five Trust Indentures with various Counties and State Authorities which have not been qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as trustee under any of such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on Application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicants allege that:

(1) Chemical Bank currently is acting as trustee under an indenture under which the Applicants are obligors. The indenture, dated as of May 1, 1971, and entered into between Kennecott and Chemical Bank, Trustee, (the "Original Indenture"), involved the issuance of \$200,000,000 principal amount of 7% Debentures Due 2001 (the "Debentures"). The original Indenture was filed as Exhibit 2(a) to Kennecott's

Registration Statement No. 2-39601 filed under the Securities Act of 1933 and has been qualified under the Act. Pursuant to a First Supplemental Indenture to the Original Indenture dated as of July 1, 1982 (the "First Supplemental Indenture"), Sohio expressly guaranteed the due and punctual payment of the principal of and premium, if any, and interest on the Debentures (the "Sohio July Guarantee", the First Supplemental Indenture and the Original Indenture being hereinafter called the "1971 Indenture").

(2) The Applicants are not in default in any respect under the 1971 Indenture, the Sohio July Guarantee or under any other existing indenture.

(3) On November 4, 1982 Chemical Bank entered into five Trust Indentures, each dated as of October 1, 1982 (the "Trust Indentures") with, respectively, County Commission of Marshall County, West Virginia; West Side Calhoun County Navigation District; Salt Lake County, Utah; New Jersey Economic Development Authority; and Ohio Water Development Authority, pursuant to which there were issued, respectively, \$17,000,000 principal amount of Floating Rate Monthly Demand Pollution Control Revenue Bonds, Series 1982 (Mountaineer Carbon Company Project), \$30,000,000 principal amount of Floating Rate Monthly Demand Pollution Control Refunding Revenue Bonds, Series 1982 (Vistron Corporation Project), \$8,000,000 principal amount of Floating Rate Monthly Demand Pollution Control Revenue Bonds, Series 1982 (Kennecott Corporation Project) (the "Kennecott Bonds"), \$4,100,000 principal amount of Floating Rate Monthly Demand Economic Development Bonds (BP Oil Inc.—1982 Project), and \$12,000,000 principal amount of Floating Rate Monthly Demand Pollution Control Revenue Bonds, Series 1982 (the Standard Oil Company Project) (the "Ohio Bonds") (collectively the "Bonds").

(4) Sohio is obligated to pay the principal of, premium, if any, and interest on the Bonds pursuant to (except in the case of the Ohio Bonds) direct guarantees contained in Loan Agreements and a Sale Agreement with the various Counties and Authorities referred to above which have been assigned to Chemical Bank, as Trustee (the "Sohio November Guarantees") and, in the case of the Ohio Bonds, pursuant to a Note payable to Chemical Bank, as Trustee (the "Ohio Note").

(5) Kennecott is obligated to pay an amount equal to the principal of, premium, if any, and interest on the Kennecott Bonds pursuant to a Note

payable to Chemical Bank, as Trustee (the "Kennecott Note").

(6) The Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a)(2) thereof, and the Trust Indentures have not been qualified under the Act as the basis of the provisions of Section 304 thereof.

(7) The Sohio November Guarantees and the Ohio Note, if enforced against Sohio, would rank on a parity with the obligations evidenced by the Sohio July Guarantee and the obligations of Sohio under the Sohio November Guarantees, the Ohio Note and the Sohio July Guarantees are wholly unsecured.

(8) The Kennecott Note, if enforced against Kennecott would rank on a parity with the obligations evidenced by the Debentures and the obligations of Kennecott under the Kennecott Note and the Debentures are wholly unsecured.

(9) Aside from differences among the 1971 Indenture and the Trust Indentures as to amounts, interest rates, maturity dates, redemption dates and redemption powers, and differences in form between the 1971 Indenture and the Trust Indentures, the terms of said indentures are substantially similar.

Such differences as exist between the 1971 Indenture and the Trust Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as trustee under any of said indentures.

Applicant has waived (a) notice of hearing, (b) hearing on the issues raised by the Application and, (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said Application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than February 9, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said Application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the Application upon such



terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-1108 Filed 1-14-83; 8:45 am]

BILLING CODE 8010-01-M

## SYNTHETIC FUELS CORPORATION

### Targeted Solicitation for Oil Shale Projects; Briefing

**ENTITY:** Synthetic Fuels Corporation.

**ACTION:** Notice of briefing invitation.

**SUMMARY:** Interested members of the public are invited to attend a briefing to be conducted by the United States Synthetic Fuels Corporation on the Competitive Solicitation for Oil Shale Projects tentatively approved by the Corporation's Board of Directors on December 20, 1982. The briefing will take place at 2:00 p.m., January 19, 1983 at the Four Seasons Hotel (Highland Room), 1300 Lamar Street, Houston, Texas 77010.

### FOR FURTHER INFORMATION CONTACT:

Bill Rhatican, Vice President for External Relations, United States Synthetic Fuels Corporation (202) 822-6393, or

Richard Shanklin, Project Officer for Targeted Solicitations, United States Synthetic Fuels Corporation (202) 822-6459.

United States Synthetic Fuels Corporation.

Jimmie R. Bowden,  
Executive Vice President.

January 12, 1983.

[FR Doc. 83-1092 Filed 1-14-83; 8:45 am]

BILLING CODE 0000-00-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Radio Technical Commission for Aeronautics (RTCA), Study Group on Airborne Thunderstorm, Detection Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Study Group on Airborne Thunderstorm Detection Equipment to be held on February 8-9, 1983 in RTCA Conference Room, Suite 500, 1425 K Street N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Introductory Remarks; (2) Approval of Minutes of the First Meeting Held on December 2-3, 1983; (3) Presentation of Technical Briefings; (4) Discussion on the Feasibility of Developing a Minimum Operational Performance Standard for Airborne Thunderstorm Detection Equipment; (5) Preparation of Initial Draft of Committee Report; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain

information should contact the RTCA Secretariat, 1425 K Street, N.W., Washington, D.C. 20005; (202) 682-0286. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on January 10, 1983.

Karl F. Bierach,  
Designated Officer.

[FR Doc. 83-1140 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-13-M

### Research and Special Programs Administration

#### Grants and Denials of Applications for Exemptions

**AGENCY:** Materials Transportation Bureau, DOT.

**ACTION:** Notice of grants and denials of applications for exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in December 1982. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

### RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2708-X	DOT-E 2708	Union Carbide Corporation, Danbury, CT	49 CFR 173.315(a), 173.316	To authorize shipment of a flammable liquefied compressed gas in non-DOT specification cargo tanks. (Mode 1.)
2787-X	DOT-E 2787	Raytheon Company, Andover, MA	49 CFR 173.302(a)(1), 175.3	To authorize shipment of certain non-flammable compressed gas in non-DOT specification pressure vessels equipped with a regulating valve. (Modes 1, 2, 3, and 4.)
3330-X	DOT-E 3330	General Electric Company, Schenectady, NY	49 CFR 173.214(d)	To authorize use of containers not presently prescribed in Hazardous Materials Regulations, for transportation of certain flammable solid material. (Modes 1 and 2.)
3330-X	DOT-E 3330	Teledyne Wah Chang Albany Corp., Albany OR	49 CFR 173.214(d)	To authorize use of containers not presently prescribed in Hazardous Materials Regulations, for transportation of certain flammable solid material. (Modes 1 and 2.)
3330-X	DOT-E 3330	Western Zirconium, Inc., Ogden, UT	49 CFR 173.214(d)	To authorize use of containers not presently prescribed in Hazardous Materials Regulations, for transportation of certain flammable solid material. (Modes 1 and 2.)
3768-X	DOT-E 3768	Essex Industrial Chemicals, Inc., Baltimore, MD	49 CFR 173.119, 173.245, 173.298	To authorize use of DOT Specification MC-304, MC-307 and MC-312 cargo tanks, for transportation of certain flammable and corrosive liquids. (Mode 1.)
4575-X	DOT-E 4575	Union Carbide Corporation Danbury, CT	49 CFR 173.314 (c)	To authorize use of non-DOT specification tank car tanks, for transportation of certain liquefied compressed gases. (Mode 2.)
4575-X	DOT-E 4575	Racon Inc., Wichita, KS	49 CFR 173.314(c)	To authorize use of non-DOT specification tank car tanks, for transportation of certain liquefied compressed gases. (Mode 2.)
4588-X	DOT-E 4588	U.S. Department of Energy, Washington, DC	49 CFR 173.65(a)	To authorize use of packaging not presently prescribed for certain high explosives. (Mode 1.)
4898-X	DOT-E 4898	American Bosch Diesel Products, Springfield, MA	49 CFR 173.302(a)(1), 175.3	To authorize use of non-DOT specification hydraulic accumulators, for shipment of a certain nonflammable compressed gas. (Mode 1, 2, 3, and 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5263-X	DOT-E 5263	3M, St. Paul, MN	49 CFR 173.245(a)	To authorize transport of a corrosive liquid in a non-DOT specification stainless steel container. (Mode 1.)
5263-X	DOT-E 5263	Dow Corning Corporation, Midland, MI	49 CFR 173.245(a)	To authorize transport of a corrosive liquid in a non-DOT specification stainless steel container. (Mode 1.)
5557-X	DOT-E 5557	U.S. Department of Energy, Washington, DC	49 CFR Part 173, Subpart C	To authorize use of non-DOT specification containers, for shipment of certain explosives, and gross weight exceeding prescribed limits. (Mode 1.)
5557-X	DOT-E 5557	U.S. Department of Energy, Washington, DC	49 CFR Part 173, Subpart C	To authorize trinitrofluorobenzene, Class A explosives and other Class A explosives identified in writing, to provide for modification of shipping container and to modify drawing references. (Mode 1.)
5704-X	DOT-E 5704	Trojan Corporation, Spanish Fork, UT	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification containers. (Modes 1, 2, and 3.)
5704-X	DOT-E 5704	U.S. Department of Defense, Washington, DC	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification containers. (Modes 1, 2, and 3.)
5704-X	DOT-E 5704	Hercules, Incorporated, Wilmington, DE	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification containers. (Modes 1, 2, and 3.)
5825-X	DOT-E 5825	Phillips Petroleum Company, Bartlesville, OK	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank, for shipment of a flammable liquefied compressed gas. (Mode 1.)
611-X	DOT-E 6117	Montana Sulphur & Chemical Company, Billings, MT	49 CFR 172.504, 173.314(c)	To authorize transport of hydrogen sulfide in DOT Specification 105A500W tank car tanks or proposed DOT Specification 120A500W tank car tanks. (Mode 2.)
6543-X	DOT-E 6543	M & T Chemicals, Incorporated, Los Angeles, CA	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.247, 175.3	To authorize shipment of certain corrosive and flammable liquids in non-DOT specification 18 gauge, Type 304 stainless steel cylinders and/or 14 gauge Type 316 stainless steel cylinders. (Modes 1, 2, 3, and 4.)
6618-X	DOT-E 6618	Monsanto Company, St. Louis, MO	49 CFR 173.365(a), 173.374(a)	To authorize shipment of a Class B poison in an insulated, DOT Specification MC-307 or MC-312 cargo tanks equipped with heating coils. (Mode 1.)
6652-X	DOT-E 6652	Garrett Pneumatic Systems Division, Tempe, AZ	49 CFR 173.302(a)(1), 175.3	To authorize manufacture, marking and sale of non-DOT specification filament-wound fiberglass reinforced plastic cylinder, for transportation of certain compressed gases. (Modes 1 and 4.)
6694-X	DOT-E 6694	Eurotainer, Paris, France	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, and 3.)
6694-X	DOT-E 6694	Compagnie des Containers Reservoirs, Paris, France	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, and 3.)
6694-X	DOT-E 6694	Favuet-Girel, Paris, France	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, and 3.)
6694-X	DOT-E 6694	Products Chimiques Ugine Kuhlmann, Paris, France	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, and 3.)
6984-X	DOT-E 6984	Deupree Distributing Co., Inc., Oklahoma City, OK	49 CFR 173.108(a), 173.66(g), 177.635(g)(2)(i)	To authorize packaging of 1000 or less electric blasting caps in inside pasteboard cartons or tubes, overpacked in an IME Standard 22 container. (Mode 1.)
7025-X	DOT-E 7025	Liquid Air Corporation, San Francisco, CA	49 CFR 172.101, 173.315(a)(1)	To authorize use of a non-DOT specification cargo tank, for transportation of a flammable gas and a nonflammable gas. (Mode 1.)
7247-X	DOT-E 7247	U.S. Department of Defense, Washington, DC	49 CFR 148.29-11(c)(19), 148.29-75(b)(2)	To authorize a bulkhead in the lower hold of a vessel separating military explosives from general cargo to be secured on 4 inch by 6 inch uprights, in lieu of the required 6 by 6 inch uprights. (Mode 3.)
7259-X	DOT-E 7259	Monsanto Company, St. Louis, MO	49 CFR 176.76(g)(5)	To authorize use of DOT Specification 56 aluminum portable tanks for shipment of phosphorous pentasulfide by cargo vessel. (Mode 3.)
7259-X	DOT-E 7259	FMC Corporation, Philadelphia, PA	49 CFR 176.76(g)(5)	To authorize use of DOT Specification 56 aluminum portable tanks for shipment of phosphorous pentasulfide by cargo vessel. (Mode 3.)
7259-X	DOT-E 7259	Exxon Chemical Americas, Houston, TX	49 CFR 176.76(g)(5)	To authorize use of DOT Specification 56 aluminum portable tanks for shipment of phosphorous pentasulfide by cargo vessel. (Mode 3.)
7259-X	DOT-E 7259	Stauffer Chemical Company, Westport, CT	49 CFR 176.76(g)(5)	To authorize use of DOT Specification 56 aluminum portable tanks for shipment of phosphorous pentasulfide by cargo vessel. (Mode 3.)
7259-X	DOT-E 7259	Occidental Chemical Corporation, Niagara Falls, NY	49 CFR 176.76(g)(5)	To authorize use of DOT Specification 56 aluminum portable tanks for shipment of phosphorous pentasulfide by cargo vessel. (Mode 3.)
7502-X	DOT-E 7502	Snyder Industries, Incorporated, Lincoln, NB	49 CFR 173.119, 173.125, 178.19, Part 173, Subpart F	To authorize manufacture, marking and sale of non-DOT specification reusable, rotationally molded polyethylene container, for transportation of certain corrosive or flammable liquids and an oxidizer. (Modes 1, 2, and 3.)
7835-P	DOT-E 7835	Scott Environmental Technology, Incorporated, Plumsteadville, PA	49 CFR 177.848, Part 107 Appen. B(1)	To become a party to Exemption 7835. (Mode 1.)
7846-X	DOT-E 7846	Union Carbide Corporation, Danbury, CT	49 CFR 173.314(c)	To authorize frame mounting and manifolding of DOT Specification seamless steel tank car tanks, for shipment of certain nonflammable gases. (Modes 1 and 3.)
7873-X	DOT-E 7873	Bromine Compounds, Limited, Beer Sheva, Israel	49 CFR 173.353a	To authorize use of non-DOT specification intermodal portable tanks, for transportation of a Class B poison liquid. (Modes 1 and 3.)
7876-X	DOT-E 7876	Allied Corporation, Monticello, NJ	49 CFR 173.299(a), 175.3	To authorize shipping description etching acid, liquid, n.o.s. to be used for products which do not comply with the definition in 49 CFR 173.229(a). (Modes 1, 2, 3, and 4.)
8003-X	DOT-E 8003	Pennwalt Corporation, Buffalo, NY	49 CFR 173.154(a)(14)	To authorize use of one-gallon, open-head polyethylene containers inside a DOT Specification 12B box, for transportation of organic peroxides. (Modes 1 and 3.)
8023-X	DOT-E 8023	Acurex Corporation, Mountain View, CA	49 CFR 173.302(a)(1), 173.304(d)(3), 175.3	To authorize use of non-DOT specification hooped wrapped FRP cylinders, for shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
8055-X	DOT-E 8055	Hammond Lead Products, Inc., Hammond, IN	49 CFR 173.154	To authorize shipment of a flammable solid, in DOT Specification 44C multi-wall paper bags. (Modes 1, 2, and 3.)
8055-X	DOT-E 8055	American Cyanamid Company, Wayne, NJ	49 CFR 173.154	To authorize shipment of a flammable solid, in DOT Specification 44C multi-wall paper bags. (Modes 1, 2, and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8060-X	DOT-E 8060	Produits Chimiques Ugine Kuhlmann, Paris, France.	49 CFR 173.315(a).	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, and 3.)
8116-X	DOT-E 8116	Shell Oil Company, Houston, TX	49 CFR 100-199.	To authorize shipment of small quantities of analytical standards in prescribed packaging essentially without regulation. (Modes 1, 2, 3, 4, and 5.)
8116-X	DOT-E 8116	U.S. Department of Defense, Washington, DC.	49 CFR 100-199.	To authorize shipment of small quantities of analytical standards in prescribed packaging essentially without regulation. (Modes 1, 2, 3, 4, and 5.)
8119-X	DOT-E 8119	BJ-Hughes, Incorporated, Long Beach, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.263(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5(b).	To authorize use of a non-DOT specification cargo tank designed and constructed in full compliance with DOT Specification MC-307 or MC-312 with certain exceptions, for transportation of certain corrosive and flammable liquid. (Mode 1.)
8120-X	DOT-E 8120	Starflight Incorporated, Smyrna, TN.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B, and C explosives that are not permitted for shipment by air or in quantities greater than those prescribed for shipment by air. (Mode 4.)
8127-X	DOT-E 8127	Hercules, Incorporated, Wilmington, DE.	49 CFR 173.127, 173.184, 178.224.	To authorize use of a non-DOT specification fiberboard drum, for shipment of wet nitrocellulose. (Modes 1, 2, and 3.)
8127-X	DOT-E 8127	Societe Nationale Des Poudres et Explosifs, Bergerac, France.	49 CFR 173.127, 173.184, 178.224.	To authorize use of a non-DOT specification fiberboard drum, for shipment of wet nitrocellulose. (Modes 1, 2, and 3.)
8156-X	DOT-E 8156	Air Products and Chemicals, Incorporated, Allentown, PA.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To authorize transport of certain flammable or nonflammable compressed gases and carbon disulfide in a DOT Specification 39 steel cylinder up to 225 cubic inches in volume. (Modes 1 and 2.)
8188-X	DOT-E 8188	Owens-Illinois (Plastic Products Division), Toledo, OH.	49 CFR 173.119(a), 173.119(b), 173.125, 173.126(a), 173.245, 173.256.	To authorize use of a DOT Specification 34 reusable polyethylene container of 30-gallon capacity, for shipment of a liquid paint or a cleaning compound. (Mode 1.)
8248-P	DOT-E 8248	Amalgamet Canada, Toronto, Ontario, Canada.	49 CFR 173.245, 173.247, 173.271, 178.170.	To become a party to Exemption 8248. (Mode 1.)
8390-P	DOT-E 8390	Van Waters & Rogers, San Jose, CA.	49 CFR 173.272, 178.210, 178.24a.	To become a party to Exemption 8390. (Mode 1.)
8390-X	DOT-E 8390	Ashland Oil, Inc., Columbus, OH.	49 CFR 173.272, 178.210, 178.24a.	To authorize shipment of 95%-98% sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (Mode 1.)
8414-X	DOT-E 8414	SLEMI, Paris, France.	49 CFR 173.315.	To authorize transport of certain nonflammable gases in non-DOT Specification intermodal portable tanks. (Modes 1, 2, and 3.)
8541-X	DOT-E 8541	U.S. Department of Energy, Washington, DC.	49 CFR 173.65, 173.86(e), 175.3.	To authorize shipment of not more than 25 grams, of certain Class C explosives, and pyrotechnics in 4 or 6 inch diameter pipes overpacked in cushioned DOT Specification 12H box, strong wooden box, or metal drum. (Modes 1, 2, and 4.)
8480-X	DOT-E 8480	The Gillette Company, Boston, MA.	49 CFR 173.24(a)(1), 175.3, Parts 172 and 177.	To authorize transport of a flammable gas in a device which allows a slow rate of leakage of the gas. (Modes 1, 2, and 3.)
8480-P	DOT-E 8480	Braun A.G., Kronberg, West Germany.	49 CFR 173.24(a)(1), 175.3, Parts 172 and 177.	To become a party to Exemption 8480. (Modes 1, 2, and 3.)
8522-X	DOT-E 8522	Preferred Plastics, Inc., Sterling, VA.	49 CFR 177.839(a)(b), 178.150, Part 173, Subpart F.	To authorize manufacture, marketing and sale of non-reusable expanded polyethylene cases similar to DOT Specification 33A, except that it will incorporate 6 cavities to contain not more than six 5-pint bottles, for shipment of those commodities presently authorized in DOT Specification 33A. (Modes 1, 2, and 3.)
8522-X	DOT-E 8522	Foamco, Oakland, CA.	49 CFR 177.839(a)(b), 178.150, Part 173, Subpart F.	To authorize manufacture, marketing and sale of non-reusable expanded polyethylene cases similar to DOT Specification 33A, except that it will incorporate 6 cavities to contain not more than six 5-pint bottles, for shipment of those commodities presently authorized in DOT Specification 33A. (Modes 1, 2, and 3.)
8526-P/8526	DOT-E 8526	3M, St. Paul, MN.	49 CFR 177.834(L)(2)(i).	To become a party to Exemption 8526. (Mode 1.)
8537-X	DOT-E 8537	Container Corporation of America, Wilmington, DE.	49 CFR 173.119.	To authorize manufacture, marketing and sale of DOT Specification 34 polyethylene containers, for transportation of certain flammable liquids. (Modes 1, 2, and 3.)
8618-P	DOT-E 8618	Northern Air Cargo, Inc., Anchorage, AK.	49 CFR 172.101 column (6)(b), 173.119(a)(3), 173.119(b), 175.30(a).	To become a party to Exemption 8618. (Mode 4.)
8690-X	DOT-E 8690	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.34(d).	To authorize shipment of nitroethyl chloride in DOT Specification 38N400 cylinders without safety relief devices. (Mode 1.)
8732-P	DOT-E 8732	American Emulsions Co., Inc., Dalton, GA.	49 CFR 173.245.	To become a party to Exemption 8732. (Mode 1.)
8760-X	DOT-E 8760	Barton Solvents, Incorporated, Des Moines, IA.	49 CFR 172.328, 172.334(b).	To authorize display of FLAMMABLE placards, showing identification (1993), on Barton Solvents, Inc. cargo tanks specified for the materials and having six or more compartments when transporting one or more hazardous materials. (Mode 1.)
8760-X	DOT-E 8760	Barton Solvents, Incorporated, Des Moines, IA.	49 CFR 172.328, 172.334(b).	To authorize petroleum naphtha, classed as a flammable liquid as an additional commodity. (Mode 1.)
8854-P	DOT-E 8854	Compagnie des Containers Reservoirs, Neuilly-Sur-Seine, France.	49 CFR 173.264(b)(4).	To become a party to Exemption 8854. (Modes 1, 2, and 3.)

## NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8396-N	DOT-E 8392	Aztec Chemicals, Elyria, OH.	49 CFR 173.119(m).	To authorize use of cargo tanks complying with DOT Specifications MC-307 and MC-312, for transportation of organic peroxide solution. (Mode 1.)
8813-N	DOT-E 8813	Nebraska Solvents Company, Grand Island, NE.	49 CFR 172.328, 177.334(b).	To authorize display of FLAMMABLE placards, showing identification number (1993), on Nebraska Solvents Company's cargo tanks specified for the materials and having six or more compartments when transporting one or more hazardous materials. (Mode 1.)
8818-N	DOT-E 8818	Dow Chemical Company, Midland, MI.	49 CFR 172.102-7, 173.252.	To authorize use of a DOT Specification 105A500W tank car with a maximum commodity weight of 185,000 pounds, for shipment of bromine, a corrosive material. (Mode 2.)
8880-N	DOT-E 8880	Industrial Molding Corporation, Torrance, CA.	49 CFR 178.19, Part 173, Subpart D, Subpart F.	To authorize manufacture, marketing and sale of non-DOT specification removable head molded polyethylene container without overpack, for transportation of corrosive liquids and flammable liquids. (Modes 1, 2, and 3.)



## NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8985-N	DOT-E 8865	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.245, 173.249, 175.3	To authorize shipment of certain alkaline corrosive liquids, n.o.s., in an unlined tin can, overpacked in a non-DOT specification removable head molded polyethylene pal of five or six-gallon capacity, also containing a nonhazardous resin mix. (Modes 1, 2, 3, and 4.)
8987-N	DOT-E 8887	The Bertek Corporation, Largo, FL	49 CFR 172.101, 173.328, 173.343, 175.3	To authorize shipment of nitrogen gas containing small amounts of hydrogen cyanide, in glass ampules as poison B, packed in individual heat sealed pockets placed in a fiberboard box overpacked in an additional fiberboard box. (Modes 1, 4, and 5.)
8993-N	DOT-E 8863	Trojan Corporation, Salt Lake City, UT	49 CFR 172.101	To authorize transport of a mixture containing, by weight, 10% trimethylethane trinitrate and 90% methanol, in non-DOT specification drums. (Mode 1.)
8993-N	DOT-E 8903	Teledyne McCormick SELPH, Hollister, CA	49 CFR 172.101	To authorize shipment of a new initiating explosive, Class A, in plastic bottles, overpacked in DOT Specification 5, 5B or 17H steel drums. (Mode 1.)
8918-N	DOT-E 8918	The Protectoseal Company, Bensenville, IL	49 CFR 173.119, 178.89	To authorize manufacture, marking and sale of non-DOT specification stainless steel drums of one gallon capacity and comparable to DOT Specification 5L, for transportation of gasoline. (Mode 1.)
8921-N	DOT-E 8921	Hoover Universal, Inc., Beatrice, NE	49 CFR Part 173, Subpart F	To authorize manufacture, marking and sale of nonreusable non-DOT Specification steel jacketed polyethylene portable tanks, for transportation of corrosive liquids. (Modes 1 and 2.)
8923-N	DOT-E 8923	Union Carbide Corporation, Danbury, CT	49 CFR 173.119(m)	To authorize transport of a flammable liquid which is also corrosive in DOT Specification 51 portable tanks. (Mode 1.)
8924-N	DOT-E 8924	Rings for Drums, Inc., Edison, NJ	49 CFR 173.119, 173.120, 178.118-6 (f)(1)-(11)	To authorize manufacture, marking and sale of non-DOT specification 55-gallon drums complying with DOT-17H except for marking and the top head is manufactured of 18 gauge steel with only one corrugation for shipment of paint classed as flammable liquid. (Mode 1.)
8927-N	DOT-E 8927	HTL Industries, Inc., Duarte, CA	49 CFR 173.302(a), 175.3, 178.44	To authorize manufacture, marking and sale of non-DOT specification girth, welded steel spheres, for transportation of nonflammable gases. (Modes 1, 2, 4, and 5.)
8933-N	DOT-E 8933	Ford Aerospace & Communications Corporation, Newport Beach, CA	49 CFR Parts 100-199	To authorize transport of an electric car, containing a sodium-sulfur battery which is below its operating temperature or is depleted. (Mode 1.)
8935-N	DOT-E 8935	Quaker State Oil Refining Corporation, Bradford, PA	49 CFR 178.340-7	To authorize use of a non-DOT specification tank motor vehicle complying with DOT Specification MC-307 except for circumferential reinforcement, for transportation of crude oil. (Mode 1.)
8938-N	DOT-E 8938	Cryogenic Services Inc., Savage, MN	49 CFR 173.304(a), 175.3	To authorize manufacture, marking and sale of DOT Specification 4L welded cylinders, for transportation of nonflammable gases. (Modes 1, 2, 3, and 4.)
8940-N	DOT-E 8940	Arapahoe Chemicals, Inc., Boulder, CO	49 CFR 173.230	To authorize shipment of sodium, metal dispersion in organic solvent, in DOT Specification 5, 5C, 6B or 6C closed head metal drums, overpacked in DOT Specification 17H drums. (Mode 1.)
8942-N	DOT-E 8942	Poly Processing Company, Inc., Monroe, LA	49 CFR 173.266, 178.19, 178.251, 178.253, Part 173, Subpart F	To authorize manufacture, marking and sale of steel jacketed non-DOT specification rotationally molded, cross-linked polyethylene portable tanks, for shipment of corrosive liquids and an oxidizer. (Modes 1, 2, and 3.)

## EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 6263-X	DOT-E 6263	Amtrol, Incorporated, West Warwick, RI	49 CFR 173.302(a)(1)	To authorize transport of certain nonflammable compressed gases in non-DOT specification welded, cylindrical or spherical steel tanks. (Modes 1 and 2.)
EE 8857-X	DOT-E 8857	Korean Airlines, Los Angeles, CA	49 CFR 172.101, column 6(b), 175.320(a)	To authorize transport of Class A explosives loaded on the same aircraft with Class B and C explosives. (Mode 4.)

## WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7857-X	Makhteshim Daron, Beer Sheva, Israel	49 CFR 173.315	To authorize the use of certain non-DOT specification portable tanks for shipment of certain flammable gases. (Modes 1 and 3)

## DENIALS

5767-P Request by E. F. Houghton & Company, Valley Forge, PA to authorize the use of a non-DOT specification steel portable tank for certain corrosive materials denied December 1, 1982.

Issued in Washington, D.C., on January 6, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-1069 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-60-M



**Office of the Secretary**

[OST Docket No. 76; Notice 83-2]

**Recommendations for DOT  
Procedures To Perform International  
Aviation Functions****AGENCY:** Transportation (DOT).**ACTION:** Extension of time to submit  
comments.

**SUMMARY:** This notice extends the deadline for filing comments on what procedures DOT should institute to administer regulatory authority over international aviation when that responsibility is transferred to DOT from the Civil Aeronautics Board (CAB).

**DATE:** The new deadline for comments is January 31, 1983.

**ADDRESS:** Send comments to Docket Clerk (Docket No. 76), C-50, Department of Transportation, Washington, DC 20590. Comments are available for inspection and copying in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, Department of Transportation

Headquarters Building, 400 Seventh Street, SW, Washington, DC, 9:00 a.m. to 5:30 p.m. eastern time Monday through Friday except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Burbank, Office of Policy and International Affairs (202) 426-4303; or Susan McDermott, Office of the General Counsel (202) 426-2972.

**SUPPLEMENTARY INFORMATION:** On December 2, 1982 (47 FR 54405), DOT invited public comment on what procedures it should institute to administer regulatory authority over international aviation when that responsibility is transferred to DOT from the CAB and established a deadline of January 15, 1983 for the receipt of those comments. On December 27, 1982 the Air Transport Association of America (ATA) requested an extension of the comment deadline until January 31, 1983. ATA points out that DOT has raised significant questions about the methods by which it will administer international aviation responsibilities and that the resolution of these questions will have

important and long-lasting effects upon airlines, consumers, civic parties, and the U.S. Government. A short extension of the deadline for submissions, ATA argues, will enhance the likelihood that DOT will receive responsive comments without adversely affecting DOT's exploration of the procedures that it will need to administer its new responsibilities. ATA points out, finally, that the rescheduling to March 2-3, 1983, of the forthcoming DOT seminar on the administration of the transferred CAB functions provides additional time within which to accommodate the requested extension.

Upon consideration of ATA's request, DOT has decided to grant the extension. The deadline for comments is extended to January 31, 1983.

Issued in Washington, DC, on January 10, 1983.

Jeffrey N. Shane,

*Assistant General Counsel for International Law.*

[FR Doc. 83-1246 Filed 1-14-83; 8:45 am]

BILLING CODE 4910-62-M



# Sunshine Act Meetings

Federal Register

Vol. 48, No.11

Monday, January 17, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

	Items
Consumer Product Safety Commission	1,2
Federal Home Loan Bank Board	3
Federal Mine Safety and Health Review Commission	4
National Council on the Handicapped	5

### 1

#### CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10 a.m., Tuesday, January 18, 1983.

**LOCATION:** Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

**STATUS:** Open to the public:

- Coal and Wood Burning Stoves: Labeling Rule*  
The Commission will consider issues related to a labeling rule for coal and wood burning stoves.
- Smoldering Ignition Project: Status*  
The staff will brief the Commission on the status of the smoldering ignition project.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Maryland 20207; 301-492-6800.

[S-62-83 Filed 1-13-83; 1:38 pm]  
BILLING CODE 6355-01-M

### 2

#### CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10 a.m., Wednesday, January 19, 1983.

**LOCATION:** Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

**STATUS:** Open to the public:

- Sleepwear Enforcement Policy*

The Commission will consider proposed statements of policy concerning the children's sleepwear standards.

Closed to the public:

#### 2. Enforcement Matter OSC 3730

The Commission will consider issues related to enforcement matter OSC 3730.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Maryland 20207; 301-492-6800.

[S-63-83 Filed 1-13-83; 1:39 pm]  
BILLING CODE 6355-01-M

### 3

#### FEDERAL HOME LOAN BANK BOARD

**TIME AND DATE:** 10 a.m., Thursday, January 20, 1983.

**PLACE:** Board room, eighth floor, 1700 G Street, NW., Washington, D.C.

**STATUS:** Open meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Lockwood (202-377-6679).

**MATTERS TO BE CONSIDERED:** Branch Office Application—Pocahontas Federal Savings and Loan Association, Pocahontas, Arkansas.

[No. 3, January 13, 1983]  
[S-64-83 Filed 1-13-83; 2:39 pm]  
BILLING CODE 6720-01-M

### 4

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 12, 1983.

**TIME AND DATE:** 10 a.m., Tuesday, January 18, 1983.

**PLACE:** Room 600, 1730 K Street, NW., Washington, D.C.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

- Florence Mining Company, Docket No. PITT 77-15, etc., IBMA 77-32. (The Commissioners granted the operators' petition for reconsideration of the Commission's August 31, 1982 decision and

the issues include whether 30 CFR 75.1405 applies to certain mine-haulage equipment.)

2. Southwestern Illinois Coal Corporation, Docket No. LAKE 80-216. (Issues include whether the judge erred in vacating a citation alleging a violation of 30 CFR 77.1710, dealing with the wearing of safety equipment.)

3. Jones & Laughlin Steel Corporation, Docket No. PENN 81-96-R. (Issues include whether the judge properly determined that 30 CFR 75.303 does not require preshift examination of coal carrying conveyor belts.)

It was determined by a unanimous vote of Commissioners that the above meeting be closed and that no earlier announcement of the meeting was possible.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jean Ellen, (202) 653-5632.

[S-56-83 Filed 1-13-83; 11:52 am]  
BILLING CODE 6735-01-M

### 5

#### NATIONAL COUNCIL ON THE HANDICAPPED

**TIME AND DATE:**

8:30-5 p.m., Monday, January 31, 1983

8:30-11:30 a.m., Tuesday, February 1, 1983

9-3 p.m., Wednesday, February 2, 1983

**PLACE:** Capitol Holiday Inn, (202) 479-4000, 550 C Street, SW. (Saturn/Venus Room), Washington, D.C. 20024.

**STATUS:** Open meeting.

#### MATTERS TO BE CONSIDERED:

Approval of December Minutes  
Approval of Revised by Laws  
Reports of Service Committee and Research Committee  
Task Force Reports  
Review of Plans for the 1983 Annual Report  
Discussion of Policy Issues  
Report of Social Security Ad Hoc and Review of Position Paper  
Swearing in Ceremony  
Discussion of Council Objectives  
Planning for Future Meetings

#### CONTACT PERSON FOR MORE

**INFORMATION:** Hilda Gay Legg, National Council on the Handicapped, (202) 245-3498.

[S-61-83 Filed 1-13-83; 3:18 pm]  
BILLING CODE 4000-01-M







# **federal register**

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**Monday**  
**January 17, 1983**

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## **Part II**

### **Department of the Interior**

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#### **Bureau of Land Management**

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**Rights-of-Way; Proposed Amendment to  
Reimbursement Procedures and  
Proposed Cost Recovery Schedule**



**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Part 2800****Rights-of-Way, Principles and Procedures; Proposed Amendment to Reimbursement of Costs Procedures**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rulemaking

**SUMMARY:** This proposed rulemaking amends the reimbursement of costs provisions of 43 CFR Part 2800 to update them and to make them provide more adequately for the recovery by the United States of reasonable costs of processing and monitoring rights-of-way granted pursuant to authority contained in the Federal Land Policy and Management Act of 1976.

**DATE:** Comments should be submitted by March 18, 1983. Comments postmarked or received on the above date will be considered in the decision making process on the final rulemaking.

**ADDRESS:** Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 to 4:15 p.m.), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**

Pat Clason, (202) 343-5441.

or

Robert C. Bruce, (202) 343-8735.

**SUPPLEMENTARY INFORMATION:** This proposed rulemaking will amend the provisions for reimbursement of right-of-way costs in the existing regulations. These provisions have not been changed since 1975. The change will bring them in line with current costs to the United States of processing and monitoring rights-of-way granted under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.).

Under existing regulations, all right-of-way processing and monitoring costs that exceed \$5,000 per case are collected on an "actual cost" basis which requires the maintenance of detailed cost accounting records. Reimbursement of costs for the handling of right-of-way applications where costs are less than \$5,000 per case to process and monitor is collected in accordance with a fee schedule based on a fixed cost. Experience over the past few years has

shown that reimbursements provided for in the present fee schedule are inadequate to meet the reasonable costs that are incurred by the Bureau of Land Management and, therefore, need to be revised.

As part of the reevaluation of the reimbursement of costs process, the Bureau of Land Management has carefully analyzed its right-of-way application processing and grant monitoring activities and costs to determine if there is a better procedure for handling this matter and to determine if the Bureau is efficiently handling the processing and monitoring processes. From this analysis, six right-of-way categories for reimbursement of cost were developed. Each of the categories reflects a different level of complexity and work involved in processing a specific right-of-way application. The level and extent of required environmental compliance, the number and sensitivity of resources involved, the difficulty of rental appraisal and the number of field examinations required are the factors which will determine the category into which a right-of-way application will fall. The fee program in the proposed rulemaking establishes criteria for fixed fees for five categories which will result in reimbursement of the reasonable costs of processing and monitoring rights-of-way.

The present practice of collecting all allowable right-of-way case processing and monitoring costs where the costs exceed the \$5,000 level will be continued by including them under category six. However, the new category six has no definite minimum cost figure, but the minimum cost for inclusion in category six will generally be about \$5,000. All right-of-way applicants, except those specifically exempted from reimbursement of costs, will be treated equally.

A significant difference between the provisions of the existing regulations and those of the proposed rulemaking is that the dollar amounts of the fee schedule will not be part of the regulations. The regulations will, however describe in detail the differences which are the basis for dividing the schedule into the six separate categories. The fee schedule will be included in the Bureau of Land Management's Manual in the future. In order to keep the public informed, the fee schedule will be published in a notice in the Federal Register when it is issued and each time it is changed. Further, the Bureau's Manual is available to the public upon request.

The proposed schedule for cost recovery to be used by the Bureau of

Land Management in arriving at proper costs for each of the six categories is being published as a separate Federal Register notice simultaneously with the publication of this proposed rulemaking. This notice is published to inform the public of the fees to be charged for processing and monitoring of rights-of-way grants.

Placing the fee schedule in the Bureau Manual will provide flexibility for revising the fee schedule to reflect increases or decreases in reimbursable costs in a more timely manner. This flexibility is a vital element of the regulatory reform program of this Administration and will allow savings resulting from reform of existing regulations to be passed on to the using public as quickly as possible.

The reimbursable costs set out in the fee schedule for categories one through five are representative of costs for each individual category, and the total amount collected for all cases in each category should equal the total reasonable costs of processing all the cases that fall within that category. The alternative of having actual reimbursement of costs for all applications would impose an excessively burdensome and disproportionately high cost of accounting on all applicants.

Because of Federal pay differentials and higher travel costs in Alaska, a higher fee schedule is being established for the State of Alaska.

The principal author of this proposed rulemaking is Pat Clason, Division of Rights-of-Way, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The changes in the proposed rulemaking will not substantially increase the payments made by right-of-way applicants for the processing and monitoring of their applications. The changes made by the proposed rulemaking will make the reimbursement of costs procedures fairer and will recover for the United States a greater portion of the costs



incurred in handling right-of-way applications.

The changes made by the proposed rulemaking will be equally applicable to all entities that make an application to the Bureau of Land Management for use of the public lands for a right-of-way, including those in part 2880.

There are no additional information collection requirements in this proposed rulemaking beyond those contained in 43 CFR Part 2800 of the existing regulations, which were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0107.

#### List of Subjects in 43 CFR Part 2800

Administrative practice and procedure, Communications, Electric power, highways and roads, Pipelines, Public lands—rights-of-way.

Under the authority of title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1781-1771), it is proposed to amend Part 2800, Group 2800, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

#### PART 2800—[AMENDED]

##### 1. Section 2803.1-1 is amended by:

a. Revising paragraphs (a)(3) through (a)(9) and removing paragraphs (a)(10) through (a)(13) as follows:

##### § 2803.1-1 Reimbursement of costs.

(a) \* \* \*

(3) The applicant shall submit with each application a nonreturnable application processing payment in the amount required by a schedule of fees for this purpose which shall be established and maintained by the Director and may be adjusted by the Director from time to time to reflect changes in costs. The fee schedule shall be incorporated in the Bureau Manual, published periodically in the Federal Register, and otherwise made generally available to the public. The fees required shall be based on a review of the use of the public lands for which the application is made, the resources affected and the complexity and costs of the United States of processing required by an application for a right-of-way grant and shall be established according to the following general categories:

(i) *Category I.* An application for a right-of-way grant or temporary use permit to authorize a use of an existing facility on public lands for which compliance with the National Environmental Policy Act is met through a categorical exclusion under Chapter 6, Part 516 of the Departmental Manual; no field examination of the lands affected by the application is required; and

determination of rental is made through use of appraisal schedules previously prepared by the Bureau;

(ii) *Category II.* An application for a right-of-way grant or temporary use permit to authorize a use of public lands for which compliance with the National Environmental Policy Act is met through either a categorical exclusion under Chapter 6, Part 516 of the Departmental Manual or a blanket, areawide or programmatic environmental assessment and finding of no significant impact; one general field examination of the lands affected by the application is required; and determination of rental is made either through use of appraisal schedules or a short form appraisal of fair market rental value;

(iii) *Category III.* An application for a right-of-way grant or temporary use permit to authorize a use of public lands for which compliance with the National Environmental Policy Act requires either preparation of a general environmental assessment from information and data readily available from existing Bureau documents or for which a previously existing environmental assessment prepared by the Bureau can be readily updated; one field examination of the lands affected by the application is required; and determination of rental is made either through use of appraisal schedules or a short form appraisal of fair market rental value;

(iv) *Category IV.* An application for a right-of-way grant or temporary use permit to authorize a use of public lands for which compliance with the National Environmental Policy Act requires one or more assessments of specific resources, but does not require the gathering of original data in preparation of the environmental assessment; no more than two field examinations of the lands affected by the application are required; and determination of rental is made either through use of appraisal schedules or a short form appraisal of fair market rental value;

(v) *Category V.* An application for a right-of-way grant or temporary use permit to authorize a use of public lands for which compliance with the National Environmental Policy Act requires one or more assessments of specific resources and the gathering of original data and supplementary documentation in preparation of the environmental assessment; no more than two field examinations of the lands affected by the application are required; and a determination of rental may be made either through use of appraisal schedules or a short form appraisal of fair market rental value; or

(vi) *Category VI.* An application for a right-of-way grant or temporary use

permit to authorize a use of public lands for which processing activities will be in excess of those listed under paragraph (a)(3)(V) of this section.

(4)(i) The authorized officer shall determine the appropriate category and required application processing fee prior to acceptance of an application. A record of the authorized officer's category determination shall be made and given to the applicant, and the decision is a final decision for purposes of appeal under § 2804.1 of this title. Notwithstanding the pendency of such appeal, an application shall not be accepted for processing without payment of the fee determined by the authorized officer.

(ii) During the processing of an application the authorized officer may change a category determination to place an application in Category VI at any time that it is determined that the application requires preparation of an environmental impact statement. A record of change in category determination under this paragraph shall be made, and the decision is appealable, in the same manner as an original category determination made under paragraph (a)(4)(i) of this section.

(5)(i) An applicant whose application is determined to be in Category VI shall reimburse the full actual administrative and other costs of processing the application. The initial application processing payment required under the fee schedule shall be credited toward the total cost reimbursement obligation of such applicant. When such an application is filed, the authorized officer shall estimate the costs expected to be incurred in processing the application and require the applicant to make periodic payments of the estimated reimbursable costs prior to such costs being incurred by the United States.

(ii) If the payments required by paragraph (a)(5)(i) of this section exceed the actual costs to the United States, the authorized officer may adjust the billing to reflect the overpayment, or make a refund from applicable funds under the authority of 43 U.S.C. 1734. An applicant may not set off or otherwise deduct any debt due to it or any sum claimed to be owed it by the United States without the prior written approval of the authorized officer.

(iii) Prior to issuance of a right-of-way grant or temporary use permit, an applicant subject to paragraph (a)(5)(i) of this section shall pay such additional amounts as are necessary to reimburse the United States for any costs which exceed the payments required by paragraph (a)(5)(i) of this section.



(iv) An applicant subject to paragraph (a)(5)(i) of this section whose application is denied is responsible for costs incurred by the United States in processing the application, and such amounts as have not been paid in accordance with paragraph (a)(5)(i) of this section are due within 30 days of receipt of notice from the authorized office of the amount due.

(v) An applicant subject to paragraph (a)(5)(i) of this section who withdraws an application before a decision is reached is responsible for costs incurred by the United States in processing the application up to the date the authorized officer receives written notice of the withdrawal, and for costs subsequently incurred in terminating the application review process. Such amounts as have not been paid in accordance with paragraph (a)(5)(i) of this section are due within 30 days of receipt of notice from the authorized officer of the amount due.

(6) When two or more applications for right-of-way grants are filed which the authorized officer determines to be in competition with each other, each applicant shall reimburse the United States as required by paragraph (a)(3) of this section. If reimbursement of actual costs is required under paragraph (a)(5)(i) of this section, each applicant shall be responsible for the costs identifiable with his/her application. Costs that are not readily identifiable with one of the applications, such as costs for portions of an environmental impact statement that relate to all of the proposals generally, shall be paid by each of the applicants in equal shares.

(7) When, through partnership, joint venture or other business arrangement, more than one person partnership, corporation association or other entity

apply together for a right-of-way grant or temporary use permit, each such applicant shall be jointly and severally liable for costs under this section.

(8) When two or more noncompeting applications for right-of-way grants are received for what, in the judgment of the authorized officer, is one right-of-way system, all of the applicants shall be jointly and severally liable for costs under this section for the entire system, subject, however, to the provisions of paragraph (a)(7) of this section.

(9) The regulations in this section are applicable to all applications for right-of-way grants or temporary use permits incident to rights-of-way over the public lands filed subsequent to the effective date of these regulations. All other applications pending on or filed after June 1, 1975, are subject to the cost reimbursement procedures required by previously applicable regulations.

b. Amending paragraph (b)(1) by removing the phrase "fees were" and replacing it with the phrase "a fee was"

c. Removing paragraphs (b)(2) through (b)(4) and substituting paragraph (b)(2) through (b)(5) to read:

.....

(b) \* \* \*

(2) The holder shall submit a monitoring cost payment along with the written acceptance of the terms and conditions of the grant or permit pursuant to § 2802.4(g) of this title. The amount of the required payment shall be determined by the schedule of fees described in paragraph (a)(3) of this section, based on the category determination made under paragraph (a)(4) of this section. Acceptance of the terms and conditions of the grant or

permit shall not be effective unless accompanied by the required payment.

(3) A holder whose application was determined to be in Category VI for application processing purposes shall reimburse the actual administrative and other costs of monitoring the grant or permit. The monitoring payment required under the fee schedule shall be credited toward the total monitoring cost reimbursement obligation of such holder. When such a grant or permit is issued, the authorized officer shall estimate the costs expected to be incurred in monitoring the grant or permit and require the holder to make periodic payments of the estimated reimbursable costs prior to such costs being incurred by the United States.

(4) If the payments required by paragraph (b)(3) of this section exceed the actual costs to the United States, the authorized officer may adjust the next billing to reflect the overpayment, or make a refund from applicable funds under the authority of 43 U.S.C. 1734. A holder may not set off or otherwise deduct any debt due or any sum claimed to be owed by the United States without the prior written approval of the authorized officer.

(5) Following termination of a right-of-way grant or temporary use permit, any grantee or permittee that was determined to be in category VI shall pay such additional amounts as are necessary to reimburse the United States for any costs which exceed the payments required by paragraph (b)(3) of this section.

Dated: December 23, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-1204 Filed 1-14-83; 8:45 am]

BILLING CODE 4310-84-M



## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

Rights-of-Way Cost Recovery  
Schedule

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed Schedule and Format for recovering Costs for Processing Right-of-Way applications.

**SUMMARY:** This notice is published simultaneously with publication of the Bureau of Land Management's proposed regulations amending 43 CFR Subpart 2803 Administration of Rights Granted. The purpose of this notice is to illustrate by example the categories of rights-of-way applications which will be used by the Bureau of Land Management in arriving at proper costs for processing rights-of-way applications. The fee schedule will be published in a notice in the Federal Register when it is issued and each time it is changed.

**ADDRESS:** Inquiries or suggestions concerning this proposed fee schedule should be sent to: Director (332), Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Pat Clason, (202) 343-5441.

**SUPPLEMENTARY INFORMATION:** As part of the proposed rulemaking process for 43 CFR Subpart 2800, the Bureau of Land Management analyzed its procedures for processing right-of-way applications and for monitoring grants, and the costs associated with these activities to determine whether the Bureau is efficiently and cost effectively managing these activities. Based on this analysis, six right-of-way categories for reimbursement of costs were developed. Each of the categories reflects a different level of complexity and costs involved in processing a specific right-of-way application. The fee program in the proposed rulemaking establishes criteria for five categories for which fixed fees will result in reimbursement of the reasonable costs of processing and monitoring rights-of-way. All of these involve applications where the total costs of processing and monitoring are less than \$5,000. The present practice of collecting all allowable costs of processing and monitoring rights-of-way which exceed \$5,000 will be continued and is covered by the sixth category in the schedule.

The fee schedule will be published in the Federal Register and will be republished whenever it is revised. The schedule will also be placed in the Bureau Manual. This will provide greater flexibility for revising the fee

schedule to reflect increases or decreases in reimbursable costs in a more timely manner.

The proposed cost recovery schedule and processing costs are set out in the table below. Because of Federal pay differentials and higher travel costs, a separate fee schedule will be established for the State of Alaska.

## PROPOSED COST RECOVERY FEE SCHEDULE

	Category		Alaska	
	Application processing	Monitoring	Application processing	Monitoring
Coterminous States				
I.....	\$100		\$120	
II.....	400	\$120	500	\$160
III.....	700	120	800	160
IV.....	1,200	120	1,500	160
V.....	3,200	240	3,900	320
Actual costs of processing and monitoring				
VI.....	\$	\$	\$	\$

The proposed schedule will be reexamined and may be adjusted at the time of the issuance of the final rulemaking amending 43 CFR Subpart 2803.

Dated: January 12, 1983.

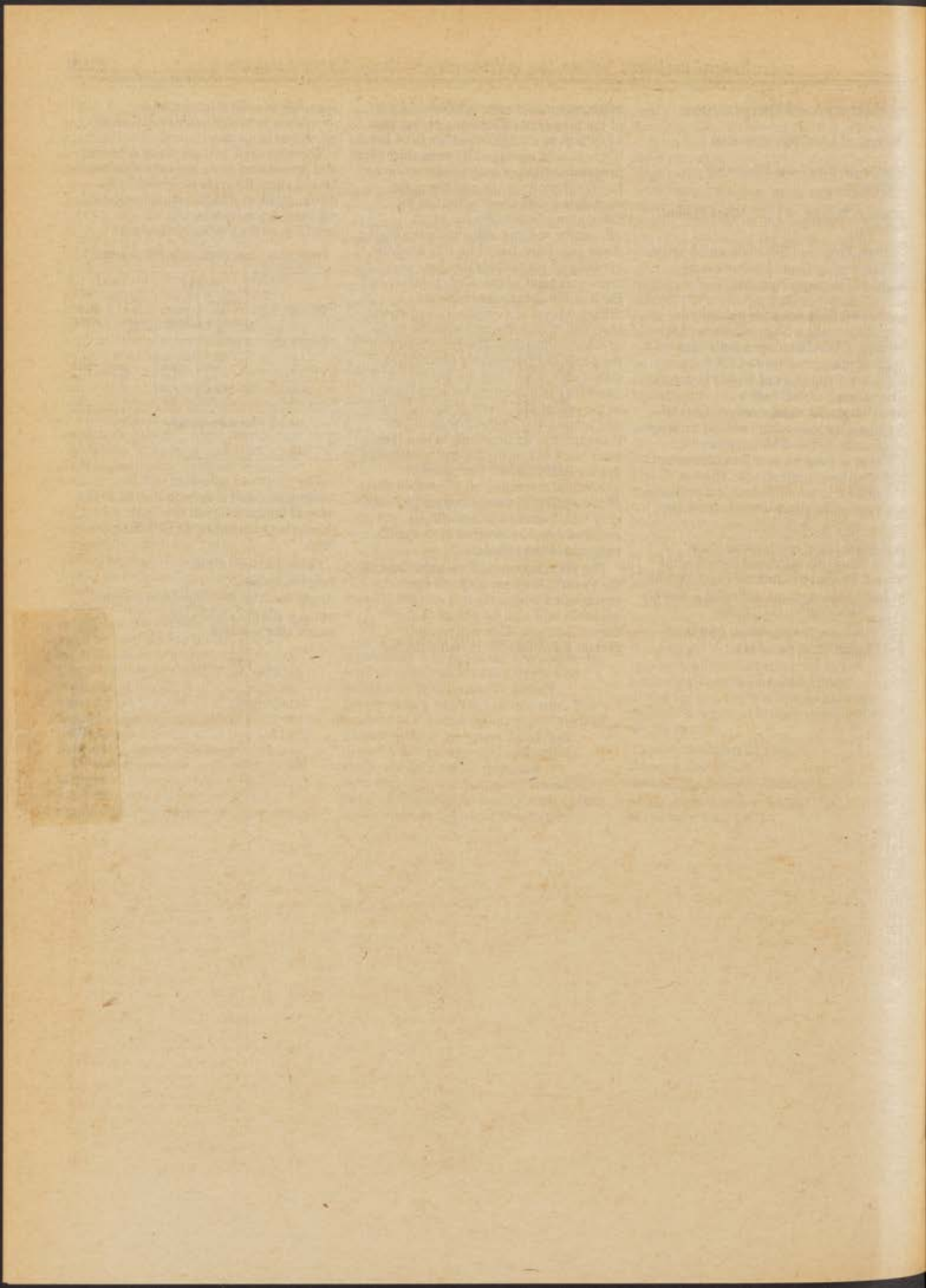
Frank A. DuBois,

Acting Assistant Secretary of the Interior.

[FR Doc. 83-1205 Filed 1-14-83; 9:45 am]

BILLING CODE 4310-64-M







# Reader Aids

Federal Register

Vol. 48, No. 11

Monday, January 17, 1983

## INFORMATION AND ASSISTANCE

### PUBLICATIONS

#### Code of Federal Regulations

CFR Unit	202-523-3419
General information, index, and finding aids	523-3517
Incorporation by reference	523-5227
Printing schedules and pricing information	523-4534
	523-3419

#### Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

#### Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

#### Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

#### United States Government Manual

	523-5230
--	----------

### SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

## FEDERAL REGISTER PAGES AND DATES, JANUARY

1-190	3
191-376	4
377-630	5
631-774	6
775-1020	7
1021-1164	10
1165-1270	11
1271-1480	12
1481-1676	13
1677-1930	14
1931-2114	17

## CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### 3 CFR

Executive Orders:	5010	385
11145 (See	5012	1271
EO 12399)	5013	1677
11183 (See		
EO 12399)	4 CFR	
11287 (See	21	1931
EO 12399)		
11776 (See	5 CFR	
EO 12399)	720	191
12039 (Amended by	Proposed Rules:	
EO 12399)	581	811
12131 (See	2423	1074
EO 12399)	5011	1165
12137 (Amended by		
EO 12399)	7 CFR	
12168 (Revoked by	2	1167
EO 12399)	210	194, 775
12190 (See	215	194
EO 12399)	220	194
12196 (See	225	374, 775
EO 12399)	226	775
12202 (Revoked by	235	194
EO 12399)	254	1168
12216 (See	272	1171
EO 12399)	273	1171
12229 (Revoked by	274	1174
EO 12399)	282	1174
12258 (Superseded by	319	387
EO 12399)	400	1021, 1022
12296 (See	770	1476
EO 12399)	713	1679
12303 (Revoked by	730	1679
EO 12399)	770	1694
12308 (Revoked by	792	1679
EO 12399)	794	1679
12310 (Revoked by	795	1679
EO 12399)	907	631, 1481
12323 (Revoked by	910	782, 1698
EO 12399)	913	1932
12329 (Revoked by	928	1932
EO 12399)	932	1932
12332 (See	959	1932
EO 12399)	971	1932
12345 (See	979	1932
EO 12399)	984	195
12360 (Revoked by	987	1175
EO 12399)	1011	1698
12367 (See	1807	3
EO 12399)	1872	3
12369 (Amended by	1901	3
EO 12399)	1910	3
12382 (See	1924	3, 197
EO 12399)	1940	3
12395 (See	1941	3
EO 12399)	1942	1273
12398	1943	3
12399	1944	3, 197
12400	1945	3, 1176
	1962	3
	1990	3
Proclamations:		
5008	1	
5009	383	
	Proposed Rules:	
	285	259



800.....1979	323.....634	156.....786	22 CFR
910.....1508	326.....396	157.....786	42.....646
947.....260	385.....404	158.....786	514.....792, 1941
959.....28	389.....635, 1275, 1941	250.....786	Proposed Rules:
993.....260	Proposed Rules:	270.....786, 1279	121.....1758
1001.....812	21.....1513	271.....644, 786	
1126.....28	29.....772	273.....1279	23 CFR
1701.....1731	39.....1514, 1515, 1979, 1981	275.....786	625.....1047
1942.....1512	71.....29, 1075, 1517	276.....644	635.....1946
	120.....1518	281.....786	645.....1948
8 CFR	291.....30	282.....786	655.....1047
235.....8		284.....786, 1279	Proposed Rules:
238.....1481	15 CFR	286.....786	625.....1075
	19.....1183	292.....786	655.....1075
9 CFR	373.....643	340.....1279	1209.....425, 656
92.....783, 1699	399.....785	375.....786	
	2301.....228	385.....786	24 CFR
10 CFR	Proposed Rules:	388.....786	Subtitle A.....1948
50.....1026	303.....263	Proposed Rules:	115.....1190
140.....1029	325.....31	Ch. I.....267	200.....1192, 1954
375.....1181	929.....1734	385.....40	201.....1707
376.....1181		271.....421-424, 1519	
378.....1181	16 CFR		25 CFR
390.....1181	13.....1486	19 CFR	249.....1051
391.....1181	15.....15	4.....1185	
463.....1606	419.....1046	7.....228, 1290	26 CFR
Proposed Rules:	1030.....14	24.....1186	1.....1708
Ch. I.....1732	1507.....15	177.....1187	51.....1486
210.....261	Proposed Rules:	Proposed Rules:	6a.....647
456.....1200	13.....32, 1200, 1982	101.....268	7.....1710
458.....1200	419.....265	134.....40	31.....1193
	1145.....37	148.....40	32.....793
12 CFR		162.....40	35.....1052
204.....223	17 CFR	171.....40	51.....794, 1711
217.....223	1.....786, 1047, 1184	172.....40	Proposed Rules:
329.....9, 1182	3.....786		1.....436, 667, 668, 1759,
523.....1030	4.....786	20 CFR	1761
541.....173	15.....786	626.....230	48.....437, 442
543.....173, 178	16.....786, 1047	655.....232, 1701	51.....1762
544.....1030	18.....786	Proposed Rules:	301.....675, 1764
545.....173, 178	21.....786	404.....268	
546.....173, 178	32.....786	410.....268	27 CFR
552.....173, 178	33.....786	416.....268	9.....1291
562.....173	145.....786	422.....268	19.....1290
563.....173, 393	147.....786		Proposed Rules:
584.....170	155.....786	21 CFR	9.....1315, 1318, 1985
Proposed Rules:	170.....786	135.....1190	28 CFR
3.....813	180.....786	176.....235, 1701	2.....1193
5.....1732	Proposed Rules:	177.....236	
6.....813	230.....813	178.....236-238	29 CFR
7.....813, 1732	239.....813	181.....1702	1626.....138
32.....813	270.....813	184.....239	1910.....1864
563.....417	274.....813	200.....1706	1990.....241
563c.....417		211.....1706	2520.....1712
710.....419	18 CFR	314.....1706	2619.....1715
	1.....786	429.....787	Proposed Rules:
13 CFR	1b.....786	430.....788	1907.....270
133.....395	2.....788	436.....788	
14 CFR	3.....786	442.....788	30 CFR
21.....631	3a.....786	514.....1922	250.....1955
27.....631	4.....786, 1275	522.....241, 791	259.....1181
29.....631	12.....786	540.....792	260.....1181
39.....10-13, 633, 1031, 1034,	16.....786	556.....791	261.....1181
1482-1485, 1933-1939	25.....786	700.....1706	262.....1181
71.....634, 1036, 1037, 1940	32.....786	800.....1706	263.....1181
91.....631	33.....786	Proposed Rules:	816.....1166
95.....1038	34.....786	Ch. I.....1734	817.....1166
97.....1044	35.....786	161.....269	915.....243
207.....226	41.....786	182.....269, 834, 1735-1745	917.....245
208.....226	45.....786	184.....269, 834, 1735-1745	925.....1956
221.....227, 785, 1940	131.....786	186.....269	935.....1957
296.....785	152.....786	357.....270, 1758	946.....404
320.....1701	153.....786	888.....839	Proposed Rules:
	154.....786, 1279		55.....273



56.....	273	35.....	1769	71.....	653
57.....	273	52.....	274, 277	77.....	653
75.....	273	55.....	839	90.....	653
77.....	273	60.....	279	91.....	653
211.....	1768	81.....	1989	96.....	653
221.....	1768	86.....	1472	113.....	653
231.....	1768	120.....	1769	167.....	653
250.....	1768	123.....	483	175.....	653
251.....	1083	131.....	1769	184.....	653
260.....	1200	180.....	484, 1320	185.....	653
270.....	1768	192.....	605	188.....	653
903.....	273	262.....	118	189.....	653
917.....	1967	403.....	1769	195.....	653
946.....	1201	464.....	1084	522.....	797
<b>31 CFR</b>		468.....	1769	<b>Proposed Rules:</b>	
2.....	16	<b>41 CFR</b>		67.....	682
535.....	252, 794	13-1.....	1056	<b>47 CFR</b>	
<b>Proposed Rules:</b>		101-47.....	1300	Ch. I.....	797
1.....	481	<b>Proposed Rules:</b>		1.....	1972
<b>32 CFR</b>		3-3.....	1774	73.....	806-809, 1492-1494
850.....	1194	<b>42 CFR</b>		94.....	1494, 1972
1900.....	1293	110.....	1301	<b>Proposed Rules:</b>	
<b>33 CFR</b>		<b>Proposed Rules:</b>		73.....	841-843, 1521-1523, 1990
110.....	1958	37.....	1321	76.....	40, 844
165.....	1958	51a.....	1323	81.....	847
<b>Proposed Rules:</b>		51d.....	1323	<b>49 CFR</b>	
110.....	1988	51f.....	1323	Ch. II.....	1973
115.....	676	124.....	1088	6.....	1068
157.....	1519	405.....	299	173.....	655
<b>34 CFR</b>		480.....	299	1157.....	413
<b>Proposed Rules:</b>		482.....	299	1160.....	1977
510.....	1202	483.....	299	1245.....	655
<b>36 CFR</b>		484.....	299	1246.....	655
7.....	1194, 1487	485.....	299	1301.....	1312
<b>38 CFR</b>		486.....	299	<b>Proposed Rules:</b>	
1.....	1052	487.....	299	Ch. X.....	41
6.....	1959	488.....	299	571.....	1089, 1992
17.....	1489	<b>43 CFR</b>		1130.....	2025
21.....	1196	3000.....	1303	1162.....	2026
36.....	1716	3130.....	412	1306.....	2026
<b>39 CFR</b>		3410.....	1303	1307.....	2026
221.....	1965	3420.....	1303	1309.....	1524
222.....	1965	3430.....	1303	1310.....	1524
223.....	1965	3450.....	1303	<b>50 CFR</b>	
224.....	1965	<b>Proposed Rules:</b>		10.....	1312
225.....	1965	2710.....	1324	14.....	1313
265.....	1965	2800.....	2110	17.....	608, 1722
<b>Proposed Rules:</b>		<b>44 CFR</b>		26.....	1501
3001.....	482	64.....	254, 794, 1306, 1969	424.....	1726
<b>40 CFR</b>		65.....	1308	611.....	256, 414, 415, 1505
6.....	1012	67.....	650, 1061	653.....	416
50.....	828	70.....	650-652	663.....	26, 809
52.....	253, 1717	<b>Proposed Rules:</b>		680.....	415
60.....	1056	6.....	676	<b>Proposed Rules:</b>	
86.....	1406, 1418, 1430	67.....	677-681, 840	13.....	1325
123.....	1197	<b>45 CFR</b>		17.....	42, 617, 1325
173.....	404	3.....	1311	20.....	1525
180.....	411, 1298, 1299, 1490	1607.....	1971	21.....	1325
192.....	590	<b>Proposed Rules:</b>		227.....	42
256.....	1491	233.....	1203	<b>46 CFR</b>	
410.....	1722	<b>46 CFR</b>		2.....	653
761.....	124	2.....	653	24.....	653
<b>Proposed Rules:</b>		25.....	653	25.....	653
Ch. II.....	1084	30.....	653	31.....	653
6.....	1014	31.....	653	32.....	653
		32.....	653	70.....	653



## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

## List of Public Laws

## Last Listing January 13, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

- H.J. Res. 459 / Pub. L. 97-445 Authorizing the President to proclaim May 13, 1983, as "American Indian Day". (Jan. 12, 1983; 96 Stat. 2328) Price: \$1.75.
- H.R. 4566 / Pub. L. 97-446 To reduce certain duties, to suspend temporarily certain duties, to extend certain existing suspensions of duties, and for other purposes. (Jan. 12, 1983; 96 Stat. 2329) Price: \$4.25.
- H.R. 4491 / Pub. L. 97-447 To exempt the United States Capitol Historical Society from certain taxes. (Jan. 12, 1983; 96 Stat. 2364) Price: \$1.75.
- H.R. 6056 / Pub. L. 97-448 Technical Corrections Act of 1982. (Jan. 12, 1983; 96 Stat. 2365) Price: \$4.25.
- H.R. 6993 / Pub. L. 97-449 To revise, codify, and enact without substantive change certain general and permanent laws related to transportation as subtitle I and chapter 31 of subtitle II of title 49, United States Code, "Transportation". (Jan. 12, 1983; 96 Stat. 2413) Price: \$4.25.
- H.R. 5029 / Pub. L. 97-450 To designate the Federal Building in Fresno, California, as the "B. F. Sisk Federal Building". (Jan. 12, 1983; 96 Stat. 2446) Price: \$1.75.
- H.R. 5121 / Pub. L. 97-451 Federal Oil and Gas Royalty Management Act of 1982. (Jan. 12, 1983; 96 Stat. 2447) Price: \$2.75.
- H.R. 7378 / Pub. L. 97-452 To codify without substantive change recent laws related to money and finance and to improve the United States Code. (Jan. 12, 1983; 96 Stat. 2467) Price: \$2.50.
- H.R. 5002 / Pub. L. 97-453 To improve fishery conservation and management. (Jan. 12, 1983; 96 Stat. 2481) Price: \$2.50.
- H.R. 7410 / Pub. L. 97-454 To amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes. (Jan. 12, 1983; 96 Stat. 2494) Price: \$1.75.
- H.R. 7093 / Pub. L. 97-455 To amend the Internal Revenue Code of 1954 to reduce the rate of certain taxes paid to the Virgin Islands on Virgin Islands source income, to amend the Social Security Act to provide for a temporary period that payment of disability benefits may continue through the hearing stage of the appeals process, and for other purposes. (Jan. 12, 1983; 96 Stat. 2497) Price: \$2.00.

H.R. 6094 / Pub. L. 97-456 To authorize appropriations for the United States International Trade Commission, the United States Customs Service, and the Office of the United States Trade Representative for fiscal year 1983, and for other purposes. (Jan. 12, 1983; 96 Stat. 2503) Price: \$1.75.

S.J. Res. 271 / Pub. L. 97-457 To make technical corrections in certain banking and related statutes. (Jan. 12, 1983; 96 Stat. 2507) Price: \$2.00.

H.R. 3731 / Pub. L. 97-458 To amend the Act of October 19, 1973 (87 Stat. 466), relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claims. (Jan. 12, 1983; 96 Stat. 2512) Price: \$1.75.

S. 503 / Pub. L. 97-459 To authorize the purchase, sale, and exchange of lands by Indian tribes and by the Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation of North Dakota specifically, and for other purposes. (Jan. 12, 1983; 96 Stat. 2515) Price: \$2.00.

S. 1540 / Pub. L. 97-460 To revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes. (Jan. 12, 1983; 96 Stat. 2520) Price: \$1.75.

H.R. 6679 / Pub. L. 97-461 To authorize the Secretary of Agriculture to assess civil penalties with respect to violations of certain Acts relating to the prevention of the introduction and dissemination into the United States of plant pests, plant disease, and livestock and poultry diseases, to increase the amount of criminal fines which may be imposed with respect to violations of such Acts, and for other purposes. (Jan. 12, 1983; 96 Stat. 2523) Price: \$1.75.

H.R. 7154 / Pub. L. 97-462 Federal Rules of Civil Procedure Amendments Act of 1982. (Jan. 12, 1983; 96 Stat. 2527) Price: \$1.75.

S. 2863 / Pub. L. 97-463 To amend title 28 to provide protection to all jurors in Federal cases to clarify the compensation of attorneys for jurors in protecting their employment rights, and authorizing the service of jury summonses by ordinary mail. (Jan. 12, 1983; 96 Stat. 2531) Price: \$1.75.

S. 2273 / Pub. L. 97-464 To amend the Earthquake Hazards Reduction Act of 1977 to extend authorizations of appropriations, and for other purposes. (Jan. 12, 1983; 96 Stat. 2533) Price: \$1.75.

S. 705 / Pub. L. 97-465 To authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes. (Jan. 12, 1983; 96 Stat. 2535) Price: \$1.75.