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Wednesday
June 2, 1982

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Civil Aeronautics Board

Air Pollution Control
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Cemeteries
Veterans Administration

Commodity Futures
Commodity Futures Trading Commission

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Mortgages
Comptroller of Currency

Pesticides and Pests
Environmental Protection Agency

Spices and Flavorings
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Selected Subjects

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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Nectarine Reg. 14, Amdt. 1; Peach Reg. 14, Amdt. 1; Plum Reg. 19, Amdt. 1]

Nectarines Grown in California, and Fresh Pears, Plums and Peaches Grown in California; Amendment of Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the minimum size requirements for shipments of specified varieties of fresh nectarines, peaches, and plums grown in California. These requirements are designed to promote marketing of suitable quality and sizes of fresh fruit in the interest of producers and consumers.

DATES: Interim rule effective June 2, 1982 through August 15, 1982, and allows for comments through June 30, 1982. Any comments which are received will be considered prior to issuance of a final rule to become effective August 16, 1982.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

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

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

The amendments of regulations are issued under the marketing agreements, as amended, and Order Nos. 916 and 917, as amended (7 CFR Parts 916 and 917), regulating the handling of fresh nectarines, pears, plums and peaches grown in California. The agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Nectarine Administrative Committee, Peach Commodity Committee and Plum Commodity Committee, and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the act.

The Nectarine Administrative Committee met on May 6, 1982, to consider supply and market conditions and other factors affecting the need for regulation. The committee estimated fresh shipments of California nectarines at 11.6 million packages, compared with actual shipments of 14.9 million packages last season. The committee reports that the 1982 California nectarine crop suffered some damage due to a late March cold storm but fruit is sizing normally. The committee reviewed the current grade and size regulation and, on the basis of its appraisal of current supply and demand factors, it recommended inclusion of six new nectarine varieties, and, removal from size regulation of three varieties no longer produced in commercially significant quantities. Varieties which should be included, as applicable, in subparagraphs (4) or (5) of § 916.356 which require that a maximum count per No. 22D standard lug box of 96 or 84 nectarines, respectively, are as follows: Sunfre, Autumn Delight, Late Tina Red, Red Jim, Summer Beaut and Sparkling Red (48-G-140). Varieties for which regulations should no longer apply and should be deleted from the applicable subparagraph are 73-40, Royal Grand and Sun King.

The Peach Commodity Committee met on May 5, 1982, to consider supply and market conditions and other factors affecting the need for regulation. The committee estimated fresh shipments of California peaches at 11.3 million packages, compared with actual shipments of 12.8 million packages last season. The committee reports that the 1982 California peach crop suffered some damage due to a late March cold storm but fruit is sizing normally. The committee reviewed the current grade and size regulation and, on the basis of its appraisal of current supply and demand factors, recommended inclusion of three new peach varieties, and, removal from size regulation of four varieties no longer produced in commercially significant quantities. Varieties which should be included as applicable in subparagraphs (3), (4), or (5) of § 917.459(a) which require 84, 80 or 72 peaches per No. 22D standard lug box, respectively, are as follows: Golden Lady, Early Redhaven, and Cassie. Varieties for which size regulations should no longer apply and should be deleted from the applicable subparagraph are: Dixired, Bella Rosa, Summertime, and Treasure.

The Plum Commodity Committee met on May 6, 1982, to consider supply and market conditions and other factors affecting the need for regulation. The committee estimated fresh shipments of California plums at 5.9 million packages, compared with actual shipments of 13.9 million packages last season. The committee reports that the 1982 California plum crop suffered severe damage due to a late March cold storm but fruit is sizing normally. The committee reviewed the current grade and size regulation, and, on the basis of its appraisal of current supply and demand factors, recommended inclusion of the new variety Angee in § 917.460(b)(2), which specifies a minimum grade of U.S. No. 1, except for an additional allowance for stem end cracks. The committee also recommended that in § 917.460(c), which contains size requirements, five new varieties (Early Hawaiian Ann, July Red, Milwaukee, Rosemary and Spring Beaut) should be regulated and two varieties (Beauty and Burmosa) should be removed from size regulation.

The amendments to the size requirements are necessary to prevent the shipment of California fruit of a smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

Modification of CFR designations

relating to the U.S. grade standards for nectarines, peaches, and plums, reflect redesignations outlined in FR document (46 FR 63203).

To minimize disruption as much as possible and still bring this marketing order into compliance with the Secretary's guidelines for fruit, vegetable, and specialty crop marketing orders issued January 25, 1982, these regulations are being issued with the understanding that the committees regulated under 7 CFR Parts 916 and 917 will initiate certain actions during 1982. These actions are necessary so that operations under the programs will conform with the guidelines. The guidelines state that orders such as these which contain quality provisions should not be used as a form of supply control. In evaluating quality control programs, emphasis is placed on: (1) Whether quality controls have varied significantly from season to season or within seasons; (2) whether the percentage of product meeting minimum quality standards has been declining; or (3) whether the standards have been tightened over the years. In addition, to conform with the guidelines, these marketing orders should contain a limitation on committee tenure.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these amendments effective as specified in that (1) shipment of the current crop soon will be underway; (2) the amendments to the regulations were recommended by the committee following discussion at public meetings; (3) California handlers have been apprised of these requirements and the effective date; (4) the requirements are basically the same as those currently in effect.

List of Subjects in 7 CFR Parts 916 and 917

Marketing agreements and orders, Nectarines, Pears, Plums, Peaches, California.

Therefore, §§ 916.356, 917.459, and 917.460 are revised as follows (these revisions expire August 15, 1982, and will not be published in the annual Code of Federal Regulations):

PART 916—NECTARINES GROWN IN CALIFORNIA

1. Section 916.356 (46 FR 37498) is amended by revising the introductory texts of paragraphs (a), (a)(4), and (a)(5), and paragraph (b) to read as follows:

§ 916.356 Nectarine Regulation 14.

(a) During the period June 2, 1982, through August 15, 1982, no handler shall handle:

* * * * *

(4) Any package or container of Apache, Armking, Arm Queen, Crimson Gold, Early Star, Gee Red, June Belle, June Grand, May Grand, Red June, Spring Grand, Sunfre, or Zee Gold variety nectarines unless: * * *

(5) Any package or container of Autumn Grand, Bob Grand, Clinton-Strawberry, Early Sun Grand, Ed's Red, Fairlane, Fantasia, Firebrite, Flamekist, Flavortop, Flavortop I, Gold King, Granderli, Hi-Red, Independence, Kent Grand, Late Le Grand, Le Grand, Moon Grand, Niagara Grand, Red Diamond, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Ruby Grand, September Grand, Tasty Free, Tom Grand, Honey Gold, Larry's Grand, Son Red, Spring Red, Late Tina Red, Red Jim, Summer Beaut, Sparkling Red (48-G-140), Star Grand, Summer Grand, Sun Grand, or Autumn Delight variety nectarines unless: * * *

(b) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Grades of Nectarines (7 CFR 51.3145-3160); "No. 22D standard lug box" means the same as defined in Section 1380.19(17) of the "Regulations of the California Department of Food and Agriculture."

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

2. Section 917.459 (46 FR 38338) is amended by revising the introductory texts of paragraphs (a), (a)(3), (a)(4), and (a)(5), and paragraph (d) to read as follows (as published the designation for paragraph (a) was omitted):

§ 917.459 Peach Regulation 14.

(a) During the period June 2, 1982 through August 15, 1982, no handler shall handle:

* * * * *

(3) Any package or container of any type of Babcock, Bonjour, Cardinal, Early Coronet, Early Royal May, Firecrest, First Lady, Flavorcrest, JJK-1, June Lady, May Lady, Merrill Gemfree, Royal May, Springcrest, Royal Crest, May Crest, Golden Lady, or Tizz variety peaches unless: * * *

* * * * *

(4) Any package or container of Coronet, Indian Red, Merrill Gem, Redhaven, Redtop, Early Redhaven, or Regina variety peaches unless: * * *

(5) Any package or container of Angelus, Autumn Gem, Belmont, Cal Red, Carnival, Early Fairtime, Early O'Henry, Elegant Lady, Fairtime, Fay Elberta, Fayette, Fiesta, Fire Red, Flamecrest, Fortyniner, Franciscan, Gem Crest, Halloween, Jody Gaye, July Elberta (Early Elberta, Kim Elberta, and Socala), July Lady, Kearney, Mardigras, Merricle, O'Henry, Otani, Pacifica, Parade, Paradise, Preuss Suncrest, Red Cal, Redglobe, Red Lady, Regular Elberta, Rio Oso Gem, Scarlet Lady, Sparkle, Summerset, Suncrest, Sun Lady, Toreador, Cassie, or Windsor variety peaches unless: * * *

* * * * *

(d) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Grades of Peaches (7 CFR 51.1210-1223); and "No. 22D standard lug box" and "No. 12B standard fruit (peach) box" mean the same as defined in Section 1380.19(18) of the "Regulations of the California Department of Food and Agriculture."

3. Section 917.460 (46 FR 38339) is revised to read as follows:

§ 917.460 Plum Regulation 19.

(a) During the period June 2, 1982 through August 15, 1982, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(b) During the period June 2, 1982 through August 15, 1982, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(2) Any lot of packages or containers of Angee, Autumn Queen, Casselman, Empress, Freedom (42-26), Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW-1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade: *Provided,* That

maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(c) During the period June 2, 1982 through August 15, 1982, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

TABLE I

Column A, variety	Column B, plums per sample
Ace	55
Amazon	64
Andys Pride	69
Angeleno	67
Autumn Rosa	72
Bee Gee	65
Black Beaut	74
Black Knight	58
Casselman	63
Durado	74
Early Hawaiian Ann	60
Ebony	66
El Dorado	68
Elephant Heart	53
Empress	57
Freedom	56
Fresno Rosa	62
Friar	56
Frontier	61
Gar-Rosa	71
Golden Glow	60
Grand Rosa	54
July Red	64
July Santa Rosa	69
Kelsey	47
King David	50
King's Black	58
Laroda	58
Late Santa Rosa (including improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	63
Mariposa	61
Midsummer	63
Milwaukee	56
Nubiana	56
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Rosa	64
Redroy	58
Rosa Ann	69
Rosemary	50
Rosa Grande	63
Rose Ann	60
Royal Red	74
Roysum	74
Santa Rosa	69
Simka, Arrosa, New Yorker	50
Spring Beaut	74
Standard	83
Tragedy	114
Wickson	51

(d) As used herein, "U.S. No. 1" and "serious damage" mean the same as defined in the United States Standards for Grades of Fresh Plums and Prunes (7 CFR 51.1520–15.38).

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

Dated: May 28, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-15021 Filed 6-1-82; 8:45 am]

BILLING CODE 3410-02-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-45]

Interpretations Relating to Financial Reporting Matters; Staff Accounting Bulletin No. 45

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This Staff Accounting Bulletin presents the staff's view concerning the presentation of pro forma information under certain narrow circumstances. When a planned or consummated business combination to be accounted for as a pooling of interests involves a closely owned and managed enterprise and the salary of an owner-manager will be substantially changed resulting from a new employment contract, the registrant may include a supplemental pro forma presentation to reflect changes in salary expense following the merger. Although this interpretation focuses on the owner-manager's salary in particular, the staff believes that the general principles are relevant to other types of expenses related to owner-managers that might be substantially increased or reduced as a result of contractual agreements.

DATE: May 20, 1982.

FOR FURTHER INFORMATION CONTACT: Eugene W. Green, Office of the Chief Accountant (202/272-2130), or Howard P. Hodges, Jr., Chief Accountant, Division of Corporation Finance (202/272-2554), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Shirley E. Hollis,

Assistant Secretary.

May 20, 1982.

Staff Accounting Bulletin No. 45

The staff hereby adds Topic, 2-C, regarding disclosure of pro forma financial information.

Topic 2: Business Combinations

* * * * *

C. Pro Forma Financial Information

Facts

Company X and Company Y (a closely owned and managed organization) agree to merge in a transaction to be accounted for as a pooling of interests. In connection with the merger agreement, the combined enterprise enters into an employment agreement with A, Company Y's executive officer and sole shareholder. The salary to be paid to A pursuant to the employment agreement is substantially less than the compensation A received from Company Y. Prior to the merger, a substantial portion of Company Y's annual earnings had been paid to the executive officer as salary.

Question 1

Is it appropriate to adjust Y's financial statements or the combined historical financial statements by transferring a portion of the executive officer's compensation from "Salary Expense" to "Distribution to Shareholder" in order to reflect the compensation level provided for in the new employment contract?

Interpretive Response

No. The determination of salary paid to owners is highly discretionary and although compensation exceeded that which will be paid in the future, retroactive adjustments to financial statements to reduce salary expense are not appropriate.

Question 2

In such circumstances, may pro forma financial information be presented for the combined enterprise which reflects the salary that will be paid to A after consummation of the transaction?

Interpretive Response

Yes. In exceptional circumstances, adjustments in officers' salaries, following consummation of a merger, may be so significant as to make the combined historical results of operations unrepresentative of future operating results. Under these circumstances, the

financial statements of the combined enterprise may be supplemented with a pro forma financial presentation which shows the effects of salary changes that are supported by employment agreements. Such pro forma presentation should be limited to the latest fiscal year and any subsequent interim period presented. It should be accompanied by an explanation that (1) the supplemental pro forma presentation is shown solely as a result of changed circumstances that will exist following consummation of the merger, (2) that A's duties and responsibilities will not be diminished with the result that other costs will be incurred that offset the pro forma adjustment to compensation expense, and (3) the information is necessary for investors to realistically assess the impact of the combination. The following is an example of such supplemental pro forma presentation.

	19X1	19X2	19X3
Combined net income	$10,000	$11,000	$12,000
Pro forma adjustment to compensation expense:			
Contractual reduction to be made in officer salary			60,000
Related income taxes			(30,000)
			30,000
Pro forma net income after contractual reduction to be made in officer salary			42,000
Per share of common stock:			
Net income	1.00	1.10	1.20
Pro forma after contractual reduction to be made in officer salary			4.20

[FR Doc. 82-14889 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 211

[Release No. SAB-46]

Interpretations Relating to Financial Reporting Matters; Staff Accounting Bulletin No. 46

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: The interpretations in this Staff Accounting Bulletin revise existing staff interpretations of requirements for interim financial reporting resulting from the adoption of Accounting Series Release Nos. 286, 302 and 306. In addition, a revised topical index is being published to reflect the impact of all actions to date on the Staff Accounting Bulletin series.

DATE: May 20, 1982.

FOR FURTHER INFORMATION CONTACT: John W. Albert, Office of the Chief Accountant (202-272-2133) or Howard P. Hodges, Jr., Chief Accountant, Division of Corporation Finance (202-272-2554), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

May 20, 1982.

Shirley E. Hollis,

Assistant Secretary.

Staff Accounting Bulletin No. 46

The staff hereby deletes subsections 1 and 2(a) of topic 6-G of Staff Accounting Bulletin No. 40 and replaces them with the following revised staff interpretations. The staff is also amending subsection 2(b) of this same topic. These interpretations do not reflect any substantive changes in staff position. Rather, they simply reflect adoption of revised disclosure requirements for interim financial reporting announced in Accounting Series Release No. ("ASR") 286, the elimination of requirements for the presentation of separate financial statements of the parent company only and of consolidated subsidiaries engaged in diverse financial-type activities announced in ASR 302, and revisions to the disclosure requirements of Form S-K announced in ASR 306.

Topic 6: Interpretations of Accounting Series Releases

* * * * *

G. Accounting Series Release Nos. 177 and 286—Relating to Amendments to Form 10-Q, Regulation S-K, and Regulation S-X Regarding Interim Financial Reporting

General Facts

Disclosure requirements for quarterly data on Form 10-Q were amended in Accounting Series Release Nos. 177 and 286 to include condensed interim financial statements, a narrative analysis of financial condition and results of operations, a letter from the registrant's independent public accountant commenting on any accounting change, and a signature by the registrant's chief financial officer or chief accounting officer. In addition, certain selected quarterly data is required to be disclosed by registrants who meet criteria both as to size and trading activity.

1. Selected Quarterly Financial Data (Item 302(a) of Regulation S-K).[1]

a. Disclosure of Selected Quarterly Financial Data.

Facts:

Item 302(a)(1) of Regulation S-K requires disclosure of net sales, gross profit, income before extraordinary items and cumulative effect of a change in accounting, per share data based upon such income, and net income for each full quarter within the two most recent fiscal years and any subsequent interim period for which financial statements are included. Item 302(a)(3) requires the registrant to describe the effect of any disposals of segments of a business and extraordinary, unusual or infrequently occurring items recognized in each quarter, as well as the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter. Furthermore, Item 302(a)(2) requires a reconciliation of amounts previously reported on Form 10-Q to the quarterly data presented if the amounts differ.

Question 1

Are these disclosure requirements applicable to supplemental financial statements included in a filing with the SEC for unconsolidated subsidiaries and 50% or less owned persons?

Interpretive Response

The summarized quarterly financial data required by Item 302(a)(1) need not be included in supplemental financial statements for unconsolidated subsidiaries and 50% or less owned persons unless the financial statements are for a subsidiary or affiliate that is itself a registrant which meets the criteria set forth in Item 302(a)(5).

Question 2

If a company is in a specialized industry where "gross profit" generally is not computed (e.g., banks, insurance companies and finance companies) what disclosure should be made to comply with the requirements of Item 302(a)(1)?

Interpretive Response

Companies in specialized industries should present summarized quarterly financial data which are most meaningful in their particular circumstances. For example, a bank might present interest income, interest

[1] As indicated in ASR 306, the Commission plans to reexamine the criteria for furnishing selected quarterly financial data in the near future.

expense, provision for loan losses, security gains or losses and net income. Similarly, an insurance company might present net premiums earned, underwriting costs and expenses, investment income, security gains or losses and net income.

Question 3

If a company wishes to make its quarterly and annual disclosures on the same basis, would disclosure of costs and expenses associated directly with or allocated to products sold or services rendered, or other appropriate data to enable users to compute "gross profit," satisfy the requirements of Item 302(a)(1)?

Interpretive Response

Yes.

Question 4

What is meant by "per-share data based upon such income" as used in Item 302(a)(1)?

Interpretive Response

Item 302(a)(1) only requires disclosure of per share amounts for income before extraordinary items and cumulative effect of a change in accounting. It is expected that when per share data is calculated for each full quarter based upon such income, the per share amounts would be both primary and fully diluted. Although it is not required by the rule, there are many instances where it would be desirable to also disclose other per share figures such as net earnings per share and the per share effect of extraordinary items. Where such disclosure is made, per share data should be both primary and fully diluted.

Question 5

What is intended by the requirement set forth in Item 302(a)(3) that registrants "describe the effect of" disposals of segments of a business, etc.?

Interpretive Response

The rule is intended to require registrants to "disclose the amount" of such unusual transactions and events included in the results reported for each quarter. Such disclosure would be made in narrative form. However, it would not require that matters covered by management's discussion and analysis of financial condition and results of operations be repeated. In this situation, registrants should disclose the nature and amount of the unusual transaction or event and refer to management's analysis for further discussion of the matter.

Question 6

What is intended by the requirement of Item 302(a)(3) to disclose "the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter"?

Interpretive Response

This language is taken directly from Paragraph 31 of Accounting Principles Board Opinion No. 28 which relates to disclosures required for the fourth quarter of the year. The Opinion indicates that earlier quarters should not be restated to reflect a change in accounting estimate recorded at year end. However, changes in an accounting estimate made in an interim period that materially affect the quarter in which the change occurred are required to be disclosed in order to avoid misleading comparisons. In making such disclosure, registrants may wish to identify (but not restate) the prior periods in which transactions were recorded which relate to the change in the quarter.

Question 7

If a company has filed a Form 8 amending a previously filed Form 10–Q, is a reconciliation of quarterly data in annual financial statements with the amounts originally reported on Form 10–Q required?

Interpretive Response

Yes. However, if the company publishes quarterly reports to shareholders and has previously made detailed disclosure to shareholders in such reports of the change reported on the Form 8, no reconciliation would be required.

b. Financial Statements Presented on Other Than a Quarterly Basis.

Facts

Item 302(a)(1) requires disclosure of quarterly financial data for each full quarter of the last two fiscal years and in any subsequent interim period for which an income statement is presented.

Question 8

If a company reports at interim dates on other than a calendar-quarter basis (e.g., 12–12–16–12 week basis), will it be precluded from reporting on such basis in the future?

Interpretive Response

No, as long as it discloses the basis of interim fiscal period reporting and the interim fiscal periods on which it reports are consistently determined from year to year (or, if not, the lack of comparability is disclosed).

c. Application of Item 302(a) Requirements.

Facts

The requirements for disclosure of the selected quarterly financial data apply only to those companies meeting both of two tests based on the size of the company and the extent of trading in its securities, respectively. The size test is measured by total assets and net income, as defined. The trading test is measured by whether a registrant's securities are listed on a national securities exchange or quoted on the National Association of Securities Dealers Automatic Quotation System and meet the specified "actively traded" criteria set forth in the rule.

Question 1

Should the determination of net income, as defined, for each of the last three fiscal years be adjusted for restatements of prior years' figures as a result of changes in accounting principles, business combinations (accounted for as poolings of interests), prior-period adjustments, etc?

Interpretive Response

Net income, as defined, for the last three fiscal years should be determined each year on the basis of current financial statements which included those years. Such financial statements would reflect restatements, if any, of prior years' data in accordance with generally accepted accounting principles. However, as indicated in the interpretive response to Question 2 below, a registrant will not be required to retroactively disclose the quarterly financial data called for by Item 302(a) for the prior year as a result of such restatements if it did not meet such a requirement when the prior year financial statements were originally filed with the Commission.

Question 2

Is a registrant which meets the requirements to furnish selected quarterly financial data for the first time in the current year required to retroactively include the quarterly financial data for prior years' financial statements presented for comparative purposes?

Interpretive Response

No. Although Item 302(a)(1) requires disclosure of selected quarterly financial data for the two most recent years, a registrant will not be required to retroactively include the quarterly financial data called for by this instruction if it did not meet such a requirement when the financial statements were originally filed with the Commission.

Question 3

Is a closed-end investment company subject to the Investment Company Act of 1940 required to comply with the disclosure requirements of Item 302(a)?

Interpretive Response

A closed-end investment company which has securities registered pursuant to section 12(b) of the Exchange Act is not exempt from the requirements of Item 302(a). However, a closed-end investment company that is exempt from registration under section 12(g) of the Exchange Act is exempt from the requirements of Item 302(a).

Question 4

Should the $200 million total assets and $250,000 net income for each of the last three fiscal years tests be made at the beginning or end of the fiscal year?

Interpretive Response

In order to facilitate the engagement of independent accountants to perform a limited review of the quarterly financial statements on a timely basis, if desired, the size and income tests of Item 302(a) should be applied at the beginning of the fiscal year.

2. Amendments to Form 10–Q.

a. Form of Condensed Financial Statements.

Facts

Rules 10–01(a) (2) and (3) of Regulation S–X provide that interim balance sheets and statements of income shall include only major captions (i.e., numbered captions) set forth in Regulation S–X, with the exception of inventories where data as to raw materials, work in process and finished goods shall be included, if applicable, either on the face of the balance sheet or in notes thereto. Where any major balance sheet caption is less than 10% of total assets and the amount in the caption has not increased or decreased by more than 25% since the end of the preceding fiscal year, the caption may be combined with others. When any major income statement caption is less than 15% of average net income for the most recent three fiscal years and the amount in the caption has not increased or decreased by more than 20% as compared to the corresponding interim period of the preceding fiscal year, the caption may be combined with others. Similarly, the statement of changes in financial position may be abbreviated, starting with a single figure of funds provided by operations and showing other sources and applications individually only when they exceed 10% of the average of funds provided by operations for the most recent three years.

Question 1

If a company previously combined captions in a Form 10–Q but is required to present such captions separately in the Form 10–Q for the current quarter, must it retroactively reclassify amounts included in the prior-year financial statements presented for comparative purposes to conform with the captions presented for the current-year quarter?

Interpretive Response

Yes.

Question 2

In determining whether or not major income statement captions may be combined, does average "net income" for the last three years (using the company's last year end as the starting point) mean "net income" or income before extraordinary items and changes in accounting principles?

Interpretive Response

It means "net income."

Question 3

If a company uses the gross profit method or some other method to determine cost of goods sold for interim periods, will it be acceptable to state only that it is not practicable to determine components of inventory at interim periods?

Interpretive Response

The staff believes disclosure of inventory components is important to investors. In reaching this decision the staff recognizes that registrants may not take inventories during interim periods and that managements, therefore, will have to estimate the inventory components. However, the staff believes that management will be able to make reasonable estimates of inventory components based upon their knowledge of the company's production cycle, the costs (labor and overhead) associated with this cycle as well as the relative sales and purchasing volume of the company.

Question 4

If a company has years during which operations resulted in a net outflow of funds, should it exclude such years from the computation of funds provided by operations for the three most recent years in determining what sources and applications must be shown separately?

Interpretive Response

Yes. Similar to the determination of average net income, if operations resulted in a net outflow of funds during any year, such amount should be excluded in making the computation of funds provided by operations for the three most recent years unless operations resulted in a net outflow of funds in all three years, in which case the average of the net outflow of funds should be used for the test.

Question 5

Must a company include an analysis of changes in each element of working capital in the condensed statement of changes in financial position included in its Form 10–Q?

Interpretive Response

No. The statement of changes in financial position can be abbreviated and needs to include only funds provided by operations and other sources and applications of funds which exceed 10% of the average of funds provided by operations for the most recent three years.

b. Reporting Requirements for Accounting Changes.

1. Preferability.

Facts

Rule 10–01(b)(6) of Regulation S–X requires that a registrant who makes a material change in its method of accounting shall indicate the date of and the reason for the change. The registrant also must include as an exhibit in the first Form 10–Q filed subsequent to the date of an accounting change, a letter from the registrant's independent accountants indicating whether or not the change is to an alternative principle which in his judgment is preferable under the circumstances. A letter from the independent accountant is not required "when the change is made in response to a standard adopted by the Financial Accounting Standards Board which requires such a change."

* * * * *

2. Filing of a Letter from the Accountants.

Facts

The registrant makes an accounting change in the fourth quarter of its fiscal year. Rule 10–01(b)(6) of Regulation S–X requires that the registrant file a letter from its independent accountants stating whether or not the change is preferable in the circumstances in the next Form 10–Q. Item 601(b)(18) of Regulation S–K provides that the independent accountant's preferability letter be filed as an exhibit to reports on Forms 10–K or 10–Q.

Question 1

When the independent accountant's letter is filed with the Form 10-K, must another letter also be filed with the first quarter's Form 10-Q in the following year?

Interpretive Response

No. A letter is not required to be filed with Form 10-Q if it has been previously filed as an exhibit to the Form 10-K.

Staff Accounting Bulletin Series—Revised Topical Index Through Staff Accounting Bulletin No. 46

Topic 1: Financial Statements
- A. Target Companies
- B. (Deleted by SAB 44)
- C. Unaudited Financial Statements for a Full Year
- D. Foreign Companies
- 1. (Deleted by Rel. 33-6362)
- 2. "Free Distributions" by Japanese Companies
- E. Requirements for Audited or Certified Financial Statements
- 1. Meaning of the Word "Audited"
- 2. Qualified Auditors' Opinions

Topic 2: Business Combinations
- A. Purchase Method
- 1. Cash Contingencies
- 2. Determination of the Acquiring Corporation
- 3. Acquisitions Involving Financial Institutions (Added by SAB 42)
- B. Merger Expenses
- C. Pro Forma Financial Information (Added by SAB 45)

Topic 3: Senior Securities
- A. Convertible Securities
- B. (Deleted by ASR 307)
- C. Balance Sheet Presentation for Preferred Stock with Sinking Funds or Mandatory Redemption Features

Topic 4: Equity Accounts
- A. Subordinated Debt
- B. Subchapter S Corporations
- C. Change in Capital Structure
- D. Cheap Stock
- E. Receivables from Sale of Stock
- F. Limited Partnerships
- G. Notes and Other Receivables from Affiliates

Topic 5: Miscellaneous Accounting
- A. Expenses of Offering
- B. Gain or Loss from Disposition of Equipment
- C. Tax Benefit of Loss Carryforwards
- 1. Current Recognition of Tax Benefit
- 2. Realization of tax Benefit
- D. Organization and Offering Expenses and Selling Commissions—Limited Partnerships Trading in Commodity Futures
- E. Accounting for Divestiture of a Subsidiary or Other Business Operation
- F. Accounting Changes Not Retroactively Applied Due to Immateriality

Topic 6: Interpretations of Accounting Series Releases
- A. Accounting Series Release No. 166—Disclosure of Unusual Risks and Uncertainties in Financial Reporting
- 1. Market Value Changes
- B. (Deleted by SAB 44)
- C. (Deleted by SAB 44)
- D. Accounting Series Release No. 257—Requirements for Financial Accounting and Reporting Practices for Oil and Gas Producing Activities
- 1. Estimates of Quantities of Proved Reserves
- 2. Estimates of Future Net Revenues
- 3. Disclosure of Reserve Information
- 4. Filings by Canadian Registrants
- E. Accounting Series Release No. 269—Oil and Gas Producers—Supplemental Disclosure on the Basis of Reserve Recognition Accounting
- 1. Provision for Income Taxes
- F. Accounting Series Release No. 125—Adoption of Amendments to Regulation S-X
- 1. Rule 12-03
- G. Accounting Series Release No. 177—Relating to Amendments to Form 10-Q and Regulation S-X Regarding Interim Financial Reporting
- 1. Selected Quarterly Financial Data (Revised by SAB 46)
- 2. Amendments to Form 10-Q (Revised by SAB 46)
- H. Accounting Series Release No. 148—Disclosure of Compensating Balances and Short-Term Borrowing Arrangements
- 1. Applicability
- 2. Classification of Short-Term Obligations
- 3. Compensating Balances
- 4. Miscellaneous
- I. Accounting Series Release No. 149—Improved Disclosure of Income Tax Expense
- 1. Tax Rate
- 2. Taxes of Investee Company
- 3. Net of Tax Presentation
- 4. Loss Years
- 5. Foreign Registrants
- 6. Securities Gains and Losses
- 7. Tax Expense Components v. "Overall" Presentation
- J. Accounting Series Release No. 261—Accounting Changes by Oil and Gas Producers
- 1. First-time Registrants (Added by SAB 41)
- K. Accounting Series Release No. 302—Separate Financial Statements Required by Regulation S-X
- 1. Early Adoption (Added by SAB 43)
- 2. Parent Company Financial Information (Added by SAB 44)
- 3. Undistributed Earnings of 50% or Less Owned Persons (Added by SAB 44)
- 4. Application of Significant Subsidiary Test to Investees and Unconsolidated Subsidiaries (Added by SAB 44)

Topic 7: Real Estate Companies
- A. Reporting Requirements
- B. Land Development Companies
- C. Schedules of Real Estate and Accumulated Depreciation, and of Mortgage Loans on Real Estate
- D. Income before Depreciation

Topic 8: Retail Companies
- A. Sales of Leased or Licensed Departments
- B. Finance Charges

Topic 9: Finance Companies
- A. Points
- B. (Deleted by ASR 307)

Topic 10: Utility Companies
- A. Financing by Electric Utility Companies Through Use of Construction Intermediaries
- B. Estimated Future Costs Related to Spent Nuclear Fuel and Nuclear Electric Generating Plants
- C. Jointly Owned Electric Utility Plants
- D. Long-Term Contracts for Purchase of Electric Power

Topic 11: Miscellaneous Disclosure
- A. Operating-Differential Subsidies
- B. Depreciation and Depletion Excluded from Cost of Sales
- C. Tax Holidays
- D. Offsetting Assets and Liabilities
- E. Chronological Ordering of Data
- F. LIFO Liquidations
- G. Tax Equivalent Adjustment in Financial Statements of Bank Holding Companies

Note.—This topical index has been revised to reflect the impact of all actions affecting the Staff Accounting Bulletin series up through the issuance of Staff Accounting Bulletin No. ("SAB") 46. This index updates the index previously published in SAB 40 (January 23, 1981). For the convenience of users, the sources of any changes to the index published in SAB 40 are identified parenthetically.

[FR Doc. 82-14890 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 240

[Release No. 34-18737; File Nos. S7-855, 856, 922 and 923]

Net Capital Requirements for Brokers and Dealers

Correction

In FR Doc. 82-13819 appearing on page 21759 in the issue of Thursday,

May 20, 1982, make the following correction.

On page 21775, third column, the twenty-sixth line should read: "or an irrevocable letter of credit issued by a". (This correction affects § 240.15c3-3(b)(3)(iii).)

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 18 and 240

[T.D. ATF-104; Notice No. 384]

Reduction of the Regulatory Requirements on Producers of Volatile Fruit-Flavor Concentrate

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule minimizes the regulatory requirements on producers of volatile fruit-flavor concentrate. These regulatory requirements appear in 27 CFR Parts 18 and 240.

Due to the limited jeopardy to the revenue, absence of a petition of abuse, and the small number of producers, ATF feels the continuation of historical regulatory requirements pertaining to concentrate producers is not in the best interest of the industry or the Government. ATF also feels the liberalization of these regulatory requirements is not contrary to its duty to protect the revenue. Therefore, ATF is issuing this final rule which promotes industry and Government efficiency by relaxing, where possible, regulatory requirements while continuing to provide adequate protection to the revenue.

EFFECTIVE DATE: July 2, 1982.

FOR FURTHER INFORMATION CONTACT: Jim Whitley, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On September 18, 1981, ATF published Notice of Proposed Rulemaking No. 384 in the **Federal Register** (46 FR 46340), proposing to minimize the regulatory requirements on producers of volatile fruit-flavor concentrate. ATF solicited public comment concerning the proposal. Specific comments were requested concerning other regulatory requirements which could be liberalized or deleted, elimination of the requirements for a bond, changes in the elimination of certain recordkeeping requirements, and the benefit or detriment to the industry and the consumer perceived to result from implementation of the proposed rule.

Written Comments

ATF received four comments in response to its notice of proposed rulemaking. These comments were of a general nature and fully supported the changes advanced in the notice of proposed rulemaking. All of the comments were from industry members who produce volatile fruit-flavor concentrate from citrus fruit.

Two commenters recommended the manufacture of volatile fruit-flavor concentrate from citrus fruit be totally exempted from regulatory requirements since, although containing alcohol, they are nonpotable in their concentrated form because of their natural constituents. ATF acknowledges this recommendation; however, for the following reasons, it cannot be adopted. It is AFT's understanding that although some volatile fruit-flavor concentrates manufactured from citrus fruit are nonpotable because of their natural constituents, some are potable. In addition, volatile fruit-flavor concentrate manufactured from citrus fruit, or any other type of volatile fruit-flavor concentrate, may be diluted to the point it becomes a potable alcoholic solution which may be used for beverage purposes. For these reasons, ATF believes the general exemption of any manufacturer of volatile fruit-flavor concentrate from regulatory requirements would be inappropriate and contrary to our obligation to protect the revenue. Furthermore, to protect the revenue, Congress, by statute (26 U.S.C. 5001(a)(7) and 26 U.S.C. 5511), made all manufacturers and the manufacturing of volatile fruit-flavor concentrate subject to regulatory requirements. As a result, ATF may not exempt any manufacturer or the manufacturing of volatile fruit-flavor concentrate from the purview of the regulations.

New Regulations

This final rule revises the regulations in 27 CFR Part 18. These regulations relate to the location, construction, arrangement, equipment, and qualification of plants for the manufacture of volatile fruit-flavor concentrate (essence); and to the production, removal, sale, transportation, and use of concentrate and of the fruit mash or juice from which concentrate is produced. In addition, conforming revisions are made to 27 CFR Part 240.

This final rule provides simplified guidelines for the qualification and operation of concentrate plants. Numerous regulatory requirements are diminished or deleted. The major changes made to 27 CFR Part 18 and 27 CFR Part 240 are as follows:

(a) 27 CFR Part 18.

(1) *Qualification.* The requirement for submission of a plat and plan depicting the concentrate plant premises is deleted. The requirement for submission of a detailed plant description that includes major equipment, flow plants, and a statement of process is deleted. The requirement for listing all officers and directors is diminished to require only a listing of the officers and directors who have responsibility in connection with the operation of the concentrate plant.

(2) *Changes in proprietorship, control, and name.*

Changes in proprietorship, control, and name must still be submitted. However, the requirements have been made less stringent.

(3) *Changes in equipment and process.* The requirement to file an amended application covering changes in plant equipment (except stills) or the production process is deleted.

(4) *Bonds.* Bonds and consents of surety are no longer required.

(5) *Operations.* Operational requirements are relaxed. Equipment need not be marked as to use, etc., unless required by the regional regulatory administrator. Submission of a sample of each high-proof concentrate to be produced is no longer required. The concentrate plant proprietor will now be responsible for determining whether a particular concentrate is a high-proof concentrate. However, a proprietor may at any time submit a sample to the ATF National Laboratory for a determination of whether a concentrate is unfit for beverage use (nonpotable). The requirement that a proprietor notify the regional regulatory administrator of his suspension and resumption of operations is deleted.

(6) *Forms.* Four ATF forms are eliminated, one ATF form is changed from a monthly to an annual report, and one form is no longer required to be submitted by concentrate plant proprietors.

ATF Forms 3873(5520.1)—Application for Fruit-Flavor Concentrate and 3874 (5520.5)—Notice of Transfer of Fruit-Flavor Concentrate are eliminated. ATF Form 1694(5110.70)—Concentrate Manufacturer's Bond is eliminated. ATF Form 1695 (5520.2)—Monthly Report of Concentrate Manufacturer is changed to an annual report. ATF Form 1533

(5000.18)—Consent of Surety is no longer required. ATF Form 27-G SUPPLEMENTAL (5520.4)—Application for Production of High Proof Concentrate is eliminated.

(7) *Records.* Where feasible, commercial records have been substituted for prescribed forms. A commercial record of transfer for all products shipped from a concentrate plant is now required. The record of transfer covering products shipped to a bonded wine cellar replaces the certificate that a bonded wine cellar proprietor secured from a concentrate plant proprietor.

(b) 27 CFR Part 240.

Several conforming changes are made to 27 CFR Part 240 regarding the elimination of ATF Forms 3873(5520.1) and 3874(5520.5). The recording of losses in transit or other discrepancies for concentrate received, which was formerly done on ATF Form 3874(5520.5), is transferred to the commercial record of material received and used.

General Information

These regulations modernize and simplify the requirements for proprietors to qualify and operate concentrate plants. In addition, where possible, ATF has minimized the regulatory requirements on producers of concentrate. As revised, 27 CFR Part 18 contains 37 regulation sections. This is a decrease of 34 sections. As stated previously, four public use forms are eliminated.

Furthermore, proprietors of concentrate plants benefit from this rule, in that potentially costly administrative burdens have been alleviated. Each major change, detailed in the NEW REGULATIONS portion of this preamble, is modernizing, liberalizing, and simplifying in nature. In addition, ATF feels these changes reflect an adherence to the spirit as well as the letter of Executive Order 12291 and the Regulatory Flexibility Act.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have 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.

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 final rule because it will not have a significant economic impact on a substantial number of small entities. This rule 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 hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this rule will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal authors of this document are John Ference and Jim Whitley of the Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

List of Subjects

27 CFR Part 18

Administrative practice and procedure, Authority delegations, Excise taxes, Exports, Labeling, Reporting requirements, Security measures, Spices and flavorings, Stills, and Surety bonds;

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic funds transfer, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific Equipment, Spices and flavorings, Surety bonds, Transportation, Warehouses, Wine, and Vinegar.

Authority and Issuance

Accordingly, under the authority in 26 U.S.C. 7805 (68A Stat. 917), the regulations contained in 27 CFR Part 18—Production of Volatile Fruit-Flavor Concentrate and 27 CFR Part 240—Wine are, respectively, revised and amended as follows:

Sec. A. Part 18 is revised in its entirety as follows:

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATE

Subpart A—Scope

Sec.
18.1 Scope.
18.2 Applicability of law.
18.3 Unlawful operations.

Subpart B—Definitions

18.11 Meaning of terms.

Subpart C—Administrative and Miscellaneous Provisions

18.13 Alternate methods or procedures.
18.14 Emergency variations from requirements.
18.15 Right of entry and examination.
18.16 Forms prescribed.

Document Requirements

18.17 Retention of documents.
18.18 Execution under penalties of perjury.
18.19 Security.

Subpart D—Qualification

18.21 General.
18.22 Restrictions as to location and use.
18.23 Stills.

Application

18.24 Data for application.
18.25 Organizational documents.
18.26 Powers of attorney.
18.27 Additional requirements.

Changes After Original Establishment

18.31 General requirement.
18.32 Change in name.
18.33 Change in location.
18.34 Continuing partnerships.
18.35 Change in proprietorship.
18.36 Change in officers and directors.
18.37 Change in stockholders.
18.38 Permanent discontinuance.

Subpart E—Operations

18.51 Processing material.
18.52 Production of high-proof concentrate.
18.53 Use of concentrate.
18.54 Transfer of concentrate.
18.55 Label.
18.56 Return of concentrate.

Subpart F—Records and Reports

18.61 Records and reports.
18.62 Record of transfer.
18.63 Record of transfer to a bonded wine cellar.
18.64 Photographic copies of records.
18.65 Annual report.

Authority: August 16, 1954, Chapter 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

Subpart A—Scope

§ 18.1 Scope.

The regulations in this part relate to the qualification and operation (including activities incident thereto) of plants for the manufacture of volatile fruit-flavor concentrate (essence). The regulations in this part apply to the

several States of the United States and the District of Columbia.

§ 18.2 Applicability of law.

Except as specified in 26 U.S.C. 5511, the provisions of 26 U.S.C. Chapter 51 are not applicable to the manufacture, by any process which includes evaporations from the mash or juice of any fruit, of any volatile fruit-flavor concentrate if—

(a) The concentrate, and the mash or juice from which it is produced, contains no more alcohol than is reasonably unavoidable in the manufacture of the concentrate; and

(b) The concentrate is rendered unfit for use as a beverage before removal from the place of manufacture, or (in the case of concentrate which does not exceed 24 percent alcohol by volume) the concentrate is transferred to a bonded wine cellar for use in the production of natural wine; and

(c) The manufacturer of concentrate complies with all requirements for the protection of the revenue with respect to the production, removal, sale, transportation, and use of concentrate, and of the mash or juice from which it is produced, as may be prescribed by this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1392, as amended (26 U.S.C. 5511))

§ 18.3 Unlawful operations.

(a) A manufacturer of concentrate who violates any of the conditions stated in § 18.2 is subject to the taxes and penalties otherwise applicable under 26 U.S.C. Chapter 51 in respect to such operations.

(b) Any person who sells, transports, or uses any concentrate or the mash or juice from which it is produced in violation of law or regulations is subject to all the provisions of 26 U.S.C. Chapter 51 pertaining to distilled spirits and wines, including those requiring the payment of the tax thereon.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1314, as amended (26 U.S.C. 5001))

Subpart B—Definitions

§ 18.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

ATF officer. An officer or employe of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Bonded wine cellar. Premises established under 27 CFR Part 240 for the production, blending, cellar treatment, storage, bottling, or packaging of untaxpaid wine, and includes premises designated as "bonded winery."

Concentrate. Any volatile fruit-flavor concentrate (essence) produced by any process which includes evaporations from any fruit mash or juice.

Concentrate plant. An establishment qualified under this part for the production of concentrate.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, DC.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the application, report, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this —— (insert type of document, such as application or report), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct and complete."

Fold. The ratio of the volume of the fruit mash or juice to the volume of the concentrate produced from the fruit mash or juice. For example, one gallon of concentrate of 100-fold would be the product from 100 gallons of fruit mash or juice.

Fruit. All products commonly known and classified as fruit, berries, or grapes.

Fruit mash. Any unfermented mixture of juice, pulp, skins, and seeds prepared from fruit, berries, or grapes.

High-proof concentrate. For the purposes of this part, "high-proof concentrate" means a concentrate (essence), as defined in this section, that has an alcohol content of more than 24 percent by volume and is unfit for beverage use (nonpotable) because of its natural constituents, i.e. without the addition of other substances.

Juice. The unfermented juice (concentrated or unconcentrated) of fruit, berries, or grapes, exclusive of pulp, skins, or seeds.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Processing material. The fruit mash or juice from which concentrate is produced.

Proprietor. A person qualified under this part to operate a concentrate plant.

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

Registry number. The number assigned to a concentrate plant by the regional regulatory administrator.

U.S.C. The United States Code.

Subpart C—Administrative and Miscellaneous Provisions

§ 18.13 Alternate methods or procedures.

(a) *General.* The proprietor, on specific approval by the Director, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

(b) *Application.* A proprietor who desires to employ an alternate method or procedure shall submit a written application to the regional regulatory administrator, for transmittal to the Director. The application will specifically describe the proposed alternate method or procedure and set forth the reasons therefor. Alternate methods or procedures may not be employed until the application has been approved by the Director. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of the authorization.

§ 18.14 Emergency variations from requirements.

(a) *General.* The regional regulatory administrator may approve emergency variations from requirements specified in this part, where the regional regulatory administrator finds that an emergency exists, the proposed

variations are necessary, and the proposed variations—

(1) Will afford the security and protection to the revenue intended by the prescribed specifications;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations stated in the approval of the application. Failure to comply in good faith with such procedures, conditions and limitations will automatically terminate the authority for such variations and the proprietor thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the regional regulatory administrator the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation.

(b) *Application.* A proprietor who desires to employ emergency variations shall submit a written application to the regional regulatory administrator. The application will describe the proposed variations and set forth the reasons therefor. Variations will not be employed until the application has been approved, except when an emergency requires immediate action to correct a situation that is threatening to life or property. Such corrective action may then be taken concurrent with the filing of the application and notification of the regional regulatory administrator via telephone.

§ 18.15 Right of entry and examination.

ATF officers may at all times, as well by night as by day, enter any concentrate plant to make examination of the materials, equipment, and facilities thereon; and make such gauges and inventories as they deem necessary. Whenever ATF officers, having demanded admittance and declared their name and office, are not admitted into such premises by the proprietor or other person having charge thereof, they may at all times use such force as is necessary for them to gain entry to such premises.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1357, as amended, 1392, as amended (26 U.S.C. 5203, 5511))

§ 18.16 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form will be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form will be furnished as required by this part.

(b) The forms required by this part are detailed in "Public Use Forms" (ATF Publication 1322.1), a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Submit requests for forms to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

Document Requirements

§ 18.17 Retention of documents.

The proprietor shall maintain a file of all approved applications and other documents, on or convenient to the concentrate plant premises, available for inspection by ATF officers.

§ 18.18 Execution under penalties of perjury.

When a form or other document called for under this part is required to be executed under penalties of perjury, it will be so executed, as defined in § 18.11, and signed by an authorized person.

(Act of August 16, 1954, Pub. L. 591, Chapter 736, 68A Stat. 749 (26 U.S.C. 6065))

§ 18.19 Security.

The concentrate plant and equipment will be so constructed, arranged, equipped, and protected as to afford adequate protection to the revenue and facilitate inspection by ATF officers.

Subpart D—Qualification

§ 18.21 General.

A person who desires to engage in the business of manufacturing concentrate shall submit an application for registration on Form 27–G (5520.3) to the regional regulatory administrator and receive approval as provided in this part. All written statements, affidavits, and other documents submitted in support of the application or incorporated by reference are deemed a part thereof.

§ 18.22 Restrictions as to location and use.

(a) *Restrictions.* A concentrate plant may not be established in any dwelling house or on board any vessel or boat, or on any premises where any other business is conducted. The premises of a concentrate plant may be used only for the business stated in the approved application for registration.

(b) *Exceptions.* The regional regulatory administrator may authorize (1) the establishment of a concentrate plant on premise where other business is conducted, or (2) the use of the premises of a concentrate plant for other business. A person or proprietor desiring such authorization shall submit a written application to the regional regulatory administrator. The application will describe the other business by type and the premises to be used. If the premises of a concentrate plant are to be used for other business, the relationship (if any) to the concentrate plant will be described in the application. A concentrate plant may not be established on premises where other business is conducted or used to conduct other business until the application is approved. The regional regulatory administrator may decline to approve the application or withdraw the authorization if the revenue is jeopardized or the effective administration of this part is hindered.

§ 18.23 Stills.

(a) Any stills set up on concentrate plant premises and intended for the production of concentrate will be registered with the regional regulatory administrator of the region in which located, as required by 27 CFR 196.45. The listing of stills in the application and the approval of the application constitutes registration of such stills.

(b) The special occupational and commodity taxes imposed by 26 U.S.C. 5101 are not applicable to any stills set up on concentrate plant premises and used in the production of concentrate pursuant to this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1355, as amended, 1392, as amended (26 U.S.C. 5179, 5511))

Application

§ 18.24 Data for application.

Applications on Form 27–G (5520.3) will include the following:

(a) Serial number;

(b) Name and principal business address of the applicant, and the location of the plant if different from the business address;

(c) Purpose for which filed;

(d) Information regarding proprietorship, supported by the organizational documents listed in § 18.25; and

(e) Description of each still and a statement of its maximum capacity.

Where any of the information required by this section is on file with the

regional regulatory administrator, that information, if accurate and complete, may be incorporated by reference by the applicant and made a part of the application.

§ 18.25 Organizational documents.

The supporting information required by paragraph (d) of § 18.24 includes, as applicable:

(a) Extracts from the articles of incorporation or from the minutes of meetings of the board of directors, authorizing the incumbents of certain offices, or other persons, to sign for the corporation;

(b) Names and addresses of the officers and directors (Do not list officers and directors who have no responsibility in connection with the operation of the concentrate plant.);

(c) Names and addresses of the 10 persons having the largest ownership or other interest in the corporation or other entity, and the nature and amount of the stockholding or other interest of each, whether the interest appears in the name of the interested party or in the name of another for him; and

(d) In the case of an individual owner or a partnership, the name and address of every person interested in the concentrate plant, whether the interest appears in the name of the interested party or in the name of another for him.

§ 18.26 Powers of attorney.

The proprietor shall execute and file with the regional regulatory administrator a Form 1534 (5000.8) for every person authorized to sign or to act on behalf of the proprietor. (Not required for persons whose authority is furnished in the application.)

§ 18.27 Additional requirements.

(a) The regional regulatory administrator, to protect the revenue, may require—

(1) Additional information in support of an application for registration;

(2) Marks on major equipment to show serial number, capacity, and use;

(3) Installation of meters, tanks, pipes, or other apparatus; and

(4) Installation of security devices.

(b) Any proprietor refusing or neglecting to comply with any requirement of this section shall not be permitted to operate.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1349, as amended, 1353, as amended, 1395, as amended (26 U.S.C. 5172, 5178, 5552))

Changes After Original Establishment

§ 18.31 General requirements.

Where there is a change with respect to the information shown in the application, the proprietor shall submit, within 30 days of the change (except as otherwise provided in this part), an amended application on Form 27–G (5520.3).

(Sec. 201, Pub. L. 85–859, 72 Stat. 1392, as amended (26 U.S.C. 5511))

§ 18.32 Change in name.

The proprietor shall submit an amended application to cover any change in the individual, firm, or corporate name.

§ 18.33 Change in location.

The proprietor shall submit an amended application to cover a change in the location of a concentrate plant. Operation of the concentrate plant may not be commenced at the new location prior to approval of the amended application.

§ 18.34 Continuing partnerships.

If, under the laws of the particular State, the partnership is not immediately terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, the surviving partner may continue to operate the plant under the prior qualification of the partnership. If the surviving partner acquires the business on completion of the settlement of the partnership, such partner shall qualify in his own name form the date of acquisition, as provided in § 18.35. The rule set forth in this section also applies where there is more than one surviving partner.

§ 18.35 Change in proprietorship.

(a) *General.* If there is a change in the proprietorship of a concentrate plant, the outgoing proprietor shall comply with the requirements of § 18.38, and the successor shall, before commencing operations, file application and receive approval in the same manner as a person qualifying as the proprietor of a new concentrate plant. Processing material, concentrate and other materials may be transferred from an outgoing proprietor to a successor.

(b) *Fiduciary.* A successor to the proprietorship of a concentrate plant who is an administrator, executor, receiver, trustee, assignee, or other fiduciary shall comply with the provisions of paragraph (a) of this section. If the fiduciary was appointed by a court, the effective dates of the qualifying documents filed by the fiduciary shall be the effective date of the court order, or the date specified therein for the fiduciary to assume control. If the fiduciary was not appointed by a court, the date the fiduciary assumes control shall coincide with the effective date of the qualifying documents filed by the fiduciary.

§ 18.36 Change in officers and directors.

The proprietor shall submit an amended application to cover changes in the list of officers and directors furnished under the provisions of § 18.25.

§ 18.37 Change in stockholders.

The proprietor shall submit changes in the list of stockholders furnished under the provisions of § 18.25 annually on May 1. When the sale or transfer of capital stock results in a change of control or management of the business, the proprietor shall comply with the provisions of § 18.35.

§ 18.38 Permanent discontinuance.

A proprietor who permanently discontinues the business of a concentrate manufacturer shall, after completion of operations, file an application on Form 27–G (5520.3) to cover such discontinuance, giving the date of the discontinuance.

Subpart E—Operations

§ 18.51 Processing material.

(a) *General.* A proprietor may produce processing material or receive processing material produced elsewhere. Fermented processing material may not be used in the manufacture of concentrate. Processing material may be used if it contains no more alcohol than is reasonably unavoidable, and must be used when produced, or as soon thereafter as practicable.

(b) *Record of processing material.* A proprietor shall maintain a record, by kind and quantity, of processing material used.

§ 18.52 Production of high-proof concentrate.

(a) *General.* High-proof concentrate may be produced in a concentrate plant. Concentrate having an alcohol content of more than 24 percent by volume that is fit for beverage use may not be produced in a concentrate plant.

(b) *Determination.* A proprietor shall determine whether a particular concentrate is a high-proof concentrate. However, a proprietor may at any time submit a written request to the Director for a determination of whether a concentrate is unfit for beverage use. Each request for a determination will include information as to kind, percent alcohol by volume, and fold of the

concentrate. The request will be accompanied by a representative 8-ounce sample of the concentrate.

§ 18.53 Use of concentrate.

Concentrate may be used in the manufacture of any product made in the conduct of another business authorized to be conducted on concentrate plant premises under the provisions of § 18.22, if such product contains less than one-half of one percent of alcohol by volume.

§ 18.54 Transfer of concentrate.

(a) *Concentrate unfit for beverage use.* Concentrate (including high-proof concentrate and concentrate treated as provided in paragraph (c) of this section) unfit for beverage use may be transferred for any purpose authorized by law.

(b) *Concentrate fit for beverage use.* Concentrate fit for beverage use may be transferred only to a bonded wine cellar. If such concentrate is rendered unfit for beverage use, it may be transferred as provided in paragraph (a) of this section.

(c) *Rendering concentrate unfit for beverage use.* Concentrate may be rendered unfit for beverage use by reducing the alcohol content to not more than 15 percent alcohol by volume (if the reduction does not result in a concentrate of less than 100-fold), and adding to each gallon thereof, in a quantity sufficient to render the concentrate unfit for beverage use, the following:

(1) Sucrose; or

(2) Concentrated fruit juice, of at least 70 Brix, made from the same kind of fruit as the concentrate; or

(3) Malic, citric, or tartaric acid.

(d) *Record of transfer.* The proprietor shall record transfers of concentrate (including high-proof concentrate) on a record of transfer as required in §§ 18.62 or 18.63.

§ 18.55 Label.

Each container of concentrate will have affixed thereto, before transfer, a label identifying the product and showing (a) the name of the proprietor; (b) the registry number of the plant; (c) the address of the plant; (d) the number of wine gallons; and (e) the percent of alcohol by volume.

§ 18.56 Return of concentrate.

(a) *General.* The proprietor of a concentrate plant may accept the return of concentrate shipped by him.

(b) *Record of returned concentrate.* When the returned concentrate is received, the proprietor shall record the receipt, including a notation regarding any loss in transit or other discrepancy.

(c) *Report of returned concentrate.* The quantity of returned concentrate received will be reported on an unused line on the annual report Form 1695(5520.2).

Subpart F—Records and Reports

§ 18.61 Records and reports.

(a) *General.* Each proprietor shall keep records and reports as required by this part. These records and reports will be maintained on or convenient to the concentrate plant and will be available for inspection by ATF officers during business hours. Records and reports will be retained by the proprietor for three years from the date they were prepared, or three years from the date of the last entry, whichever is later.

(b) *Records.* Each proprietor shall keep such records relating to or connected with the production, transfer, or return of concentrate and the juice or mash from which it is produced, as will (1) enable any ATF officer to verify operations and to ascertain whether there has been compliance with law and regulations, and (2) enable the proprietor to prepare Form 1695(5520.2). A proprietor need not prepare a specific record to meet the record requirements of this part. Any book, paper, invoice, bill of lading, or similar document that the proprietor prepares or receives for other purposes may be used, if all required information is shown.

(c) *Reports.* Each proprietor shall prepare and submit reports (including applications) as required by this part.

§ 18.62 Record of transfer.

When concentrate, juice, or fruit mash is transferred from the concentrate plant premises, the proprietor shall prepare, in duplicate, a record of transfer. The record of transfer may consist of a commercial invoice, bill of lading, or any other similar document. The proprietor shall forward the original of the record of transfer to the consignee and retain the copy as a record. Each record of transfer shall show the following information:

(a) Name, registry number, and address of the concentrate plant;

(b) Name and address of the consignee;

(c) Kind (by fruit from which produced) and description of product, e.g. grape concentrate, concentrated grape juice, unconcentrated grape juice, grape mash;

(d) Quantity (in wine gallons); and

(e) For concentrate, percent of alcohol by volume.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1392, as amended (26 U.S.C. 5511))

§ 18.63 Record of transfer to a bonded wine cellar.

A proprietor transferring concentrate, juice, or fruit mash to a bonded wine cellar shall prepare a record of transfer as required by § 18.62 and enter the following additional information:

(a) Registry number of the bonded wine cellar;

(b) For each product manufactured from grapes or berries, variety of grape or berry;

(c) For concentrate, fold;

(d) For juice and fruit mash, whether volatile fruit flavor has been removed and, if so, whether the identical volatile fruit flavor has been restored; and

(e) For concentrated juice, total solids content before and after concentration.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1392, as amended (26 U.S.C. 5511))

§ 18.64 Photographic copies of records.

Proprietors may record, copy, or reproduce records required by this part by any process which accurately reproduces or forms a durable medium for reproducing the original of records. Whenever records are reproduced under this section, the reproduced records will be preserved in conveniently accessible files, and provisions will be made for examining, viewing, and using the reproduced record the same as if it were the original record. The reproduced record will be treated and considered for all purposes as though it were the original record. All provisions of law and regulation applicable to the original record are applicable to the reproduced record.

§ 18.65 Annual report.

An annual report, on Form 1695(5520.2), of concentrate plant operations shall be prepared by each proprietor. The report will be forwarded to the regional regulatory administrator not later than 15 days after the close of the calendar year for which rendered. When a proprietor permanently discontinues the business of manufacturing concentrate, the proprietor shall submit the annual report not later than 15 days after such discontinuance and mark the report "Final Report."

PART 240—WINE

Section B. Part 240 is amended as follows:

Par. 1. The table of sections is amended to remove the section headings for §§ 240.359a and 240.359b and to revise the section headings for §§ 240.357, 240.358 and 240.359. The

revised section headings read as follows:

* * * * *

Sec.
240.357 General.
240.358 Use of volatile fruit-flavor concentrate in cellar treatment of natural wine.
240.359 Use of juice (or must) from which volatile fruit flavor has been removed.

* * * * *

Paragraph 2. Section 240.353 is revised. As revised, § 240.353 reads as follows:

§ 240.353 Concentrated and unconcentrated fruit juice.

Concentrated fruit juice reduced with water to its original density, or to 22 degrees Brix, or to any degree of Brix between its original density and 22 degrees Brix, and unconcentrated fruit juice reduced with water to not less than 22 degree Brix, shall be deemed to be juice for the purpose of standard wine production. Where concentrated fruit juice is received on bonded wine cellar premises from other than a concentrate plant, the proprietor shall procure from the producer a certificate stating the kind of fruit juice from which it was produced and the total solids content of such juice before and after concentration. Concentrated or unconcentrated fruit juice may be used in juice or wine made from the same kind of fruit for purposes of developing alcohol by fermentation or for sweetening as provided in this part. Concentrated fruit juice, or juice which has been concentrated and reconstituted, may not be used in standard wine production if at any time it was concentrated to more than 80 degrees Brix.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

Paragraph 3. Sections 240.357 through 240.359 are revised. As revised, these sections read as follows:

§ 240.357 General.

A proprietor may receive volatile fruit-flavor concentrate for use in the production of wine as provided in this part. A proprietor may, for any legitimate reason, return volatile fruit-flavor concentrate to the concentrate plant from which it was received, if the proprietor of the concentrate plant consents to the return. If volatile fruit-flavor concentrate is not used immediately, it will be stored on the bonded premises separately from essences and flavors which may be on hand for use in the production of special natural wine. The proprietor shall record the receipt or return of any volatile fruit-flavor concentrate in the manner required by § 240.915.

§ 240.358 Use of volatile fruit-flavor concentrate in cellar treatment of natural wine.

In the cellar treatment of natural wine, there may be added:

(a) To natural grape or berry wine of the winemaker's own production, volatile fruit-flavor concentrate produced from the same variety of grape or the same kind and variety of berry, or

(b) To natural fruit wine (other than grape or berry) of the winemaker's own production, volatile fruit-flavor concentrate produced from the same kind of fruit,

so long as the proportion of the volatile fruit-flavor concentrate to the wine does not exceed the proportion of the volatile fruit-flavor concentrate to the original juice (or must) from which it was produced.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

§ 240.359 Use of juice (or must) from which volatile fruit flavor has been removed.

Juice (or must) or concentrated juice processed at a concentrate plant is deemed to be pure juice (or must) or concentrated juice even though volatile fruit flavor has been removed if, at such concentrate plant or at the bonded wine cellar, there is added to such juice (or must) or concentrated juice, or (in the case of a bonded wine cellar) to wine of the winemaker's own production made therefrom, either the identical volatile fruit flavor removed or:

(a) In the case of natural grape or berry wine of the winemaker's own production, an equivalent quantity of volatile fruit-flavor concentrate derived from the same variety of grape or the same kind and variety of berry, or

(b) In the case of natural fruit wine (other than grape or berry wine) of the winemaker's own production, an equivalent quantity of volatile fruit-flavor concentrate derived from the same kind of fruit.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

§§ 240.359a and 240.359b [Removed]

Paragraph 4. Sections 240.359a and 240.359b are removed.

Paragraph 5. Section 240.915 is revised. As revised, § 240.915 reads as follows:

§ 240.915 Separate record of materials received and used.

Each proprietor producing wine shall maintain a separate record showing the receipt and use or other disposition of basic winemaking materials, such as fruit, juice or concentrated juice. Where juice (or must) or concentrated juice is received from a concentrate plant, the record shall also show whether the identical volatile fruit flavor has been restored to such juice (or must) or concentrated juice, and further, as to any such concentrated juice, its original density. If volatile fruit-flavor concentrate is received for use in the cellar treatment of natural wine, as authorized in Subpart O of this part, the record shall also show the receipt of such concentrate, a notation regarding any loss in transit or other discrepancy, the fold of such concentrate, the percent of alcohol by volume contained therein, and the use or other disposition of such concentrate. The record must show the date of receipt, the quantity received, the name and address of the person from whom received, and the date of use or other disposition of the materials. The invoices or commercial papers showing the receipt of materials will be retained in chronological order in support of the record. If materials are received off bonded premises and subsequently transferred to the bonded premises, the record will be maintained only with respect to materials received on the bonded premises and will show the date of transfer and quantity transferred, but the invoices or commercial papers covering the purchase of the materials will also be kept available for inspection. Where grapes (or other fruit) received on the bonded premises are used in producing juice to be stored for future use or for removal, the record will show the quantities of grapes used and juice produced. Where fruit or juice is used to produce concentrated juice the record will show the quantity of fruit or juice used and the quantity of concentrated juice produced. The record must also show the use or other disposition of the juice or concentrated juice produced. At the close of each month the materials account will be balanced and the totals reported on Form 5120.17(702).

(Sec. 201, Pub. L. 85–859, 72 Stat. 1381 (26 U.S.C. 5367))

Signed: April 26, 1982.

Stephen E. Higgins,

Acting Director.

Approved: May 13, 1982.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-14814 Filed 6-1-82; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-2106-7]

Approval and Promulgation of Implementation Plans; Massachusetts; Group II CTG Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of Massachusetts. These revisions will reduce emissions of volatile organic compounds by imposing controls for surface coating of miscellaneous metal parts and products, graphic arts—rotogravure and flexography, and perchloroethylene dry cleaning systems. Approval of these regulations will help Massachusetts to attain the ozone (smog) National Ambient Air Quality Standard as required by Part D of the Clean Air Act.

EFFECTIVE DATE: July 2, 1982.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On February 8, 1982 (47 FR 5729), EPA published a Notice of Proposed Rulemaking (NPR) for Massachusetts Group II CTGs. Except for the specialty printing and test method portions of the Graphic Arts regulation, 310 CMR 7.18 (12), the state SIP revisions and the rationale for EPA's proposed action are explained in the NPR, and have not changed.

As explained in the NPR, EPA is currently taking no action on regulations to control emissions from external floating roof tanks, leaks from gasoline trucks and vapor collection systems, and test methods for drycleaning systems. In addition, the state has certified that there are no sources of synthesized pharmaceutical products, manufacture of pneumatic rubber tires, surface coating of flatwood paneling, and petroleum refining equipment.

Regarding specialty printing, the NRP proposed to take no action because the regulation did not define how specialty printing would be controlled.

During the public-comment period, however, Massachusetts submitted a letter, dated March 10, 1982, which clarifies the state's procedures for controlling emissions from specialty printing. Those sources which were included in a special study to determine plant-specific control levels for the state's paper, fabric and vinyl coating industry will be regulated under those regulations. The paper, fabric and vinyl regulations, 310 CMR 7.18 (14), (15) and (16) were approved on March 8, 1982 (47 FR 9835). The remaining rotogravure and flexographic operations which print a design or image will be controlled under the graphic arts regulation. EPA finds that the state has adequately defined how it will control specialty printing and has met EPA requirements for this category of sources.

The NPR also proposed to take no action on test methods for specialty printing. The state's March 10 letter includes a policy memo indicating that it will only use EPA approved test methods for specialty printing operations and commits to amend the state regulation to require the use of EPA approved test methods. Thus, EPA is approving test methods as they apply to specialty printing.

Finally, today's rulemaking amends the Massachusetts VOC Surface Coating Bubble Regulation 310 CMR 7.18(2)(b) by procedures set forth in the July 21, 1981 Notice of Proposed Rulemaking (46 FR 37525) to allow surface coaters of miscellaneous metal parts and products and graphic arts-rotogravure and flexography to bubble their emissions to achieve compliance.

Action

EPA is approving: Regulation 310 CMR 7.18 (11), Surface Coating of Miscellaneous Metal Parts and Products; Regulation 310 CMR 7.18 (12), Graphic Arts—Rotogravure and Flexography; and Regulation 310 CMR 7.18 (13), Dry Cleaning Systems—Perchloroethylene, except applicable test methods.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 2, 1982. This action may *not* be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

(Sec. 110(a) and Sec. 301(a), Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Dated: May 24, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120 is amended by adding paragraph (c)(48) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(48) Regulations 310 CMR 7.18(11), Surface Coating of Miscellaneous Metal Parts and Products and (12), Graphic Arts—Rotogravure and Flexography with test methods; and (13) Perchloroethylene Dry Cleaning Systems without test methods, were submitted on July 21, 1981 and March 10, 1982 by the Department of Environmental Quality Engineering to meet Part D requirements for ozone attainment.

2. Section 52.1120 paragraph (c)(42) is amended by revising the first sentence to read as follows:

(c) * * *

(42) Regulation 310 CMR 7.18(2)(b), to allow existing surface coating lines regulated under 310 CMR 7.18 (4), (5), (6), (7), (11), (12), (14), (15), and (16) to bubble emissions to meet the requirements of Part D for ozone was submitted by the Governor on March 6, 1981, and a letter clarifying state procedures was submitted on November 12, 1981.

[FR Doc. 82-14867 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-8-FRL-2123-3]

Approval and Promulgation of State Implementation Plans, PSD Redesignation; Flathead Reservation

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve the redesignation of the Flathead Reservation in the State of Montana to Class I under EPA's regulations for Prevention of Significant Deterioration of air quality (PSD). Class I applies to areas where only small increases in ambient levels of particulates and sulfur dioxide are allowed.

DATE: This action is effective July 2, 1982.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices.

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295;

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460;

The Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C. 20408;

Environmental Protection Agency, Montana Office, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59626.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Alkema, Environmental Protection Agency, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59626, (406) 449-5414.

SUPPLEMENTARY INFORMATION: In a January 22, 1982 **Federal Register** notice (40 FR 3138), EPA proposed to approve the October 27, 1981 request of the Confederated Salish and Kootenai Tribal Council to redesignate the Flathead Reservation to Class I (PSD). The notice specified that comments were to be submitted by February 22, 1982.

As explained in the notice of proposed rulemaking, EPA must approve a redesignation request if the procedural requirements of section 164 of the Clean Air Act have been met. No comments were received raising any issues regarding the Tribal Council's compliance with the applicable procedures. However, one commenter questioned whether the redesignation, once approved, would be reversible or revocable by the Tribal Council. The conditions and procedures outlined in section 164 of the Act and in 40 CFR 52.21(g) apply to any redesignation and would clearly provide for a subsequent redesignation by the Tribal Council.

On February 17, 1982, EPA received a letter from the Department of the Interior (DOI) requesting that the comment period on the proposed rulemaking be extended for two weeks to March 8, 1982. In a letter to DOI dated February 25, 1982, EPA stated that it would honor DOI's request for the extension. However, no comments were ever received from DOI.

On December 21, 1981, the Administrator of EPA, Region VIII, wrote to the Governor of Montana advising him of the provisions of section 164(e) of the Clean Air Act. Under that Section, if the State disagrees with the proposed redesignation, the Governor may ask EPA to enter into negotiations to resolve any dispute. The Governor's response indicated that the State had no objections to the proposed redesignation since the Tribes had complied with EPA's procedural requirements, and since it would not impact any existing or proposed industrial development.

The Flathead Tribal Council has complied with the procedural requirements of section 164 of the Clean Air Act, and since no objections to the proposed redesignation were received, EPA is approving the redesignation.

Under section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

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

This rulemaking is issued under the authority of section 164 of the Clean Air Act (42 U.S.C. 7474).

List of Subjects in 40 CFR Part 52

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

Dated: May 24, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart BB—Montana

1. Section 52.1382 paragraph (c)(3) is added as follows:

§ 52.1382 Significant deterioration of air quality.

* * * * *

(c) * * *

(3) The Flathead Indian Reservation is designated Class I.

[FR Doc. 82-14866 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 162

[OPP-250023A; PH-FRL-1987-8]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act Exemption From Regulation of Certain Biological Control Agents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from regulation under section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, for certain organisms which are used as biological control agents and which are therefore considered "pesticides" under FIFRA. This exemption is made under the authority of FIFRA section 25(b)(1), on the grounds that such biological control agents are "adequately regulated by another Federal agency." This rule also sets forth the categories of organisms which are not exempted, and procedures for determining if a specific organism is, or should be, covered by this exemption.

EFFECTIVE DATE: Under sec. 25(e) of FIFRA (sec. 4 of the 1980 FIFRA Extension Act (Pub. L. 96-539)), this rule cannot take effect until Congress has had at least 60 "calendar days of continuous Congressional session" from the date of publication in which to review the rule. Since the actual length of this review period may be affected by Congressional action, it is not possible at this time to specify a date on which this regulation will become effective. Therefore, EPA will publish a notice in the **Federal Register** at the end of the review period announcing the effective date of this regulation.

FOR FURTHER INFORMATION CONTACT: Fred S. Betz, Section 25(b) Working Group Coordinator, Hazard Evaluation Division (TS-769), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1405).

SUPPLEMENTARY INFORMATION:

Background

This rule was published in the **Federal Register** of March 24, 1981 (46 FR 18322) in proposed form for public comment. Although originally proposed as a new section, § 162.5-1, in Part 162 of Title 40 of the Code of Federal Regulations, the final rule will be designated as a new paragraph (c) in existing § 162.5. The various paragraphs of this rule have been renumbered accordingly, although

the basic organization of the rule remains the same.

As explained in the preamble to the proposed rule, this final rule is promulgated as part of EPA's Policy for the Regulation of Biorational Pesticides as published in the **Federal Register** of May 14, 1979 (44 FR 28093). The purpose of this rule is to exempt from regulation under FIFRA many living organisms which may be intended for use as biological control agents for control of pests. Such organisms are technically defined as pesticides under FIFRA. These organisms are being exempted by the Administrator under the authority of FIFRA sec. 25(b)(1) on the grounds that they are already "adequately regulated" by the U.S. Departments of Agriculture or of the Interior. Other types of living organisms, which EPA does not believe are "adequately regulated," are listed as non-exempt in this rule. Changes in the list of exempt and non-exempt organisms may be made at a later date using procedures described in this final rule.

Comments

Comments on the proposed rule were received from five sources and are available for public inspection at the Office of the Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460.

Although most of the comments made only suggestions for minor changes in the rule, two commenters apparently disagreed with EPA's judgment that the Departments of Agriculture and of the Interior are adequately regulating the biological control agents exempted by this rule. EPA has considered these comments carefully and after further consultation with the Department of Agriculture, the Agency still believes that, given the nature and degree of risk posed by the exempted agents, these Departments do exercise adequate control over the exempted organisms through the regulatory and cooperative programs described in the preamble to the proposed rule (46 FR 18323). As explained in the proposed rule, this authority is sufficient to protect public health and the environment from unreasonable adverse effects which might be caused by the use of such organisms as pesticides. However, as the proposed and final rules expressly state in § 162.5-1(c)(3)(1) and § 162.5(c)(3)(iii)(A), respectively, any organism which is not, in fact, being adequately regulated by another agency can have its exemption withdrawn by amendment of this rule, unless that organism is of "a nature that does not require regulation" under FIFRA. In the latter case, the organism would qualify for exemption under sec. 25(b)(2) of FIFRA.

Any person who believes that a specific biological control agent should not be exempt, but should instead be regulated by EPA under FIFRA, can bring this to the attention of EPA by notifying the Registration Division (TS-767C) of the Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Procedures for deciding whether or not a particular organism should be regulated under FIFRA are also incorporated into the final rule at § 162.5(c)(3) (proposed § 162.5-1). As explained in the preamble to the proposed rule, EPA will seek the best advice available in evaluating such situations, including expert advice from various Federal agencies.

After consideration of the remaining comments, EPA has made several, relatively minor, changes in this final rule. Most of these revisions were editorial corrections. However, § 162.5(c)(4)(i)(D) (formerly § 162.5-1(d)(1) (iv)) has been revised, as suggested by most of the commenters, to delete the proposed exemption for certain groups of fungi (e.g., teliomycetes and phragmobasidiomycetidae). This exemption was deleted because, as the comments pointed out, the proposed distinction between various taxonomic groups of fungi was confusing and would have been difficult to implement. Therefore, they suggested, and EPA agrees, that all fungi should, initially, be treated as subject to regulation under FIFRA (i.e., as non-exempt). However, the Agency will consider requests for exemption of specific groups of fungi in accordance with the procedures described in § 162.5(c)(3) (formerly § 162.5-1(c)).

On a similar subject, EPA considered a comment that nematodes should be added to the list of non-exempt organisms. The Agency has decided, however, that there is not yet any reason to believe that the use of nematodes as biological control agents presents any problems that cannot be adequately controlled by other Federal agencies. Therefore, nematodes have not been added to the list of non-exempt organisms in § 162.5(c)(4) of the final rule. However, EPA will carefully monitor the further development and use of nematodes as biological control agents, and if the situation warrants it, § 162.4(c)(4) may be amended to add nematodes to the list of non-exempt organisms.

Note.—EPA is currently reviewing all of the regulations designated as Part 162 of Title 40 of the Code of Federal Regulations (Registration, Reregistration, and Classification of Pesticides). These regulations may be revised and reorganized to make them easier to understand and to implement, and to make them more consistent with the amended FIFRA. In that case, the rule which is being promulgated today, § 162.5(c) (formerly § 162.5-1), may be redesignated and reorganized. However, EPA does not expect, at this time, that it will be necessary to make any substantive changes in this rule.

Statutory Review

The Secretary of Agriculture has reviewed this rule in accordance with sec. 25(a) of FIFRA and has concurred in its promulgation. In a letter dated December 14, 1981, however the USDA suggested that nematodes which vector non-exempt biological control agents should themselves be added to the list of non-exempt organisms. However, as discussed earlier in this preamble, EPA does not believe that the use of nematodes to vector pest pathogens is sufficiently widespread or hazardous to warrant imposition of the burden which this suggestion would create. Nevertheless, since the non-exempt pathogens carried by the nematodes would be fully subject to regulation under FIFRA, EPA would be able to study, and regulate, the means by which the non-exempt organisms are transmitted. Therefore, EPA could regulate, if necessary, the use of nematodes to vector non-exempt organisms without subjecting nematodes to FIFRA requirements in general, and without classifying them as nonexempt under this rule. As a result, EPA has not changed the regulation as suggested by USDA. After further discussion with EPA, the USDA has concurred in the Agency's decision with the understanding that EPA will be especially responsive to concerns which may be raised in the future about specific nematodes. If problems do arise which warrant full regulation under FIFRA, EPA will amend § 162.5(c)(4) to list nematodes as non-exempt organisms.

The FIFRA Scientific Advisory Panel (SAP) also received a copy of this rule for review in accordance with sec. 25(d) of FIFRA and in a memorandum dated October 30, 1981, the SAP waived review of the rule.

Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement that a Regulatory Impact

Analysis be prepared. This regulation is not major because it merely exempts certain biological control agents from regulation under FIFRA and, therefore, it will not result in any increase in costs or prices for such products or in any other significant adverse effects on the economy of the United States.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA, and any response to those comments, are available for public inspection at: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Rm. E-107, Environmental Protection Agency, 401 M St., Washington, D.C. 20460, from 8 a.m. to 4 p.m. Monday through Friday, excluding legal holidays.

Statutory Review

The Secretary of Agricuture has reviewed this rule in accordance with sec. 25(a) of FIFRA and has concurred in its promulgation. In a letter dated December 14, 1981, however, the USDA suggested that nematodes which vector non-exempt biological control agents should themselves be added to the list of non-exempt organisms. However, as discussed earlier in this preamble, EPA does not believe that the use of nematodes to vector pest pathogens is sufficiently widespread or hazardous to warrant imposition of the burden which this suggestion would create. Nevertheless, since the non-exempt pathogens carried by the nematodes would be fully subject to regulation under FIFRA, EPA would be able to study, and regulate, the means by which the non-exempt organisms are transmitted. Therefore, EPA could regulate, if necessary, the use of nematodes to vector non-exempt organisms without subjectng nematodes to FIFRA requirements in general, and without classifying them as nonexempt under this rule. As a result, EPA has not changed the regulation as suggested by USDA. After further discussion with EPA, the USDA has concurred in the Agency's decision, with the understanding that EPA will be especially responsive to concern which may be raised in the future about specific nematodes. If problems do arise which warrant full regulation under FIFRA, EPA will amend § 162.5(c)(4) to list nematodes as non-exempt organisms.

Under sec. 3(a) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1165, 5. U.S.C. 60 et seq.), this rule has been reviewed and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. There will be no adverse impacts since the rule merely exempts some producers from compliance with certain regulatory requirements and imposes no new burdens on any person. In addition, the beneficial impact on the exempted businesses is relatively small since biological control agents generally have not been subjected to the same level of regulation under FIFRA as chemical pesticides. Accordingly, I certify that this regulation does not require a regulatory flexibility analysis under the Regulatory Flexibility Act.

(Sec. 25(b) (Pub. L. 95-396, 92 Stat. 819, 7 U.S.C. 136 et seq.))

List of Subjects in 40 CFR Part 162

Intergovernmental relations, Labeling, Packaging and containers, Pesticides and pests, Administrative practice and procedure.

Dated: May 19, 1982.

Anne M. Gorsuch,

Administrator.

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Therefore, 40 CFR 162.5 is amended by adding a new paragraph (c), to read as follows:

§ 162.5 Pesticides required to be registered.

* * * * *

(c) *Exemption of certain pesticides from further regulation.*—(1) *General.* (i) This paragraph exempts certain biological control agents from the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (Pub. L. 95-396; 92 Stat. 819; 7 U.S.C. 136 et seq.) under the authority of section 25(b)(1) of FIFRA. It does not exempt such organisms from any other applicable Federal or State law(s) or regulation(s).

(ii) Paragraph (c)(4) of this section exempts all living organisms which are considered pesticides by definition under FIFRA section 2(u), and which are defined as biological control agents by paragraph (c)(2) of this section, except those organisms specifically described in paragraph (c)(4)(i) through (v). The exemption made by paragraph (c)(4) is based on the fact that the exempted organisms are adequately regulated by the U.S. Departments of Agriculture or of the Interior, or by other Federal agencies, under express statutory grants of authority or under other programs administered by those agencies. This regulation also sets forth procedures which the Administrator will follow in making future determinations as to whether or not certain organisms are, or should be, exempt from regulation under FIFRA.

(2) *Definitions.* Unless otherwise indicated, terms used in this section have the meanings set forth in section 2 of FIFRA and in § 162.3. In addition, as used in this section, "biological control agent" means any living organism applied to or introduced into the environment to control the population or biological activities of another life form which is considered a pest under section 2(t) of FIFRA.

(3) *Procedures for determining exemptions.* In the future, when deciding whether a particular substance is an organism that should be regulated under FIFRA, or whether it is covered by the exemption in paragraph (c)(4) of this section:

(i) The Administrator will determine whether the substance is a pesticide as defined by section 2(u) of FIFRA. If it is not, then it is not subject to regulation under FIFRA.

(ii) If the substance is a pesticide, then the Administrator will determine if it is a biological control agent. If it is not, then paragraph (c)(4) of this section does not apply.

(iii) If the substance is a biological control agent, then the Administrator will determine whether it belongs to one of the classes specifically listed as non-exempt under paragraph (c)(4) (i) through (v) of this section.

(A) If the biological control agent is exempt from regulation, the Administrator may then consider whether it is being adequately regulated by another Federal agency. If it is not being adequately regulated, it will be made non-exempt by amendment of paragraph (c)(4) of this section, unless that biological control agent is of a nature that does not require regulation under FIFRA.

(B) If the biological control agent is listed as non-exempt under paragraph (c)(4)(i)-(v) of this section, the Administrator may determine how it is to be regulated under FIFRA, or whether it should be specifically exempted under section 25(b) of FIFRA.

(4) *Exemption; Exceptions*—As authorized by section 25(b)(1) of FIFRA, all biological control agents are hereby exempted from further regulation under FIFRA except the following:

(i) Living organisms taxonomically defined as viruses.

(ii) Living organisms taxonomically defined as bacteria including actinomycetes, rickettsia, mycoplasmas, or 1-forms of bacteria.

(iii) Living organisms classified as members of the animal subkingdom *Protozoa.*

(iv) Living organisms taxonomically defined as fungi.

(v) Living organisms classified as members of Class I, *Schizophyceae,* of Division I of the Plant Kingdom, *Protophyta,* including blue-green algae, as described in "Bergey's Manual of Determinative Bacteriology," 8th ed., 1974, p. 22.

[FR Doc. 82-14399 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2634/R437; PH FRL 2132-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide glyphosate and its metabolite in or on the raw agricultural commodity pineapple. This regulation to establish the maximum permissible level for the combined residues of herbicide in or on pineapple was requested by the Pineapple Growers Association of Hawaii.

EFFECTIVE DATE: Effective on June 2, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking in the **Federal Register** of April 14, 1982 (47 FR 16051) which announced that the Pineapple Grower's Association of Hawaii, 1902 Financial Plaza of the Pacific, Honolulu, HI 96813, had submitted pesticide petition 2F2634 to the EPA proposing that a tolerance be established for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite, aminomethylphosphonic acid in or on the raw agricultural commodity pineapple at 0.1 part per million (ppm).

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the notice of proposed rulemaking (47 FR 16051, April 14, 1982).

The data presented in column three, paragraph two was incorrect. The data is corrected to read: "Tolerances have previously been established on a variety of raw agricultural commodities at levels ranging from 0.1 to 18.0 ppm and food and feed additive regulations at 30.0 ppm. The tolerance on pineapple will contribute 0.00044 mg/day to the current theoretical maximum residue contribution (TMRC) of 0.3498 mg/day (1.5 kg) or 11.66 percent of the allowable daily intake (ADI) for a total TMRC of 0.3502 mg/day (1.5 kg) or 11.67 percent of the ADI. The ADI is based on a NOEL of 5.0 mg/kg day (3-generation rat reproduction study) with a 100-fold safety factor."

Based on the information considered by the Agency, it is concluded that establishment of this tolerance will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before July 2, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Effective on: June 2, 1982.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 17, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTION FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.364(a) is amended by adding and alphabetically inserting the raw agricultural commodity pineapple to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Pineapple	0.1
* * * * *	

[FR Doc. 82-14447 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 9E2164, 1E2465/R436; PH-FRL 2132-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Methomyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide methomyl in or on the raw agricultural commodities green onions and pears. This regulation to establish the maximum permissible level for residues of the insecticide in or on the commodities was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on June 2, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking in the **Federal Register** of April 14, 1982 (47 FR 16050) which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers

University, New Brunswick, NJ 08903, had submitted pesticide petitions numbers 9E2164 and 1E2465 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arizona, California, and Oregon (9E2164) and New York (1E2465).

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide methomyl [*S*-methyl-*N*-[(methylcarbamoyl)oxy] thioacetimidate] in or on the raw agricultural commodities green onions at 3 parts per million (ppm) (9E2164) and pears at 4 ppm (1E2465).

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petitions and all other relevant material have been evaluated and discussed in the notice of proposed rulemaking (47 FR 16050, April 14, 1982). The pesticide is considered useful for the purpose for which the tolerances are sought.

Based on the information considered by the Agency, it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before July 2, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objection. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective on: June 2, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 17, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.253 is amended by adding and alphabetically inserting the raw agricultural commodities green onions and pears to read as follows:

§ 180.253 Methomyl; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Onions, green	3
* * * * *	
Pears	4
* * * * *	

[FR Doc. 82-14448 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1E2563/R435; PH-FRL 2132-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Metolachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule established tolerances for the indirect or inadvertent residues of the herbicide metolachlor in rotational and follow-up crops from direct application of metolachlor to certain agricultural crops. This regulation to establish the maximum permissible level for the residues of the herbicide in or on the commodities was requested by Ciba-Geigy Corp.

EFFECTIVE DATE: Effective on June 2, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice in the **Federal Register** of October 19, 1981 (46 FR 51282) which announced that Ciba-Geigy Corp., PO Box 11422, Greensboro, NC 27409, had filed a pesticide petition (PP 1E2563) with the EPA. The petition proposed that 40 CFR 180.368 be amended by establishing tolerances for the indirect or inadvertent residues of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide] and its metabolites determined as 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on rotational grain crop forage and fodder at 0.5 part per million (ppm).

The petitioner subsequently amended the petition in the **Federal Register** of April 14, 1982 (47 FR 16094) by adding grain of the rotational crops, and listing individual grain crops as follows: grain of rotational barley, buckwheat, millet, milo, oats, rice, rye, and wheat at 0.1 ppm; forage and fodder of rotational barley, buckwheat, millet, milo, oats, rice, rye, and wheat at 0.5 ppm.

No comments were received in response to these notices of filing.

The data submitted in the petition and all other relevant material have been evaluated. The data considered in support of the tolerances included a rat acute oral toxicity study with a lethal dose (LD_{50}) of 2.78 grams (g)/kilogram (kg) of body weight (bw); a 90-day dog feeding study with a no-observed-effect level (NOEL) of 500 ppm; a 6-month dog feeding study with a NOEL of 100 ppm; a rat teratology study with a NOEL of 360 milligrams (mg)/kg; a rabbit teratology study with a NOEL of 360 mg/kg; a 2-generation rat reproduction study with a NOEL of 300 ppm; a mouse dominant lethal study (negative); an AMES mutagenicity assay (negative); a 2-year mouse oncogenicity study with no observed oncogenic potential at 30, 1,000, and 3,000 ppm; and a 2-year rat oncogenicity/chronic feeding study in which a NOEL was not established and which is discussed further below. In addition, the petitioner has submitted a 12-month interim report of an additional 2-year rat oncogenicity/chronic feeding study in progress. The final report is to be submitted to the Agency by September 1, 1983; however, no gross or microscopic findings that have been observed thus far appear to be treatment related. A second mouse

oncogenicity study is to be submitted to the Agency by November 1, 1982.

Results of the completed 2-year rat oncogenicity/chronic feeding study, performed by Industrial Biotest Laboratory (IBT), show a statistically significant increase in primary liver neoplasms in females of the high dose group (3,000 ppm). The Agency's review of this study indicated that the study is not completely adequate for all purposes. Based on the IBT study the Agency evaluated dietary exposure to metolachlor residues and has estimated that residues resulting from these tolerances and previously established tolerances result in a "worst case" oncogenic risk of less than one in one million. The Agency will reassess this risk estimate and reevaluate these and all other tolerances for metolachlor when data from the two new oncogenicity studies are received and reviewed.

Tolerances have previously been established for residues of metolachlor ranging from 0.02 ppm in meat, milk, poultry, and eggs to 3.0 ppm in peanut forage and hay. Based upon the NOEL of 100 ppm in the 6-month dog feeding study and a 1,000 fold safety factor, the acceptable daily intake (ADI) has been set at 0.0025 mg/kg/day with a maximum permissible intake (MPI) of 0.150 mg/day for a 60-kg person. Previously established and proposed tolerances have a theoretical maximal residue contribution (TMRC) of 0.0696 mg/day in a 1.5-kg diet or 46.42 percent of the ADI.

There are no regulatory actions pending against the continued registration of this chemical. The metabolism of metolachlor in plants and animals is adequately understood and an analytical method (gas chromatography) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the tolerances are sought and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before July 2, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on June 2, 1982.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 17, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.368 is amended by designating the existing text as paragraph (a) under the heading "Specific tolerances" and adding a new paragraph (b) under the heading "Indirect or inadvertant tolerances" to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

(a) *Specific tolerances.* * * *

(b) *Indirect or inadvertent tolerances.* Tolerances are established for indirect or inadvertent residues of metolachlor in or on the following raw agricultural commodities when present therein as a result of the application of metolachlor to growing crops listed in § 180.368(a) to read as follows:

Commodities	Parts per million
Barley, fodder	0.5
Barley, forage	0.5
Barley, grain	0.1
Buckwheat, fodder	0.5
Buckwheat, forage	0.5
Buckwheat, grain	0.1
Millet, fodder	0.5
Millet, forage	0.5
Millet, grain	0.1
Milo, fodder	0.5
Milo, forage	0.5
Milo, grain	0.1
Oats, fodder	0.5
Oats, forage	0.5
Oats, grain	0.1
Rice, fodder	0.5
Rice, forage	0.5
Rice, grain	0.1
Rye, fodder	0.5
Rye, forage	0.5
Rye, grain	0.1
Wheat, fodder	0.5
Wheat, forage	0.5
Wheat, grain	0.1

[FR Doc. 82-14449 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2642/R438; PH-FRL 2132-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Potassium Sorbate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule adds potassium sorbate to the chemicals listed in 40 CFR 180.2(a) as a pesticide chemical generally recognized as safe when used as a pre- or postharvest fungicide for purposes of section 408(a) of the Federal Food, Drug, and Cosmetic Act.

EFFECTIVE DATE: Effective on June 2, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking in the **Federal Register** of April 21, 1982 (47 FR 17078) which announced that the Agency proposed adding potassium sorbate to the chemicals listed in 40 CFR 180.2(a) as a pesticide chemical generally recognized as safe when used as a pre- or postharvest fungicide for purposes of section 408(a) of the Federal Food, Drug, and Cosmetic Act.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the notice of

proposed rulemaking (47 FR 17078, April 21, 1982). Based on the information considered by the Agency, it is concluded that establishment of this tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before July 2, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective on June 2, 1982.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 17, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.2(a) is revised to read as follows:

§ 180.2 Pesticide chemicals considered safe.

(a) As a general rule, pesticide chemicals other than benzaldehyde (when used as a bee repellant in the harvesting of honey), ferrous sulfate, lime, lime-sulfur, potassium polysulfide, potassium sorbate, sodium carbonate, sodium chloride, sodium hypochlorite, sodium polysulfide, and sulfur, and, when used as postharvest fungicides, citric acid, fumaric acid, oil of lemon, oil of orange, sodium benzoate, and sodium propionate are not for the purposes of section 408(a) of the Act generally recognized as safe for use.

* * * * *

[FR Doc. 82-14453 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1E2473/R441; PH-FRL 2135-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Chlorothalonil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the fungicide chlorothalonil and its metabolite in or on the raw agricultural commodity mint hay. This regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: June 2, 1982.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking in the **Federal Register** of April 28, 1982 (47 FR 18150) which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 1E2473 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Indiana, Michigan, and Wisconsin.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerance for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the agricultural commodity mint hay at 2.0 parts per million (ppm).

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the notice of proposed rulemaking (47 FR 18150, April 28, 1982). The pesticide is considered useful for the purpose for which the tolerance is sought.

Based on the information considered by the Agency, it is concluded that the tolerance established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Effective on: June 2, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 24, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.275 is amended by adding and alphabetically inserting the raw agricultural commodity mint hay to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Mint hay	2
* * * * *	

[FR Doc. 82-14863 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300059A; PH-FRL 2136-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Seven Rare Earth Chlorides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes exemptions from the requirement of tolerances for seven rare earth chlorides—cerous, dysprosium, europic, lanthanum, scandium, ytterbium, and yttrium when used as inert ingredients in pesticide formulations. This regulation was requested by Booz, Allen and Hamilton so that rare earth chlorides can be used as tagging agents in pesticide formulations.

EFFECTIVE DATE: June 2, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Peter Gray, Process Coordination Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking in the **Federal Register** of April 28, 1982 (47 FR 18155) which announced that at the request of Booz, Allen and Hamilton, Suite 1000 N., 4550 Montgomery Ave., Bethesda, MD 20014, the Administrator proposed to amend 40 CFR 180.1001(d) by establishing exemptions from the requirement of tolerances for seven rare earth chlorides—cerous, dysprosium, europic, lanthanum, scandium, ytterbium, and yttrium when used as tagging agents in pesticide formulations.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the notice of proposed rulemaking (47 FR 18155, April 28, 1982). The pesticide is considered useful for the purpose for which the exemptions from the requirement of tolerances are sought.

Based on the information considered by the Agency, it is concluded that this amendment to 40 CFR Part 180 will protect the public health. Therefore, the exemptions from the requirement of tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Effective on: June 2, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 24, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.1001(d) is amended by adding and alphabetically inserting the seven rare earth chlorides to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert Ingredients	Limits	Uses
*	*	*
Cerous chloride.	10 ppm in formulation	Tagging agent.
*	*	*
Dysprosium chloride.	10 ppm in formulation	Tagging agent.
*	*	*
Europic chloride.	10 ppm in formulation	Tagging agent.
*	*	*
Lanthanum chloride.	10 ppm in formulation	Tagging agent.
*	*	*
Scandium chloride.	10 ppm in formulation	Tagging agent.
*	*	*
Ytterbium chloride.	10 ppm in formulation	Tagging agent.
*	*	*
Yttrium chloride.	10 ppm in formulation	Tagging agent.

[FR Doc. 82-14865 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6254

[Nev-044393]

Nevada; Revocation of Public Land Order No. 1409

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will restore a 48-acre tract to national forest status and open it to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

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

1. Public Land Order No. 1409 of April 19, 1957, which withdrew the following described land for use as a Forest Service roadside zone area, is hereby revoked:

Mount Diablo Meridian

A strip of land 200 feet on each side of the centerline of the Mt. Rose (Nevada No. 27) Forest Highway through the following legal subdivisions:

T. 17 N., R. 19 E.,
Sec. 4, SE¼NE¼, N½SE¼, SW¼SE¼.
T. 18 N., R. 19 E.,
Sec. 34, S½SW¼.

The area described contains approximately 48 acres in Washoe County within the boundaries of the Toiyabe National Forest.

2. At 8 a.m. on June 30, 1982, the land shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the land should be addressed to the Forest Supervisor,

Toiyabe National Forest, 111 N. Virginia Street, Reno, Nevada 89501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 25, 1982.

[FR Doc. 82-14880 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Foreign Fishing and Groundfish of the Gulf of Alaska

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement Amendment 10 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska. Amendment 10 decreases the allowable biological catch (ABC) of Pacific ocean perch in the Eastern Regulatory Area, sets annual optimum yield (OY) equal to ABC, and adjusts the OY components. The amendment and final rule prohibit all foreign fishing in the Eastern Regulatory Area between 132°40′ W. longitude and 140° W. longitude, but allow year-round foreign pelagic trawling within the Eastern Regulatory Area between 140° W. longitude and 147° W. longitude. NOAA also makes a technical change to clarify the Secretary's authority and makes certain changes in the regulatory text.

The intended effects of the regulations implementing this amendment are to (1) reduce the problem of gear conflicts and grounds preemption caused by foreign fishermen, (2) alleviate the high incidental catches of Pacific halibut in the foreign trawl fishery, and (3) aid the recovery of the severely depressed Pacific ocean perch resource.

EFFECTIVE DATE: June 1, 1982.

ADDRESS: Mr. Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) governs foreign and domestic fishing for groundfish in the fishery conservation zone (FCZ) in the Western, Central, and Eastern Regulatory Areas of the Gulf of Alaska. Since its implementation in 1978, the FMP has been amended nine times.

Amendment 10 to the FMP was approved by the North Pacific Fishery Management Council (Council) on February 26, 1981. Proposed rules to implement the amendment were published in the **Federal Register** on December 7, 1981 (46 FR 59565). A correction to the proposed rule was published in the **Federal Register** on January 15, 1982 (47 FR 2386). As the preamble to the proposed rule explains, the amendment reduces the annual allowable biological catch (ABC) for the Pacific ocean perch in the Eastern Regulatory Area from 29,000 metric tons (mt) to 875 mt and sets the optimum yield (OY) equal to ABC. To achieve this OY, the amendment reduces the initial domestic annual harvest (DAH) for Pacific ocean perch from 1,315 mt to 500 mt, the initial total allowable level of foreign fishing (TALFF) from 10,205 mt to 200 mt, and the initial reserve amount from 2,880 mt to 175 mt. The amount of DAH set aside for domestic processing (DAP) is increased from 80 mt to 300 mt, and the amount of DAH allocated for processing by foreign processors under joint ventures (JVP) is decreased from 1,235 mt to 200 mt.

Amendment 10 also closes the FCZ in the Eastern Regulatory Area between 132°40′ W. longitude and 140°00′ W. longitude to all foreign trawling. Foreign fishing with longlines is currently prohibited east of 140°00′ W. longitude and all foreign fishing is prohibited in three small areas east of 140°00′ W. longitude. Foreign trawling is allowed at all times between 140°00′ W. longitude and 147°00′ W. longitude, but only with pelagic trawls equipped with recording net-sonde devices functioning properly during each tow.

The preamble to the proposed rule thoroughly discussed the need and justification for Amendment 10; it also invited public comments on the proposed rule until January 21, 1982. One letter of comment was received. After considering further the merits of and justifications for Amendment 10, the Assistant Administrator has given it final approval.

Finally, as stated in the preamble to the proposed rule, these regulations include technical changes to conform with the Magnuson Fishery Conservation and Management Act (Magnuson Act) definition of "Secretary" which includes the designee of the Secretary.

These final rules incorporate the following changes from the regulations as proposed. First, in § 611.20, Appendix 1, and in § 672.20, Table 1, the Reserve and TALFF amounts for thornyhead rockfish are corrected (*see* 47 FR 2386). Second, in § 672.20, Table 1, the TALFF amount for pollock in the Western, Central, and Eastern Areas, the JVP and TALFF amounts for Atka mackerel in the Central Area (46 FR 58336, December 1, 1981; 47 FR 1295, January 12, 1982), and a printing error in the spelling of species references in footnotes 2 and 5 are corrected. Third, § 611.92(f)(1) has been revised in response to a comment on the proposed rule. Fourth, certain nomenclature changes substituting the word "Secretary" for the words "Regional Director," in §§ 611.92, 672.20 and 672.22 have been corrected. Finally, §§ 611.92(a)(3) and 672.20(a) are amended by deleting obsolete textual material, and by indicating that the material contained in Appendix 1 to § 611.20 and in § 672.20, Table 1, is initial specifications.

Public Comments

Comment (1): The closure to foreign trawling in the Gulf of Alaska, east of 140° W. longitude, is not justified by any of the following three reasons used to support the amendment: (a) As a necessary savings measure for Pacific ocean perch; (b) as a halibut savings measure (since a representative of the International Pacific Halibut Commission (IPHC) opposed the closure on the basis that it was not needed); and (c) as a means of avoiding gear conflicts with U.S. longliners.

Response: For the reasons discussed in the preamble to the proposed rule, the Council is convinced that the proposed closure is necessary. In addition, the Council considered that there is the need to prevent grounds preemption by foreign trawlers. The grounds-preemption problem occurs primarily in the area east of 140° W. longitude and is a legitimate concern to U.S. longline fishermen who, as a result of the closure to foreign trawling, (1) will lose no more gear to foreign trawlers in the area, (2) will lose no more fishing time and fuel searching for lost gear from that source, (3) will be relieved of the burden of applying for reimbursements for such lost gear and fishing time, (4) will not be preempted physically from these fishing grounds, and (5) will not refrain from expanding their fishing into this area because of fear of losing their gear to foreign trawlers. The U.S. catching and processing industries should benefit, also, because U.S. longline fishermen can spread their effort over a larger area in which target-species abundance will be greater than would be the case if a

foreign trawler had already worked the area.

The IPHC believes the adoption of a pelagic-trawl gear requirement, instead of an area closure, would be adequate to conserve Pacific halibut. However, because one of the FMP's priority objectives is to protect the Pacific halibut resource throughout the Gulf of Alaska, the IPHC does not oppose the closure.

Comment (2): The closure is the latest in a series of management measures which have caused wastage of Gulf of Alaska groundfish resources by systematically preventing the harvest of optimum yields since 1978.

Response: NOAA agrees that the foreign trawl fishery has been subject to other time, area, and gear restrictions before this new closure. These restrictions have all been in effect since 1978 or earlier, except for a new gear area around Kodiak Island which was implemented on October 2, 1981, (46 FR 49128). The Kodiak gear area incorporated six existing, smaller gear areas with an additional ocean area, but lessened, by 5 weeks, the time during which gear restrictions would be imposed; i.e., foreign trawlers gained five weeks of fishing time.

An analysis of foreign trawl catches indicates that the closures have not been as damaging as suggested by the letter of comment. For instance, the total foreign trawl catch in the Gulf of Alaska increased almost 39 percent between 1978 and 1981, from 149,089 mt to 206,940 mt. Japan alone, the major harvester of the Gulf of Alaska's groundfish resources, increased its trawl catch by 72 percent between 1978 and 1981, from 50,902 mt to 87,645 mt.

NOAA contends that the groundfish OY has been underharvested in past years only because some nations, which traditionally use only bottom trawls, have chosen not to fish between December 1 and May 31, during which period only pelagic trawls are allowed. Cessation of trawling appears to have been an operational decision by those foreign nations. Other foreign nations use pelagic trawls successfully during the winter months in the Gulf of Alaska and catch a large portion of their annual allocations during the period. Foreign nations are encouraged to use pelagic trawls, which have proven effective; doing so would extend their fishing time and allow them to harvest more of their annual allocations.

Comment (3): The amendment discriminates against foreign persons in violation of the Magnuson Act, and is contrary to the purposes, policies, and national standards set out therein.

Response: Neither section 303(b) nor any other provision of the Magnuson Act requires that conservation and management measures apply equally to foreign and domestic fishermen. In fact, National Standard 4 specifically limits its requirements of nondiscrimination and equitable allocation to U.S. fishermen.

The findings, purposes, and policies stated in section 2 of the Magnuson Act (1) indicate that foreign fishing fleets in the FCZ have interfered with domestic fishing efforts, and have caused the destruction of the fishing gear of U.S. fishermen; and (2) call for conservation and management of fisheries resources, as well as for development of domestic fisheries—with emphasis on bottom fish off Alaska. The area closure imposed by the amendment is intended to reduce gear conflicts and grounds preemptions involving foreign trawl vessels, and to increase the efficiency of the domestic longline fishery. The requirement that foreign trawlers, fishing between 140° W. longitude and 147° W. longitude, use only pelagic trawls will essentially eliminate the high incidental catches of Pacific halibut, since this species is rarely taken in pelagic trawls. Protection of the halibut resource is a specific management objective of the FMP.

Experience indicates that the pelagic trawl requirement and the closure imposed by the amendment will not prevent the harvest of TALFF, and thus will not violate National Standard 1. Pelagic trawls have proven effective in the Gulf of Alaska, and their use will afford foreign nations a reasonable opportunity to harvest their allocations in affected areas. Bottom-dwelling species may be harvested by alternative methods such as longlining. While these measures may conceivably render foreign fishing operations less efficient and more costly (concerns raised by National Standards 5 and 7), they will improve efficiency and lower costs for domestic fisheries harvesting affected stocks. They will, in addition, further a conservation goal of the FMP, the protection of Pacific halibut. There is often a conflict between economic efficiency and other legitimate goals of fishery management. In developing the amendment, NOAA made a careful and considered selection among alternative management measures in order to meet the objectives of the Magnuson Act and the FMP while taking into account the interests of foreign fishermen.

Comment (4): The amendment violates the due process clause of the Fifth Amendment to the United States Constitution by discriminating against foreign persons in a manner that denies the equal protection of the law.

Response: In the past, the judicial decisions that have invalidated discriminatory classifications by the Federal government against aliens have involved only resident aliens. Because resident aliens are situated similarly to U.S. citizens, they have subjected themselves to the jurisdiction of the United States on a long-term basis that is not, as a practical matter, easily terminated. Therefore, there are compelling reasons for treating them similarly to citizens in the establishment of official classifications. Those reasons are not as compelling with respect to nonresident aliens.

Even resident aliens are subject to forms of official discrimination that may not be applied to citizens as a result of the plenary authority of the United States over foreign affairs, and the admission of foreign persons to U.S. jurisdiction. The authority of the Federal Government to impose conditions on the admission of foreign nationals to, and their continued presence in, its jurisdiction is treated as a political matter that is subject only to the most sparing judicial review. This is particularly the case when the aliens in question have not yet subjected themselves to U.S. jurisdiction.

Contrary to the commenters' assertions, aliens such as foreign fishermen do not subject themselves to the provisions of the Magnuson Act, except to the extent that they actually engage in fishing operations in the FCZ. Every time one of these aliens determines whether to fish in the FCZ, he has the option of not doing so, thus excluding himself from U.S. jurisdiction. This contrasts strongly with the situation of resident aliens and aliens involuntarily subjected to U.S. law enforcement jurisdiction.

It is also well established that when aliens such as foreign fishermen have not yet subjected themselves to U.S. jurisdiction, the United States has broad authority to impose quite burdensome conditions upon their entry. The management measures prescribed in the amendment are well within the limits of the U.S. authority to control and condition entry to its jurisdiction.

Comment (5): Existing scientific data do not justify lowering the Pacific ocean perch optimum yield to the extent proposed.

Response: Existing scientific data on the status of Pacific ocean perch stocks were thoroughly reviewed by the Council's Scientific and Statistical Committee (SSC). Acting on the SSC's analysis and on recommendations of the Council's plan maintenance team, both of which are composed of groundfish

scientists from the National Marine Fisheries Service and the Alaska Department of Fish and Game, the Council determined that drastic action was necessary and, therefore, reduced the harvest to its present level.

Comment (6): Although the preamble indicates foreign trawling between 140° W. longitude and 147° W. longitude must be conducted using pelagic gear only, year-round, the proposed rule as published contains no such provision.

Response: NOAA concurs that the proposed rule is not clear. The final rule has been clarified to express the intent of the amendment as stated in the preamble. The final rule allows foreign trawling year-round between 140° W. longitude and 147° W. longitude, but requires that pelagic trawls be used with properly functioning recording net-sonde devices.

Classification

The Assistant Administrator has determined that Amendment 10 to the FMP is necessary and appropriate for the conservation and management of fishery resources in the Gulf of Alaska. Further he has determined that it is consistent with the national standards in section 301 of the Magnuson Act, with other provisions of the Magnuson Act, and with other applicable law. Therefore, under sections 304 and 305 of the Magnuson Act, he has approved Amendment 10 and final implementing rules.

The Administrator of NOAA has determined that the regulations implementing this amendment do not constitute a "major rule" requiring a regulatory impact analysis under Executive Order 12291. By reducing the gear-conflict and grounds-preemption problems, and by enhancing the Pacific ocean perch and halibut resources in the eastern Gulf of Alaska, Amendment 10 will increase the long-term availability of these and other groundfish resources to the domestic groundfish fishery. Therefore, the amendment can be expected to encourage the expansion of the U.S. fishing industry, to reduce costs for consumers and producers in that industry, and to enhance the competitive position of the U.S. fishing industry relative to the fishing industries of other nations.

For the reasons set forth below, the Assistant Administrator finds that there is good cause for this rule to take effect on the date specified. The intended effects of this rule are to alleviate the high incidental catches of Pacific halibut in the foreign trawl fishery, to aid the recovery of the severely depressed Pacific ocean perch resource, and to reduce the problem of gear conflicts and grounds preemption caused by foreign fishing. A delay in the effective date of this action would cause further damage to threatened stocks, and would continue the likelihood of gear conflicts and ground preemption. The affected public has had advance notice of the implementation of these measures, and has had ample opportunity to comment, and to plan accordingly. Further delay in the effective date of this action is unnecessary and contrary to the public interest.

List of Subjects in 50 CFR Parts 611 and 672

Fish, Fisheries.

Dated: May 25, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons discussed in the preamble, 50 CFR Parts 611 and 672 are amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 is revised to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

§ 611.20 Appendix 1 [Amended]

2. In § 611.20, Appendix 1, the entries for Pacific ocean perch and thornyhead rockfish under entry designated E (Gulf of Alaska groundfish fishery) for Alaska fisheries are revised to read as follows:

* * * * *

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
Pacific Ocean Perch [4]	780	Western	2,700	345	25	320		540	1,815
		Central	7,900	1,255	295	960		1,580	5,065
		Eastern	875	500	300	200		175	200
		Total	11,475	2,100				2,295	7,080
Thornyhead rockfish	749	Total	3,750	6	6	0		750	2,994

* * * * *

3. In § 611.92, paragraph (e)(2)(i) is removed; paragraphs (e)(2)(ii), (e)(2)(iii), and (e)(2)(iv) are redesignated as (e)(2)(i), (e)(2)(ii), and (e)(2)(iii) respectively; and paragraphs (a)(3), (e)(1), (e)(3)(i), and (f)(1) are revised to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

(a) * * *

(3) The initial specifications for total allowable level of foreign fishing (TALFF), reserve, domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), optimum yield (OY), and domestic nonprocessed fish (DNP) are set forth in Appendix 1 to § 611.20. These initial specifications remain in effect from year to year until amended.

* * * * *

(e) *Closed areas.*—(1) *All fishing.* Foreign fishing for groundfish is prohibited in the following portions of the management area:

(i) Between 132°40′ W. longitude and 140°00′ W. longitude; and

(ii) *"Davidson Bank":* between 163°04′ W. longitude and 166°00′ W. longitude north of 53°00′ N. latitude.

(2) * * *

(3) *Fishing with longline gear.* (i) *General.* For the purpose of this section, "longline" means (A) a stationary, buoyed, and anchored line with hooks or pots attached, or (B) the taking of fish by means of such a device.

* * * * *

(f) *Gear restrictions.*—(1) *Vessels using trawl gear.* Vessels subject to this section may use only pelagic trawls (trawls in which neither the net nor the otter boards operate in contact with the seabed) equipped with recording net-sonde devices functioning properly during each tow from January 1 through December 31 in the area between 140° W. longitude and 147° W. longitude, and from December 1 through May 31 between 147° W. longitude and 170° W. longitude.

(i) The footrope of the net must not be in contact with the seabed for more than 10 percent of any tow, as inidcated by the net-sonde readout.

(ii) Vessels subject to this section must not attach to a pelagic trawl any protective device (such as chafing gear, rollers, or bobbins) which would make it possible to fish on the seabed.

* * * * *

4. In addition to the amendments set forth in item 3 above, a nomenclature

change is made throughout § 611.92 by removing the words "Regional Director" and inserting instead the word "Secretary" in the following places:

a. In paragraphs (c)(1)(ii)(A) and (c)(1)(ii)(B); the first and third references to "Regional Director" in paragraph (c)(1)(ii)(C)(*1*); in paragraphs (c)(1)(ii)(C)(*2*) and (c)(1)(ii)(C)(*3*); the third and fourth references to "Regional Director" in paragraph (c)(1)(ii)(C)(*4*)(*i*); in paragraphs (c)(1)(ii)(C)(*4*)(*ii*) and (c)(1)(ii)(C)(*5*); and

b. In paragraph (c)(2)(i)(B); the first reference to "Regional Director" in paragraph (c)(2)(ii); in paragraphs (c)(2)(ii)(A), (c)(2)(ii)(B), and (c)(2)(ii)(C).

PART 672—GROUNDFISH OF THE GULF OF ALASKA

5. The authority citation for Part 672 is revised to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

6. In § 672.20, paragraph (a) and Table 1 are revised to read as follows:

§ 672.20 Optimum yield.

(a) The initial annual specifications of optimum yield (OY), reserves, estimates of domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), domestic nonprocessed fish (DNP), and the total allowable level of foreign fishing (TALFF) for species regulated under this Part are set forth in Table I. These specifications remain in effect from year to year until amended. When the combined catch by foreign and U.S. vessels reaches the OY amount for a species or species category, further fishing for all species will be prohibited in the applicable regulatory area or district for the remainder of the fishing year, except that fishing for sablefish by fishing vessels of the United States using longline gear will not be prohibited unless the OY for sablefish in the fishing area or district has been reached.

TABLE 1.—INITIAL (AS OF JANUARY 1, EACH YEAR) OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
Gulf of Alaska Groundfish Fishery:									
Pollock	701	Western [1]	57,000	5,775	25	5,750		11,400	39,825
		Central [1]	95,200	13,320	5,380	7,940		19,040	62,840
		Eastern [1]	16,600	2,215	695	1,520		3,320	11,065
		Total	168,800	21,310				33,760	113,730
Pacific cod	702	Western	16,560	1,880	240	1,040	600	3,312	11,368
		Central	33,540	6,050	3,480	1,370	1,200	6,708	20,782
		Eastern	9,900	2,070	280	590	1,200	1,980	5,850
		Total	60,000	10,000				12,000	38,000
Flounders	129	Western	10,400	700	100	600		2,080	7,620
		Central	14,700	1,120	300	820		2,940	10,640
		Eastern	8,400	1,360	900	460		1,680	5,360
		Total	33,500	3,180				6,700	23,620
Pacific ocean perch [2]	780	Western	2,700	345	25	320		540	1,815
		Central	7,900	1,255	295	960		1,580	5,065
		Eastern	875	500	300	200		175	200
		Total	11,475	2,100				2,295	7,080
Other rockfish [3]	849	Total	7,600	900	700	200		1,520	5,180
Sablefish [4]	703	Western	2,100	270	100	170		420	1,410
		Central	3,800	1,220	1,000	220		760	1,820
		Yakutat District [1]	3,400	1,380	1,180	200		1,420	600
		Southeast Outside District [1]	3,000	2,910	2,820	90		0	90
		Total	12,300	5,780				2,600	3,920
Atka mackerel	207	Western	4,678	290	0	290		936	3,452
		Central	20,836	1,080	0	1,080		4,167	15,589
		Eastern	3,186	700	0	700		637	1,849
		Total	28,700	2,070				5,740	20,890
Squid	509	Total	5,000	150	0	150		1,000	3,580
Other species [5]	499	Total	16,200	1,720	300	620	800	3,240	11,240
Thornyhead rockfish	749	Total	3,750	6	6	0		750	2,994

[1] See Figure 1 of § 611.92(a) for description of regulatory areas and districts.
[2] The category "Pacific ocean perch" includes *Sebastes* species *S. alutus* (Pacific ocean perch), *S. polyspinus* (north rockfish), *S., aleutianus* (rougheye rockfish), *S. borealis* (*shortraker rockfish*), *and S. zacentrus* (sharpehin rockfish).
[3] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined in footnote [2] above and *Sebastolobus* (thornyhead rockfish).
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

7. In addition to the amendment set forth in item 6 above, a nomenclature change is made in § 672.20 in the following places:

a. In § 672.20(b)(1) remove the word "he" the first time it appears and replace with the words "the Secretary," remove the second reference to "Regional Director" and replace with the words "the Secretary," remove the second reference to the word "he" and replace with the words "the Regional Director;"

b. In § 672.20(c), remove the words "Regional Director" and replace with the word "Secretary" in paragraphs (c)(1) and (c)(2); in the first and third references to "Regional Director" in paragraph (c)(3)(i); and in paragraphs (c)(3)(iii), (c)(3)(iv)(B), and (c)(3)(v); furthermore, remove the word "he" and replace with the words "the Secretary" in paragraph (c)(3)(iv)(A)(*3*); and

c. In § 672.20(e)(1), remove the word "he" and replace with the words "the Secretary".

§ 672.22 [Amended]

8. In § 672.22 the following nomenclature change is made. Remove the words "Regional Director" and replace with the word "Secretary" in paragraphs (a)(1), (b)(1), and (b)(4)(i); in the first reference to "Regional Director" in paragraph (b)(4)(ii); and in paragraphs (b)(4)(iv) and (b)(5).

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Proposed Rules

Federal Register
Vol. 47, No. 106
Wednesday, June 2, 1982

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 318 and 381

[Docket No. 81-037P]

Meat and Poultry Products; Approval of Substances

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to change its procedures governing approvals for various uses of substances in meat and poultry products. Under present regulations, approvals for the use of new substances, and authorizations for new uses or new levels of use for previously approved substances are ordinarily not granted prior to the completion of a rulemaking proceeding which specifically addresses the new substance and/or its proposed new use or level of use. If adopted, the proposal would provide a less burdensome procedure for granting such approvals. Applicants who could show that the substance has been affirmed by the Food and Drug Administration (FDA) as Generally Recognized as Safe, or is a food or color additive listed by FDA for the use intended, would be permitted to use the substance upon a determination by FSIS that the requested use in meat or poultry products is compatible with the recognized or regulated use and is suitable for that product.

DATE: Comments must be received on or before August 2, 1982.

ADDRESS: Written comments to Regulations Office, Attn: Annie Johnson, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments regarding the proposed poultry products inspection regulations should be directed to Dr. Daniel D. Jones, (202) 447-7503. (See also "Comments" under Supplementary Information.)

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

Executive Order 12291

The Agency has determined in accordance with Executive Order 12291 that this proposed rule is not a "major rule." It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

If adopted, the proposal will provide the Department with a more expedient and efficient method to handle petitions for the use of additives in meat and poultry products. No adverse economic impacts are expected on industry, consumer prices, competition, innovation, foreign trade or employment. Industry will benefit from the proposed action through the ability to use new additives or to implement new uses of previously approved additives faster than permitted by the current approval system. The proposed action will allow use of only those additives which have been approved for safety by FDA and which have received a determination of acceptance by FSIS.

Effect on Small Entities

The Administrator has determined that this action will not have a significant economic impact upon a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because this will impose no new requirements on industry. The implementation of this proposed rule will merely allow meat and poultry processors to use new additives or to apply new uses of previously approved additives faster than permitted by the current approval system.

Comments

Interested persons are invited to submit written comments concerning this proposal. Written comments should be sent in duplicate to the Regulations Office. Comments should reference the docket number which appears in the heading of this document. Any person desiring an opportunity for oral presentation of views on the proposed amendments to the poultry products inspection regulations should make such request to Dr. Jones so that arrangements may be made for such views to be presented. A transcript will be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Section 1(m)(2) of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601(m)(2)) and section 4(g)(2) of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 453(g)(2)) provide the Secretary of Agriculture with authority to regulate the use of food and color additives in meat and poultry products. Section 1(m)(2)(C) of the FMIA and section 4(g)(2)(C) of the PPIA provide that any meat or poultry carcass, part, or product is adulterated "if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA)." Under section 409 of the FFDCA (21 U.S.C. 348), all food additives are deemed unsafe unless the Federal Food and Drug Administration (FDA) finds, by regulation, that they are safe for a particular use. Section 1(m)(2)(D) of the FMIA and section 4(g)(2)(D) of the PPIA provide that any meat or poultry carcass, part, or product is adulterated "if it bears or contains any color additive which is unsafe within the meaning of section 706 of the FFDCA." Under section 706 of the FFDCA (21 U.S.C. 376), all color additives are deemed unsafe unless FDA finds, by regulation, that they are safe for a particular use. Section 1(m)(2) of the FMIA and section 4(g)(2) of the PPIA also provide that the Secretary of Agriculture may issue regulations prohibiting the use of a food additive or color additive in a meat or poultry article in establishments receiving

Federal meat or poultry inspection services.

FDA Regulations

Meat and poultry products may contain a number of ingredients subject to regulation by the FDA under the FFDCA, including food additives, substances that are generaly recognized as safe (GRAS) for use in food, and color additives, and ingredients covered by FDA prior sanctions.

According to the FFDCA, a food additive is "any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food * * *" (21 U.S.C. 321(s)). Anyone wishing to use a new food additive must petition the FDA and obtain approval before using the substance in food. The sponsor must provide FDA with information on the substance's chemical composition, its method of manufacture, its intended technical effect and what amounts will be used to accomplish that effect. FDA may also require information on how to detect and measure the substance in food. In all instances, data must be provided on its toxicity, and the nature of its proposed use. The extent or amount of the data submitted will depend on the chemical structure of the substance.

FDA's food additive regulations are codified in several parts of Title 21 of the Code of Federal Regulations (CFR). Part 170 contains general miscellaneous provisions; Part 171 specifies how food additive petitions are submitted and handled; Part 172 lists food additives approved for direct addition to food; Part 173 lists secondary direct food additives permitted in food, e.g. enzyme preparation, microorganisms, solvents, and lubricants; Parts 174, 175, 176, 177 and 178 cover indirect food additives, e.g. substances not added directly to food but which are used in the preparation or packaging of food and as a consequence may become components of, or otherwise affect the characteristics of the food; Part 179 covers irradiation of food, a process included in the statutory definition of a food additive, (21 U.S.C. 321(s)). Part 180 lists certain indirect and direct food additives about which some safety questions have arisen. Part 180 permits such additives to be used on an interim basis until such time as studies can be completed and data made available to resolve those safety issues if the Commissioner of FDA determines that the continued use of these substances presents no public health concern.

The definition of "food additives' excludes certain substances which, under the FFDCA, may be used in foods, for example, substances that are "generally recognized as safe," color additives and "prior sanctioned" substances.

Part 181 of the FDA regulations lists several food ingredients which are "prior sanctioned." Prior sanctioned ingredients are those used in accordance with explicit sanctions or approvals granted prior to the enactment of the Food Additives Amendments in 1958. These prior sanctions may have been granted by FDA under the FFDCA (21 U.S.C. 321(s)(4)) or by USDA under the FMIA or the PPIA. Such ingredients, e.g. nitrites used in cured pork products, are not subject to the food additive provisions of the FFDCA.

A second exemption from the definition of "food additive" is "generally recognized as safe" or "GRAS" substances. These are defined by the FFDCA as substances generally recognized as safe among experts qualified by scientific training and experience to evaluate their safety. Designation as GRAS can come about in either of two ways: (1) By demonstration of common use in food prior to 1958 or (2) By scientific procedures. GRAS substances are not considered to be food additives as defined by the FFDCA. GRAS substances include a variety of common food ingredients. Although FDA advises that it would be impracticable to list all substances that are generally recognized as safe for their intended use, many GRAS substances are specifically listed in Part 182 of Title 21. In addition, FDA has an ongoing GRAS review program in which extensive data searches are made and safety reviews performed on GRAS substances. After each review, the data are made publicly available and FDA evaluates the data and determines whether the substances may be affirmed as GRAS and listed in Part 184 or Part 186 of Title 21. FDA may also find that a substance or a particular use of a substance is not generally recognized by qualified experts as safe for use in food. Such substances or uses may continue to be used under an "interim food additive" regulation (21 CFR 180) while specified studies are performed to resolve the safety question.

A "color additive" is material which "when added or applied to a food, drug, device or cosmetic or to the human body or any part thereof is capable of imparting color thereto" (21 U.S.C. 321(t)). FDA regulates color additives for use in foods under section 706 of the FFDCA (21 U.S.C. 376). FDA's color additive regulations are found in Parts 70, 71, 73, 74, 80, 81, and 82 of Title 21. As with food additives, only those listed for use in food may be so used. Petitions must be submitted to FDA for any new colors or uses along with appropriate safety data and other pertinent information.

Color additives found safe and suitable for use in foods are listed in 21 CFR 71, Subpart A, and Part 74, Subpart A. Parts 81 and 82 cover provisionally approved color additives, that is, certain colors which have been in use since before the enactment of the 1960 Color Additive Amendments, but about which some safety issues remain unresolved. These colors are permitted for limited use, as prescribed, until termination of the provisional listing or a regulation is promulgated under Part 73 or Part 74.

FSIS Procedures

At the present time, FSIS exercises its authority under the FMIA and PPIA in this area through regulations (9 CFR 318.7 and 381.147) providing that no meat or poultry product may bear or contain any substance, including substances which have been approved by FDA, unless the specific substance is approved and listed by FSIS in its regulations, or the Administrator has approved use in specific cases. The tables of substances in §§ 318.7 and 381.147 list a variety of substances along with their general classification (e.g. antioxidant), their function, the categories of products in which they may be used, and the permitted usage levels. In order to add a new substance to these listings, increase the permitted level of usage or expand the category of products in which an approved substance may be used, FSIS must amend its regulations by engaging in notice and comment rulemaking. This listing process is not required by statute. Thus, while current regulations dictate that FSIS amend its regulations in order to allow the use of new substances that have been found to be safe under the FFDCA, the Agency has the authority to modify these procedures.

FSIS reviews all requests for the new use of a substance already approved, or for use of new substances not previously approved, for the substance's safety and functionality. These reviews are carried out by four divisions of FSIS: the Food Ingredient Assessment Division, the Processed Products Inspection Division, the Standards and Labeling Division, and the Facilities, Equipment and Sanitation Division.

The Food Ingredient Assessment Division determines the safety aspect of direct and indirect additives. Their

assessment involves a determination of whether the substance has been previously approved for safety by FDA or USDA. If the substance is a food additive or color additive which has not been approved for safety by FDA, the petitioner is directed to obtain approval from FDA in regard to the safety of the substance. The functionality of scalding agents and chill tank additives is assessed by the Food Ingredient Assessment Division when safety checks are made. The Processed Products Inspection Division reviews the use of proposed packaging materials for meat and poultry products. If these materials are food additives or color additives, they must be approved by FDA before USDA will approve them. The Standards and Labeling Division determines the functionality of substances proposed to be added to meat or poultry products. This division also determines whether a substance is a direct or indirect additive. The review for approval of the use of sanitizing and cleaning agents is done by the Facilities, Equipment and Sanitation Division.

On many occasions an FSIS rulemaking proceeding authorizing a new use of a substance previously approved by FDA is an effective vehicle through which the Agency can either further evaluate questions of food safety or obtain additional data on the specific functional properties of a substance when used in meat and poultry products. Under those circumstances, when there is a need for this information, the current process of using notice and comment rulemaking should be continued. However, the Agency finds that in many instances the FDA approval proceeding has served to resolve fully any and all legitimate questions regarding both the safety and the functionality of an ingredient in meat and poultry products. In such cases, the need for FSIS's requiring a comprehensive rulemaking proceeding of its own to permit an ingredient's use in a meat or poultry product is questionable, since needless delays and expenses may result, and the use of ingredients may be withheld from the marketplace for months or even years after all serious questions about their safety or usefulness have been resolved.

In addition to the costs associated with delays, applications for approvals may result in unnecessary expenses to the petitioner and impose a substantial financial burden to small businesses. Moreover, the development and review of the rulemaking record obviously requires an expenditure of Agency resources that could be diverted into projects of higher priority or greater public impact. Under current regulations, the Agency is in a poor position to postpone rulemaking on this basis, since the use of the substance is not allowed pending the completion of the proceeding.

An additional problem with the present system is that the tables contained in §§ 318.7 and 381.147 are not all-inclusive. Both the meat and the poultry regulations provide that such additive usage may be permitted in certain other regulations or "by the Administrator in specific cases." However, this grant of authority to approve substances "in specific cases" is a narrow one that should not be used to establish general rules regarding the use of particular substances. Nevertheless, the authority has been exercised for many years. As a result, the regulations are not complete, and a full listing of all approved substances and uses is not available without reference to a number of letters, memoranda, and other sources, including the Agency's record of approved labels and product formulations.

Proposal

In view of the limitations associated with the continuation of the present system the Administrator has concluded that it is both appropriate and in the public interest to propose certain changes in the Agency's procedures for the review and approval of the uses of various substances in meat food and poultry products. Under the proposed regulations, the Administrator would reserve the authority to approve new substances, new uses for approved substances, and changes in usage levels for approved substances in or on meat or poultry or products thereof, provided:

1. That the substance is an approved food additive, color additive or GRAS substance permitted for use in food under Title 21, Parts 73, 74, 81, 172, 173, 182 or 184;

2. That the intended use is in accordance with any conditions specified in the FDA approval and would not violate any other applicable FDA requirement; and

3. That the Administator determines:

a. That the Agency concurs with conclusions of FDA regarding the safety of the substance;

b. That the available data indicate that the use of the substance would have an appropriate technical effect on the product; and

c. That the available data indicate that the substance would be used at the lowest amount reasonably required to accomplish its intended technical effect.

All products in which the substance is used would be required to be properly labeled and otherwise regulated in accordance with applicable requirements under the FMIA or PPIA.

Approval of new substances or new uses of listed substances could be initiated upon request to the Agency or on the Agency's own initiation. Interested parties would be requested to provide the information needed to make the appropriate determinations. When a review of the data supplied by the petitioner, including the FDA determination, indicates that approval would be appropriate, it would appear to be an unnecessary burden on interested parties and contrary to the public interest to engage in additional notice and comment rulemaking proceedings. Accordingly, the Agency's determination would be published as a final rule. In those instances where further data is deemed necessary by the Administrator in order to determine whether the substance in question should be used in meat food or poultry products, and in what amounts, notice and comment rulemaking will be instituted.

FSIS is interested in receiving comments on this proposal. The fundamental issue is whether the proposed procedures would eliminate unnecessary delays associated with the Agency's review of requests for approvals for use of chemical substances under the FMIA and PPIA, while continuing to assure that only ingredients which have been proven to be both safe and functional are utilized in meat food and poultry products prepared under Federal inspection. Specific suggestions on the mechanics of how to implement such a system would also be welcomed.

It is appropriate to emphasize what the Agency is not proposing to change:

1. The proposal is procedural in nature and its adoption will not in itself affect the permitted uses of any food ingredient. The Agency is not proposing a system whereby any processor possesses an automatic right to use an FDA-approved substance. Specific authorizations from the Administrator, consistent with the regulations being proposed, would be required in every instance before such a substance could be used.

2. The Agency would continue to exercise, as appropriate, its independent food safety authority under the FMIA and PPIA. If the Agency does not agree that a substance permitted for use in food by regulation under the FFDCA is safe and functional for an intended use in a meat food or poultry product, it

would deny the petitioned approval for use of the substance. The Agency would notify petitioners and other interested parties when additional data are needed to make a determination of safety and/or suitability, and will provide a reasonable amount of time for the development and submission of such data.

3. The Agency would also maintain its independent analysis of questions of the functionality and suitability of substances as used in meat food and poultry products. An FDA determination of safety for use in foods generally may provide an adequate basis for FSIS to conclude that the proposed use in meat food or poultry products is also safe. However, it would not create a right of automatic approval. The Agency would not approve the use of safe substances where there has been no demonstrated technical effect in meat or poultry food products, or where the proposed usage levels are above those necessary to achieve the appropriate technical effect in those products.

List of Subjects in 9 CFR Parts 318 and 381

Food additives, Meat and poultry products, Preparation of products.

Accordingly, the Federal meat inspection regulations would be revised to read as follows:

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

1. The authority citation for Part 318 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438: 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. Section 318.7 would be revised to read as follows:

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

(a)(1) No substance may be used in the preparation of any product unless it is approved in paragraph (c)(4) of this section or elsewhere in Part 318 or in Part 319 of this subchapter, or by the Administrator in specific cases.

(2) Approval of new substances or new uses of approved substances may be granted by the Administrator if:

(i) The substance has been previously approved by the Federal Food and Drug Administration (FDA) for use in meat or meat food products as a food additive, color additive, or as a substance generally recognized as safe and is listed in Title 21 of the Code of Federal Regulations, Parts 73, 74, 81, 172, 173, 182 or 184, or it is otherwise permitted for use in food under the Federal Food, Drug, and Cosmetic Act;

(ii) Its use is in compliance with applicable FDA requirements; and

(iii) The Administrator has determined that:

(*A*) The use of the substance will not render the product in which it is used adulterated or misbranded or otherwise not in compliance with the requirements of the Act; and

(*B*) Its use is functional and suitable for the product and it is permitted for use at the lowest level necessary to accomplish the stated technical effect as determined in specific cases.

(3) Whenever the Administrator determines that approval of a new substance or new use of an approved substance should be granted in accordance with paragraph (a)(2) of this section, the Administrator shall issue a final rule amending the chart of substances in paragraph (c)(4) of this section to include the additional substance, and any technical effect, or change in level of use of the substance.

(4) No product shall bear or contain any substance which would render it adulterated or misbranded, or which is not approved in Part 318 or Part 319 of this subchapter, or by the Administrator in specific cases.

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for Part 381 reads as follows:

Authority: Section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450); and subsection 21 (b) of the Water Pollution Control Act, as amended by Pub. L. 91-224 and by other laws (33 U.S.C. 1254)).

2. Section 381.147 paragraph (f) would be revised to read as follows:

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

* * * * *

(f)(1) No substance may be used as an ingredient or otherwise in the processing of any raw or cooked poultry product unless its use is approved as shown in Table 1 in paragraph (f)(3) of this section or elsewhere in this part, or by the Administrator in specific cases.

(2) Approval of new substances or new uses of approved substances may be granted if:

(i) The substance has been previously approved by the Federal Food and Drug Administration (FDA) for use in poultry or poultry food products as a food additive, color additive or as a substance generally recognized as safe and is listed in Title 21 of the Code of Federal Regulations, Parts 73, 74, 81, 172, 173, 182, or 184, or it is otherwise permitted for use in food under the Federal Food, Drug, and Cosmetic Act;

(ii) Its use is in compliance with applicable FDA requirements; and

(iii) The Administrator has determined that:

(*A*) The use of the substance will not render the product in which it is used adulterated or misbranded; or otherwise not in compliance with the Act; and

(*B*) Its use is functional and suitable, for the product, and it is permitted for use at the lowest level necessary to accomplish the desired technical effect as determined in specific cases.

(2) Whenever the Administrator determines that approval of a new substance or a new use of an approved substance should be granted in accordance with paragraph (f)(1) of this section, the Administrator shall issue a final rule amending Table 1 in paragraph (f)(3) of this section to include the additional substance, and any technical effect or change in the level of use of the substance.

(3) No poultry product shall bear or contain any substance which would render it adulterated or misbranded, or which is not approved in Part 381 or by the Administrator in specific cases.

* * * * *

Done at Washington, DC on May 17, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-14688 Filed 6-1-82; 8:45 am]

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DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 29

[Docket No. 82-9]

Adjustable-Rate Mortgages

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Proposed rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is proposing revisions to its adjustable-rate mortgage (ARM) regulation (12 CFR Part 29). That regulation was published on March 27, 1981 and amended on April 1, 1982. The proposed revisions would increase the flexibility of national banks to design ARM instruments by eliminating (1) limits on the frequency of payment and interest rate adjustments and (2) limits on the magnitude of interest rate

adjustments. The proposal would replace the requirement that the monthly payment be reset at a fully amortizing level at least once every five years with a requirement that the monthly payment be reset at a level sufficient to begin reducing the outstanding debt no later than during the 21st year. The proposal would retain (1) the requirement that changes in the ARM interest rate be tied to changes in an interest rate index and (2) most of the existing disclosure requirements. The revised regulation would result in a freer flow of bank funds into home mortgage lending and would eliminate the reporting requirement associated with payment-capped mortgage plans.

DATE: Comments on the proposed regulation must be received on or before July 2, 1982.

ADDRESS: Comments should be sent to Docket No. 82-9, Communications Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, Attn: Marie Giblin. Telephone (202) 447-1800. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Judith Naiman, Industry and Public Affairs, (202) 447-0934, David Nebhut, Economic and Policy Research Division, (202) 447-1825, or Francis S. Rath, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal drafter of this document was David Nebhut, Financial Economist, Economic and Policy Analysis Division, Office of the Comptroller of the Currency.

Special Analyses

The Secretary of the Treasury has expressly exempted this regulation from the requirement of preparing a regulatory flexibility analysis, since it will not have a significant economic impact on a substantial number of small entities. The revised regulation is expected to result in a freer flow of bank funds into home mortgage lending and will eliminate the reporting requirement associated with payment-capped mortgage plans. Any costs incurred by small banks as a result of the revision are likely to result from adjustments in computer programs and employee training. Those costs are expected to be minimal.

The Office of the Comptroller of the Currency has determined that the regulation does not constitute a major rule within the meaning of E.O. 12291. Accordingly, a regulatory impact analysis will not be prepared on the grounds that the proposed revision (1) will not have an annual effect on the economy of $100 million or more, (2) will not result in a major increase in the cost of bank operations or government supervision nor is it likely to generate substantially higher payment for borrowers, and (3) will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or competition with foreign-based entities.

Two proposed modifications of the regulation are the removal of interest rate caps and the removal of the limit on negative amortization. The current regulation permits interest rate increases in excess of the periodic caps to be carried over to future time periods. Therefore, the removal of the interest rate caps should have a relatively small effect on the overall amount that a borrower will pay over the life of the mortgage. However, removal of the caps, if not accompanied by a limitation on the size of payment changes, will increase the potential payment volatility of mortgage loans that provide for frequent paymemt changes. The removal of interest rate caps from the regulation does not precluded the imposition of caps by lenders. Lenders may choose to design instruments with interest rate caps in order to limit their credit risk.

The likely effect of the removal of the limit on negative amortization is more complicated to evaluate, but the Office believes that the removal of the limit will not substantially increase the cost of a loan relative to the amount actually borrowed. Negative amortization, in effect, means that the lender is advancing a portion of the interest due in a given month to the borrower. Therefore, higher payments on a loan that has had higher negative amortization are analogous to higher payments required to repay a larger principal balance. Further, increasing the amount of permissible negative amortization will enable borrowers to realize reduce monthly payments for some portion of the loan term.

Overall, the revision of the regulation will enhance the competitive position of national banks by permitting them to develop ARM instruments that are responsive to borrower needs.

Background and Analysis

On March 27, 1981, the Office adopted a final rule (46 FR 18932) establishing a framework within which national banks may make or purchase mortgage instruments that are responsive to changing interest rates and to bank deposit structures. That rule provided sufficient flexibility to accommodate most adjustable-rate mortgage lending programs then in existence. To promote continued innovation and experimentation, the rule permitted national banks to submit for review by the Office of the Comptroller of the Currency adjustable-rate mortgage plans that limit payment changes and provide for timely repayment of the loan but do not cap interest rate adjustments.

Since June 1981, the Office has permitted approximately 30 national banks to offer adjustable-rate mortgages that incorporate features not authorized by the ARM regulation. Most of the nonconforming ARM programs contain no caps on interest rates or on negative amortization and some use interest rate indexes not authorized by the Office's regulation. Instead of requiring changes in the design of those programs, the Office informed the banks of its concerns with such flexible instruments and permitted loans to be originated under those programs on an experimental basis.

The ARM rule was issued as an interim measure intended to smooth the transition from a market involving almost exclusively level-payment, fixed-rate mortgage loans to a market with a variety of flexible mortgage instruments. The Office anticipated reexamining the regulation two years after it was issued. However, the movement from standard fixed-rate mortgages to a variety of alternative mortgage instruments including ARMs, shared-appreciation mortgages, and mortgages designed to accelerate repayment of principal occurred more rapidly than expected.

Several factors are responsible for the rapid change in the ARM market. One factor is the increased flexibility under which other mortgage lenders operate. On April 30, 1981, the Federal Home Loan Bank Board (FHLBB) issued a regulation (46 FR 24148) permitting federally chartered savings and loan associations to offer a wide variety of adjustable mortgage loan instruments. That regulation neither restricts interest rate adjustments nor limits increases in the outstanding loan balance on mortgage loans made by federally chartered S&Ls. On July 29, 1981, the National Credit Union Administration (NCUA) issued a similar regulation (46 FR 38669) governing ARM lending by federally chartered credit unions and the FHLBB amended its regulation to permit graduated-payment adjustable mortgage loans. A number of states now permit state-chartered financial institutions to make ARMs that are more flexible than those permitted by the Office's regulation. Additionally, private mortgage insurers have shown their

willingness to insure ARMS that are more flexible than those the Office's regulation permits.

A second factor contributing to the development of the ARM market has been the creation of a secondary market in adjustable-rate mortgages. In June 1981, the Federal National Mortgage Association (FNMA) announced plans to purchase eight different types of ARMs. Of those eight, only two are consistent with the Office's current regulation. The six plans that national banks may not originate, except perhaps as payment-capped mortgages, do not have interest rate caps. Also, some permit more negative amortization than the regulation permits, and others use indexes not authorized by the Office.

The Office has permitted several national banks to offer four of the nonconforming FNMA plans under the provisions of the ARM regulation that permit experimentation with payment-capped mortgages. That process, however, involves delays in reviewing and responding to individual bank's submissions and could limit the ability of national banks to compete in the adjustable-rate mortgage market. The Office is, therefore, considering revising the regulation to authorize national banks to offer more flexible adjustable-rate mortgages.

The proposed revision to the regulation is consistent with the Office's belief that the design of adjustable-rate mortgage instruments can best be determined by the marketplace rather than by regulation. A lender's needs may depend on its deposit base, the customers it serves, the demands of secondary mortgage market investors, and the economic conditions of its region. Similarly, borrowers with differing expectations of income growth and differing preferences for housing are likely to demand different mortgage instruments. Lending institutions must have flexibility in designing mortgage instruments if the housing finance needs of various participants in the market are to be met.

Market imperfections, however, may prevent the efficient operation of a totally unregulated ARM market. The primary market imperfection is the high cost of obtaining information on an ARM. Those costs may prevent borrowers from accurately evaluating the instruments available. That problem can be compounded by the high transaction costs associated with mortgage loans that tend to lock borrowers into contracts, even if it is discovered after a contract is closed that a particular loan does not meet their needs. The Office's proposal addresses those problems in two ways. First, the requirement that the ARM interest rate be indexed to a market interest rate ensures that ARM interest rate changes are based on objective indicator of market conditions. This protects borrowers from arbitrary increases in the loan rate. Second, in recognition of the complexity of adjustable-rate mortgages, the proposal retains the requirement that banks disclose basic information to potential borrowers on the operation of the adjustable-rate mortgages it offers.

Proposed Changes in the OCC's ARM Regulation

Proposed changes in the OCC's ARM regulation are discussed below. No changes are proposed in the provisions of the regulation that are not addressed in this section.

Index

The proposed revision to the regulation permits national banks to use as an interest rate index any interest rate (or a moving average thereof) that is readily available to and verifiable by borrowers, and is beyond the control of the bank. If a bank bases interest rate changes on movements in a published average cost-of-funds index, it would be required to include in the disclosure notice a statement that such an index is likely to exhibit an upward bias over the next several years, regardless of movements in market rates of interest, as the interest rate ceilings on deposit instruments are phased out.

The Office's current adjustable-rate mortgage regulation (as amended on April 1, 1982 at 47 FR 13775) authorizes five interest rate indexes: the monthly and weekly average of the average auction rate on 6-month Treasury bills, the monthly and weekly average yield on Treasury securities with a maturity of three years, and the monthly average contract rate on previously occupied homes as complied by the Federal Home Loan Bank Board.

The Office limited the choice of indexes in its regulation in order to provide some uniformity in the ARM market, to simplify borrower comparisons of different ARM programs, and to facilitate the development of a secondary market in adjustable-rate mortgages. However, since FHLBB, NCUA and FNMA permit additional interest rate indexes, it is unlikely that continuing to limit the number of permissible indexes for national banks will promote uniformity in the adjustable-rate mortgage market or facilitate comparison shopping by potential borrowers.

The Office seeks comments on: (1) Whether there are any interest rate indexes that meet the proposed criteria but would be inappropriate interest rate indexes and (2) whether the above criteria exclude any interest rate indexes that would be appropriate.

Interest Rate Changes

(a) *Frequency.* The proposal removes (1) the limits on the frequency of interest rate adjustments and (2) the requirement that interest rate adjustments occur at regular intervals. It requires only that interest rate changes occur at intervals specified in the loan documents. The proposal retains the requirement that the borrower be notified of an impending interest rate adjustment 30 to 45 days before any interest rate adjustment may take effect.

The Office's existing regulation limits the frequency of interest rate adjustments to regular intervals of not more than once every 6 months. The initial fixed-rate period may exceed subsequent fixed-rate periods.

The limitation was included in the regulation to give borrowers some minimum period of payment stability. However, payments can be stabilized without restricting the frequency of interest rate changes, *e.g.*, the rate of amortization can be changed while the payment remains constant. To the extent that interest rate changes are cyclical, such an adjustment technique enables the lender to implement interest rate changes without deviating greatly from the original amortization schedule. Secular increases in the interest rate, however, would necessitate an eventual payment increase.

The Office requests comment on: (1) Whether the constraint on the frequency of interest rate adjustments should be retained and (2) the likely effect of its removal.

(b) *Magnitude.* The proposed amendment eliminates limits on the size of interest rate adjustments. The existing ARM rule limits interest rate adjustments to not more than 1 percentage point per six month period between adjustments and to not more than 5 percentage points at any single rate adjustment.

Regulatory constraints on the magnitude of interest rate changes impose some interest rate risk sharing between borrower and lender and dampen the potential volatility of monthly payments. At present market rates, the ARM interest rate cap implies a maximum annual payment change of approximately 15%.

The Office seeks comments on whether limitations on interest rate

adjustments should be eliminated from the regulation.

An alternative to requiring interest rate caps is to give national banks the option of choosing either a periodic interest rate cap or a periodic cap on monthly payment changes. The Office seeks comments on whether any such requirement would be appropriate.

(c) *Required and Permitted Changes.* The existing regulation requires that any periodic or aggregate limit on interest rate changes apply to both increases and decreases. The proposal removes that requirement.

Lenders offering ARMs have designed a number of instruments with interest rate increases and decreases that are not symmetrical. For example, an ARM may have an initial interest rate which is below the current market rate. To compensate the lender, a schedule is established at the outset that will increase the mortgage interest rate by increasing the spread between the loan rate and the index rate. During this graduation period, decreases in the interest rate that might otherwise have resulted from decreases in the index are not taken. The Office believes that national banks should have the ability to design instruments with such flexibility, provided that the schedule for interest rate and payment adjustments is explained clearly and accurately in the initial disclosure statement. The Office requests comments on: (1) The likely effect of removing the symmetry requirement and (2) whether the regulation should specify required and permitted interest rate changes.

(d) *Negative Amortization.* The proposed amendment does not change the permissible methods of implementing interest rate changes. It does, however, remove the restriction on the aggregate amount of negative amortization that may occur on an ARM made by a national bank. Banks are, however, required to set the installment payment at a level sufficient to begin reducing the outstanding loan principal no later than during the 21st year of the loan term and to amortize the entire principal of the loan without a substantial balloon payment by the end of the 30th year.

The Office's existing regulation permits interest rate changes to be implemented through changes in the monthly payment, changes in the rate of amortization, or a combination of those methods. Negative amortization is now limited to one percent of the outstanding loan balance at the beginning of a fixed-payment period times the number of 6-month periods between payment adjustments. Additionally, the monthly payment must be set at a fully amortizing level at least once every 5 years.

Negative amortization is an essential element of any graduated-payment mortgage. In the early years of the loan, the borrower's monthly payments are set at a level below that required to amortize the loan. During that period, the bank, in effect, lends the borrower the difference between the actual monthly payment and the payment required for full amortization of the loan. The higher monthly payments later in the loan term compensate the lender for the earlier period of negative or reduced amortization. A key feature of a graduated-payment mortgage loan is a predetermined schedule of payment increases designed to put the loan on a fully amortizing basis at the end of a specified period.

On other ARMs, negative amortization provides a cushion that enables borrowers to maintain level payments beyond the period for which the interest rate is fixed. Cyclical movements in the interest rate alter the rate of amortization rather than the size of monthly payments. If significant periods of negative amortization occur, the loan-to-value ratio may rise, which in turn increases the lender's risk.

The Office requests comment on whether the regulation should include any limits on negative amortization or guidelines to assure that the loan-to-value ratios on ARMs do not exceed an unsafe level.

Fees

The proposal does not prohibit fees for rate or payment adjustments or prepayment of principal. Lenders that charge such fees would be required to disclose the size of the fees and when and how such fees would be charged. The Office's existing adjustable-rate mortgage regulation prohibits charges for interest rate or payment adjustments and permits prepayment fees only up until 30 days before the first rate adjustment on an ARM.

The Office seeks comments on the desirability of permitting banks to charge fees for interest rate adjustments, payment adjustments, and prepayments. Also, the Office specifically requests comments on whether prepayment fees should be permitted if prepayments arise via accelerated amortization due to the nature of the ARM program.

Disclosure. (a) The proposed revision retains most of the disclosure requirements of the existing regulation. Listed below are the changes in the required disclosures.

(1) Banks using an average cost-of-funds index would be required to disclose that such an index is likely to have an upward bias as the phasing out of interest rate ceilings on depository instruments continues.

(2) The proposal requires lenders to describe the method used to calculate the initial monthly payment on the loan if it differs from the fully amortizing monthly payment.

(3) The proposal does not prohibit lenders from charging fees related to interest rate adjustments, changes in the monthly payment, or prepayment on an ARM. Lenders would be required to disclose on what basis such fees would be charged and the amount of such fees.

(4) The proposal revises the required hypothetical example that national banks must provide. The regulation stipulates an interest rate scenario that increases by 10 percentage points as rapidly as possible. The proposal requires each bank to determine the interest rate scenario to be used with its example. Comments are requested on whether the Office should specify an interest rate scenario to be used by all national banks offering ARMs and, if so, what rate scenario might be appropriate.

(5) Because the proposal greatly expands the variety of instruments that national banks may offer, it is unlikely that a single disclosure form would be suitable for all ARMs. The proposal, therefore, does not include a model disclosure form. Nevertheless, banks are required to explain to their borrowers the potential risks of ARMs. Disclosure documents will be tailored by the bank according to its ARM plan. Comments are requested on whether the provision of a model form by this Office is necessary and, if so, how a model disclosure form might be designed to accommodate the variety of ARMs that will appear on the market.

(6) The proposal authorizes national banks to offer ARMs on which payment changes occur at different intervals than interest rate changes. Therefore, the Office is proposing that payment adjustment notifications be provided at least 30 days and no more than 45 days before any payment change may take effect and that certain information be included in such notifications. The Office requests comments on whether payment change notification requirements should be included in the regulation.

(b) The proposal does not substantially alter the disclosure statement that national banks making short-term demand or balloon mortgages must provide to borrowers. The Office believes that statement conveys important information. The Office solicits comments on whether the

wording and the tone of that statement are appropriate and whether it provides borrowers with accurate and meaningful information regarding the nature of such loans.

List of Subjects in 12 CFR Part 29

National banks, Mortgages.

Proposed Amendment

Accordingly, the Office proposes to revise 12 CFR Part 29 to read as follows:

PART 29—ADJUSTABLE-RATE MORTGAGES

Sec.
29.1 Definition.
29.2 General rule.
29.3 Index.
29.4 Rate changes.
29.5 Prepayment fees.
29.6 Assumption.
29.7 Disclosure.

Authority: 12 U.S.C. 1 *et seq.;* 12 U.S.C. 93a; and 12 U.S.C. 371(g).

§ 29.1 Definition

An adjustable-rate mortgage loan is any loan made to finance or refinance the purchase of and secured by a lien on a one- to four-family dwelling, including a condominium unit, cooperative housing unit, or a mobile home, where such loan is made pursuant to an agreement intended to enable the lender to adjust the rate of interest from time to time. Adjustable-rate mortgage loans include loan agreements where the note and/or other loan documents expressly provide for adjusting the rate at periodic intervals. They also include fixed-rate loan agreements that implicitly permit rate adjustment by having the note mature on demand or at the end of an interval shorter than the term of the amortization schedule unless the national bank has clearly made no promise to refinance the loan (when demand is made or at maturity) and has made the disclosure specified in § 29.7(d).

§ 29.2 General rule.

National banks may make or purchase adjustable-rate mortgage loans only if they conform to the conditions and limitations contained in this part. National banks may make or purchase adjustable-rate mortgage loans pursuant to this Part without regard to any limitations that otherwise would be imposed on adjustable-rate mortgage lending by the laws of any State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, or Guam, which limitations are hereby expressly preempted.

§ 29.3 Index.

Changes in the interest rate charged on an adjustable-rate mortgage loan must be linked to changes in the index specified in the loan documents, *i.e.*, a 1 basis point (1 basis point =.01 percentage point) change in the index must be translated into a 1 basis point change of the same direction in the contract interest rate except as otherwise provided in § 29.4(b). A national bank may use as an interest rate index any measure of market rates of interest that is readily available to and verifiable by the borrower and is beyond the control of the bank. The index for an adjustable-rate mortgage loan shall be either single values of the chosen measure or a moving average of the chosen measure calculated over a specified period. The initial index value shall be the most recently available index value on the date that the lender commits to the initial interest rate on the loan. Subsequent interest rate changes shall be based on the most recently available index value at the date for notifying borrowers of impending changes in the interest rate.

§ 29.4 Rate changes.

(a) *Frequency of changes.* Interest rate changes on an adjustable-rate mortgage loan shall occur at intervals specified in the loan documents.

(b) *Required and permitted rate changes.* Interest rate changes on adjustable-rate mortagage loans shall be subject to the following provisions:

(1) Interest rate increases permitted in accordance with this Part shall be at the option of the bank.

(2) Interest rate decreases warranted by decreases in the index shall be mandatory except to the extent they would exceed limitations established pursuant to § 29.4(b)(3); to the extent that rate increases fully reflecting increases in the index have not been implemented by the bank, either at its option or because of limitations on interest rate adjustments as permitted in § 29.4(b)(3); or to the extent that the bank has previously voluntarily reduced the interest rate on an adjustable-rate mortgage loan.

(3) Banks offering adjustable-rate mortgage loans may establish in the loan documents limitations on maximum or minimum interest rate increases or decreases, minimum increments of interest rate increases or decreases, and procedures for rounding the interest rate on the loan to the nearest percentage point or some fraction thereof.

(4) Voluntary interest rate reductions not related to index changes and changes in the index that do not result in equal changes in the interest rate (including differences between changes in the index rate and changes in the interest rate due to rounding) shall, to the extent not offset by subsequent movements of the index, be carried over and be available at succeeding rate change dates.

(5) A national bank may decrease the contract rate on an adjustable-rate mortgage at any time and by any amount beyond the decreases required by the rules contained in this Part.

(c) *Method of rate changes.* Interest rate changes to an adjustable-rate mortgage loan may be implemented through changes in the amount of the installment payment or the rate of amortization or any combination of these two methods, according to a schedule agreed upon by the borrower and the bank in the loan documents or as agreed upon by the parties at the time of an interest rate change. Notwithstanding the foregoing, installment payments shall be required for an adjustable-rate mortgage loan that are sufficient to reduce the outstanding principal balance of the loan beginning no later than during the twenty-first year and are sufficient to amortize the entire principal of the loan without a substantial ballon payment by the end of the thirtieth year. These methods are permissible regardless of any state-law prohibitions on the charging of interest on interest. Such prohibitions are expressly preempted, provided the interest rate charged by the national bank does not exceed the applicable usury limit, if any.

§ 29.5 Prepayment fees.

National banks offering or purchasing adjustable-rate mortgage loans may impose penalties for prepayments regardless of any state-law prohibitions of such fees, which prohibitions are expressly preempted.

§ 29.6 Assumption.

National banks offering or purchasing adjustable-rate mortgage loans that include due-on-sale clauses are not required to allow those loans to be assumed by new purchasers of the mortgaged property or to allow new purchasers to take title to such property subject to the lien of an adjustable-rate mortgage loan made pursuant to this Part, regardless of any limitations on the validity or enforceability of due-on-sale clauses found in state law, which limitations are expressly preempted. If a national bank does allow such a loan to be assumed or a purchaser to take title to property subject to the lien of an adjustable-rate mortgage loan made pursuant to this Part, the interest rate

and any other loan terms may be reset as of the date of assumption. In order for an adjustable-rate mortgage loan to qualify for the benefits of this section, the loan note must contain a clause stating that the loan is due on sale or must contain some other provision indicating that the loan may be assumed or the property purchased subject to the bank's mortgage lien only at the bank's discretion.

§ 29.7 Disclosure.

(a) A national bank offering adjustable-rate mortgage loans shall disclose in writing on the earlier of the date on which the bank first provides written information concerning adjustable-rate mortgage loans available from the bank or provides a loan application form to the prospective borrower, the following items:

(1) The fact that the interest rate may change and a brief description of the general nature of an adjustable-rate mortgage loan;

(2) The index used, including the name of at least one readily available source in which it is published. If the index is based on a cost of funds rate for any group of financial institutions subject to limitations on the interest they may pay certain classes of depositors, a bank must describe that fact and point out that the removal of interest rate ceilings will likely result in an upward bias on future movements of the index, regardless of movements in market interest rates;

(3) A 10-year series updated at least annually showing the values of the index on at least a semiannual basis, presented in a table. The table should show either single values of the measure of interest rates or an average of single values, consistent with the bank's adjustable-rate mortgage loan program;

(4) The frequency with which the interest rate and payment levels will be adjusted;

(5) The method used to calculate the initial monthly payment, if that payment differs from the fully amortizing payment;

(6) Any rules relating to changes in the interest rate, installment payment amount, and/or increases in the outstanding loan balance;

(7) A description of the method by which interest rate changes will be implemented, including an explanation of negative amortization and balloon payments, if they may occur in connection with the loan;

(8) A statement, if appropriate, of the rules or conditions relating to refinancing of short-term and demand mortgage loans, prepayment, and assumption;

(9) A statement, if appropriate, of fees that will be charged by the bank and/or any other persons in connection with the adjustable-rate mortgage loan, including fees due at loan closing, prepayment fees and fees that will be charged for interest rate or payment adjustments and a statement of when and how such fees will be charged;

(10) A schedule of the dollar amounts of the installment payments (principal and interest), and the outstanding loan balance at each payment adjustment date on a $10,000 adjustable-rate mortgage loan that might occur under the bank's adjustable-rate mortgage loan program. The initial interest rate should be a commitment rate offered by the bank within the preceding 12-month period.

(b) At least 30 days and no more than 45 days before any interest rate change may take effect, the bank must notify the borrower in writing of the following items:

(1) The current and proposed new interest rate;

(2) The base index value and the index values upon which the current interest rate and the new interest rate are based;

(3) The extent to which the bank has forgone any increase in the mortgage interest rate;

(4) The monthly payment due after implementation of the interest rate adjustment and/or other contractural effects of the rate change;

(5) The amount of the monthly payment, if different from that given in response to item 4, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term;

(6) The amount of the prepayment penalty, if any, that will be charged if the borrower chooses to prepay the loan rather than accept an interest rate increase.

(c) If under the bank's adjustable-rate mortgage program, a payment change may occur at a different date than an interest rate change, at least 30 days and no more than 45 days before any such payment change may take effect, the bank must notify the borrower in writing of the following items:

(1) An explanation of the circumstances that have led to such a payment change;

(2) The monthly payment due after implementation of the payment adjustment;

(3) The amount of the monthly payment, if different from that given in response to item 2, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term;

(4) The amount of any prepayment penalty that will be charged if the borrower chooses to prepay the loan.

(b) A national bank making any loan to finance or refinance the purchase of and secured by a lien on a one- to four-family dwelling which is either payable on demand or at the end of a term which, including any terms for which the bank has promised to refinance the loan, is shorter than the term of the amortization schedule, must include the following notice displayed prominently and in capital letters in or affixed to the loan application form and in or affixed to the loan note:

THIS LOAN IS PAYABLE IN FULL [AT THE END OF —— YEARS *or* ON DEMAND]. [AT MATURITY *or* IF THE BANK DEMANDS PAYMENT] YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST THEN DUE. THE BANK IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL THEREFORE BE REQUIRED TO MAKE PAYMENT OUT OF OTHER ASSETS YOU MAY OWN, OR YOU WILL HAVE TO FIND A LENDER WILLING TO LEND YOU THE MONEY AT PREVAILING MARKET RATES, WHICH MAY BE CONSIDERABLY HIGHER THAN THE INTEREST RATE ON THIS LOAN. IF YOU REFINANCE THIS LOAN AT MATURITY, YOU MAY HAVE TO PAY SOME OR ALL CLOSING COSTS NORMALLY ASSOCIATED WITH A NEW LOAN, EVEN IF YOU OBTAIN REFINANCING FROM THE SAME BANK.

Fixed-rate short-term or demand loans for which this notice has been properly given will not be characterized as adjustable-rate mortgage loans.

(e) At the date on which the initial interest rate on an adjustable-rate mortgage loan is determined, the bank must inform the borrower of the initial index value against which interest rate changes will be measured. This initial index value must be included in the note which the borrower signs. The borrower must be given a copy of that note no later than at loan closing.

Dated: May 4, 1982.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 82-14851 Filed 6-1-82; 8:45 am]

BILLING CODE 4810-33-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 231 and 298

[EDR-442; Economic Regulations Docket: 40717]

Transportation of Mail; Mail Schedules; Exemption for Air Taxi Operations; Elimination of Schedule Filing

Dated: May 20, 1982.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to eliminate requirements that airlines file flight schedules with the government, because airlines' voluntary publication in the Official Airline Guide satisfies the need for this information.

DATES: Comments by: July 2, 1982. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 14, 1982.

The Docket Section prepars the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 40717, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Jack Calloway, Office of the Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-6042.

SUPPLEMENTARY INFORMATION: The first sentence of section 405(b) of the Federal Aviation Act requires each U.S. air carrier to file with the Board and the Postal Service a statement of the points that it is authorized to serve and all its schedules and schedule changes involving those points. The Board's rule implementing this statutory provision, except for commuter air carriers, is found at 14 CFR Part 231. Commuters are exempted from section 405(b) by § 298.10 of the air taxi rule (14 CFR Part 298), but file schedules in accordance with the simpler provisions of § 298.60. Certificated carriers, for their small-aircraft operations, have the option under § 298.99(a) of filing schedules in accordance with either scheme.

In the Airline Deregulation Act of 1978, Pub. L. 95-504, Congress added a new section 1601 to the Federal Aviation Act to provide for the termination of some Board functions and the transfer of others. In particular, section 1601(a)(1)(G) terminated the schedule-filing requirements of the first sentence of section 405(b) for domestic passenger transportation, effective December 31, 1981. In ER-1279, 47 FR 137, January 5, 1982, the Board amended Part 231 to reflect this change. The Board interpreted the statutory change as covering not only passenger service but also combination service (passengers and cargo on the same aircraft). The Board also noted that in 14 CFR Part 291 it had already exempted carriers from schedule filing for domestic cargo-only service, except for service that is wholly within Alaska or wholly within Hawaii. The amendment in ER-1279, therefore, added a new provision to Part 231 limiting the applicability of the part to foreign air transportation and to cargo-only air transportation within Alaska or Hawaii. ER-1279 was issued as a final rule without notice and comment, because it merely reflected a statutory change that had narrowed the Board's authority. A corresponding amendment of § 298.99(a) for the small-aircraft operations of certificated carriers was made by ER-1278, 47 FR 604, January 6, 1982.

The Board did not make a similar amendment of the commuter schedule-filing requirement in § 298.60 at that time, however, because it concluded that notice and comment were necessary for the following reason: Even though the original purpose of § 298.60 was eliminated for domestic service by the statutory change, the Board still had the legal authority to require domestic schedule-filing by commuters as a condition on the other exemptions afforded them by Part 298. The justification in ER-1279 for omitting notice and comment with regard to certificated carriers was therefore inapplicable to § 298.60.

The Board has concluded that its need for flight schedule information, not only from commuters but from all carriers, is satisfied by the carriers' voluntary submission of their schedules to the *Official Airline Guide,* which is published in the private sector. In order to eliminate unnecessary regulatory burdens and further the purposes of the Paperwork Reduction Act, Pub. L. 96-511, therefore, the Board now proposes to eliminate all remaining requirements that air carriers file flight schedules under Part 231 or 298.

This proposal encompasses all interstate, overseas, and foreign air transportation of passengers, property, and mail. The amendment of Part 231 would eliminate the existing rule and replace it with an exemption from the first sentence of section 405(b) of the Act. The corresponding amendment of Part 298 would remove § 298.60 for commuters and § 298.99(a) for the small-aircraft operations of certificated carriers.

On a related matter, the Board is concerned that it have advance notice of a carrier's plans to terminate service in a limited-designation international market, in order to facilitate replacement service. Neither the OAG nor the general schedules filed under Part 231 provide enough lead time, however, and the Board is considering whether to establish a separate, specialized notice or reporting requirement to this end. Any rule requiring such a notice would be the subject of a separate notice of proposed rulemaking.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-534, the Board certifies that this rule will not, if adopted as proposed, have a significant economic impact on a substantial number of small entities. The effect of the rule would be to eliminate a reporting requirement that for small air carriers is already minor.

List of Subjects in Parts 231 and 298

Air carriers, Air taxis, Alaska, Antitrust, Consumer protection, Insurance, Postal Service, Reporting requirements

The Proposed Rule

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Parts 231 and 298 as follows:

1. Part 231, *Transportation of Mail; Mail Schedules,* would be retitled and revised to read:

PART 231—EXEMPTION FROM SCHEDULE FILING

Sec.
231.1 Applicability.
231.2 Exemption.

Authority: Secs. 101(3), 204, 401, 404, 405, 407, 416, 418, 419, 1601, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 754, 760, 766, 771, 91 Stat. 1284, 92 Stat. 1732, 1744; 49 U.S.C. 1301, 1324, 1371, 1374, 1375, 1377, 1386, 1388, 1389, 1551.

§ 231.1 Applicability.

This part applies to all air carriers.

§ 231.2 Exemption.

Air carriers are hereby exempted from the requirements of the first sentence of section 405(b) of the Act.

Notice.—The first sentence of section 405(b) reads as follows: "Each air carrier shall, from time to time, file with the Board and the Postmaster General a statement showing the points between which such air carrier is authorized to engage in air transportation, and all schedules, and all changes therein, of aircraft regularly operated by the carrier between such points, setting forth in respect of each such schedule the points served thereby and the time of arrival and departure of each such point."

PART 298—EXEMPTION FOR AIR TAXI OPERATIONS

§ 298.60 [Reserved]

2. In Part 298, *Exemption for Air Taxi Operations*, § 298.60, *Filing of flight schedules by commuter air carriers*, would be removed and reserved.

§ 298.99 [Amended]

3. Also in Part 298, Subpart I, *Air Taxi Operations by Certificated Carriers*, would be amended by removing and reserving paragraph (a) of § 298.99, *Scope of filing and reporting requirements*.

(Secs. 101(3), 204, 401, 404, 405, 407, 416, 418, 419, 1601, Pub. L. 85–726, as amended, 72 Stat. 737, 743, 754, 760, 766, 771, 91 Stat. 1284, 92 Stat. 1732, 1744; 49 U.S.C. 1301, 1324, 1371, 1374, 1375, 1377, 1386, 1388, 1389, 1551)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–14903 Filed 6–1–82; 8:45 am]

BILLING CODE 6320–01–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 21

Selected Special Calls—Duties of Foreign Brokers, Domestic and Foreign Traders, Futures Commission Merchants and Contract Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission is publishing for comment a proposed rule intended to facilitate the Commission's ability to acquire essential market data concerning futures and options trading on United States exchanges. This proposed rule would require a futures commission merchant ("FCM"), trader or foreign broker to provide to the Commission upon special call pertinent market information concerning its accounts. If the FCM, trader or foreign broker fails to respond to the special call, the Commission may direct the appropriate contract market and all FCMs to prohibit further trades in the contract market and in the delivery months or option expiration dates specified in the call by or on behalf of the FCM, trader or foreign broker named in the call unless such trades offset existing open contracts of such FCM, trader or foreign broker. This rule has been expanded from proposed rule § 21.03, 45 FR 31731 (May 14, 1980), to include within its provisions FCMs and domestic traders in addition to foreign brokers and traders and options in addition to futures contracts. However, the application of this rule will be limited to instances where the Commission needs information to determine whether the threat of a market manipulation, corner, squeeze or other market disorder exists in any contract market and where books and records of the FCM, trader or foreign broker upon whom the special call is made are not open at all times to inspection in the United States by any representative of the Commission.

DATE: Comments on the proposed rule should be submitted on or before July 2, 1982.

ADDRESS: Send comments to Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Maureen A. Donley, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–9880.

SUPPLEMENTARY INFORMATION: The Commission believes that obtaining timely information concerning futures and options trading from market participants is critical to effectively monitoring conditions in the markets. The Commission has for the last several years sought to develop an effective means of obtaining this information without discouraging active participation in futures markets.

As part of this effort, on May 14, 1980, the Commission published for comment proposed rule § 21.03, "Futures Commission Merchants—Duties Concerning Accounts Carried for Foreign Brokers and Traders." 45 FR 31731. The Commission intended that the proposed rule:

> [F]acilitate the Commission's ability to acquire essential market data concerning futures trading on United States exchanges by foreign persons.

The Commission's proposed rule would have made it unlawful for any FCM to maintain an account or effect transactions for foreign persons until the FCM received a list of the beneficial owners of their foreign futures accounts. Upon a special call from the Commission, the FCM carrying the account would have been required to obtain and furnish to the Commission certain specific information about the account within as little as twenty-four hours. If the FCM were unable to provide the information, the FCM would have been required to liquidate all futures positions in the account. The proposed rule also would have required the FCM to notify the contract market upon which the liquidation would occur and to effect the orderly liquidation under the direction of the contract market.

The Commission received more than thirty comments on the proposal. Generally, the comments were critical of the proposed rule. Over half of the comments received specifically identified the rule's burden on FCMs as a reason that it should not be adopted. The most criticized provision of the proposed rule was the provision that would make it unlawful for an FCM to open a futures account or effect futures transactions for a foreign person until the FCM has received a list of all beneficial owners of all futures contracts carried or to be carried in the account. This provision was vigorously opposed by commentors because of the paperwork burden it would impose on FCMs. In addition, commentors criticized the proposed rule alleging that it unfairly imposed more severe consequences on a foreign market participant than on a domestic participant. Commentors also objected to the provision's automatic liquidation requirement. They contended that automatic liquidation was too harsh a result and may be inappropriate when, for example, a disruption or abnormalty already exists in the market and that the liquidation of large positions itself could create market disorder and price volatility and may invite market manipulation. Commentors also asserted that the automatic liquidation provision raised constitutional due process and statutory concerns.

The Commission continues to believe that additional procedures are needed to ensure that the Commission will be able to obtain needed market information. However, the Commission is sensitive to many of the concerns raised in the comments on proposed rule § 21.03. As a result, in response to these concerns, the Commission has reexamined the rule and is publishing for comment a modified rule § 21.03. The modified rule is designed to alleviate many of the burdens and concerns of the earlier proposed rule. The Commission believes that modified rule § 21.03 should satisfy the interests of the Commission and the concerns expressed by the commenters on the prior proposal.

In particular, this rule has been expanded from proposed rule § 21.03 to include within its provisions FCMs and domestic traders in addition to foreign brokers and traders and options in addition to futures contracts. However, the application of this rule will be limited to instances where the Commission needs information to

determine whether the threat of a market manipulation, corner, squeeze or other market disorder exists in any contract market and where books and records of the FCM, trader or foreign broker upon whom the special call is made are not open at all times to inspection in the United States by any representative of the Commission.

The Commission's Modified Proposed Rule

Paragraph (a) of the modified proposed rule defines two terms for purposes of rule § 21.03: "account of a futures commission merchant or foreign broker" means all open futures contracts on the records of the FCM or foreign broker recorded in the name or on behalf of the same person; "beneficial interest" is defined as having or sharing in any rights, obligations or financial interest in any futures account.

Paragraph (b) of the modified proposed rule would make it unlawful for a FCM to open an account for a customer or to effect transactions for an existing account until the FCM has fully explained the requirements of rule § 21.03. The FCM may explain the provisions of the rule in any manner it deems appropriate. This paragraph does not apply to any customer whose books and records are open at all times to inspection in the United States by any representative of the Commission.

Paragraph (c) of the modified proposed rule includes a requirement that the Commission determine prior to issuing a special call under § 21.03 that information concerning accounts carried or held by FCMs for another FCM, trader or foreign broker is necessary to enable the Commission to determine whether the threat of a market manipulation, corner, squeeze, or other market disorder exists. This provision is consistent with the Commission's authority to gather and assess current market data under Section 4i of the Commodity Exchange Act, as amended ("the Act"), 7 U.S.C. 6i.

Paragraph (d) provides that in the event the call is directed to a foreign broker or foreign trader, its agent designated pursuant to § 15.05 of this chapter, which is often an FCM, may be required to transmit any special call made pursuant to this section by telex or a similarly expeditious means of communication. Paragraph (d) does not bind the Commission to using the agent for foreign service under § 21.03.

In recognition of the concerns expressed in the comments, the Commission has modified the proposed rule to place the reporting burden directly on the FCM, trader or foreign broker to whom the special call is issued. In response to the special call, the FCM, trader or foreign broker would be required to transmit at the place and within the time required by the Commission certain information specified in § 21.03(e) (1) and (2). In determining the time within which the information responsive to the special call must be submitted, the Commission intends to take into account difficulty of transmission, time differences, the quantity and type of information requested and other appropriate factors. The special call, insofar as it may require a trader to provide the cash commodity transaction and position information required to be maintained pursuant to 17 CFR 18.05, shall be limited to futures or options positions of the trader in the United States. (§ 21.03(e)(2)(iv)).

Under the modified rule (§ 21.03(f)), the Commission may prohibit further trading in the contract market and in the delivery months or option expiration dates specified in the call except for liquidation trading instead of the automatic liquidation requirement of proposed rule § 21.03. This limitation of allowing trading for liquidation only is intended to preserve the status quo by prohibiting the FCM, trader or foreign broker from adding new positions for the delivery months or option expiration dates. This expedited procedure which does not provide for a hearing prior to the Commission's acting will provide the Commission with an effective means of enforcing special calls in appropriate circumstances. Where information that is needed to enable the Commission to determine whether the threat of market manipulation, corner, squeeze or other market disorder is not provided, this procedure allows the Commission immediately to prevent a FCM, trader or foreign broker from further building its position. The approach of permitting trading for liquidation only should avoid many concerns and problems of market disruption that certain commentors feared from the automatic liquidation required by proposed rule § 21.03.

The modified rule also provides for the opportunity to petition the Commission for a prompt hearing after the Commission acts under § 21.03(f). This provision (§ 21.03(g)) is designed to provide a meaningful opportunity, where appropriate, to contest any facts which formed the basis for the Commission's determination to limit trading for liquidation only.

The modified rule also provides in paragraph (h) for specific time limits and procedures in the event the Commission determines, during the course of or after it acts pursuant to § 21.03(f), that it is appropriate to commence an action under section 6(c) of the Act, 7 U.S.C. 9. The procedure set forth in modified rule § 21.03 does not preclude the Commission from taking other appropriate action under the Commodity Exchange Act or the Commission's Rules, including action under sections 6(b) or 6c of the Act, 7 U.S.C. 9 and 13a-1.

Certification Under the Regulatory Flexibility Act

The Commission does not believe that the rule proposal discussed herein will have an impact on small entities. The rule, if adopted by the Commission, would affect four categories of entities: contract markets, futures commission merchants, traders and foreign brokers. With respect to the first two categories, contract markets and registered futures commission merchants, the Commission has defined "small entity" to exclude such entities. *See* 47 FR 18618, 18619 (Apr. 30, 1982). With respect to traders and foreign brokers, the rule, if adopted, would only apply after a determination by the Commission that information is necessary "to determine whether the threat of a market manipulation, corner, squeeze, or other market disorder exists in any futures market" (Proposed rule § 21.03(c)). In this regard, the Commission has defined "small entity" not to include large traders, *i.e.*, "traders who hold or control positions in a significant number of futures contracts." *See* 47 FR 18620 (Apr. 30, 1982). Accordingly, pursuant to Section 3(a) of the Regulatory Flexibility Act, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. However, the Commission particularly invites comments from any small firms or traders which believe that the promulgation of this rule will have such an impact.

PART 21—SPECIAL CALLS FOR INFORMATION FROM CONTRACT MARKETS, FUTURES COMMISSION MERCHANTS, MEMBERS OF CONTRACT MARKETS, AND FOREIGN BROKERS

List of Subjects in 17 CFR Part 21

Commodity futures, Futures commission merchants, Foreign brokers, Domestic and foreign traders, Reporting requirements, Special calls.

Accordingly, pursuant to the authority in Sections 4c, 4g, 4i, 5, 5a and 8a of the Commodity Exchange Act, as amended, 7 U.S.C. 6c, 6g, 6i, 7, 7a and 12a, the

Commission proposes to add new § 21.03 to Part 21 of its regulations as follows:

§ 21.03 Selected Special Calls—Duties of Foreign Brokers, Domestic and Foreign Traders, Futures Commission Merchants and Contract Markets.

(a) For purposes of this section the term "account of a futures commission merchant or foreign broker" means all open futures and options contracts on the records of the futures commission merchant or foreign broker recorded in the name or on behalf of the same person; the term "beneficial interest" means having or sharing in any rights, obligations or financial interest in any futures or options account.

(b) It shall be unlawful for a futures commission merchant to open futures or options accounts for a customer or to effect transactions in futures or options contracts for an existing account for a customer until the futures commission merchant has explained fully to the customer in any manner the futures commission merchant deems appropriate, the provisions of this section. This paragraph shall not apply to any customer whose books and records are open at all times to inspection in the United States by any representative of the Commission.

(c) Upon a determination by the Commission that information concerning accounts carried or held by any futures commission merchant for any other futures commission merchant, trader or foreign broker is necessary to enable the Commission to determine whether the threat of a market manipulation, corner, squeeze, or other market disorder exists in any contract market, the Commission may issue a call for information from the other futures commission merchant, trader, or foreign broker pursuant to the provisions of this section.

(d) In the event the call is directed to a foreign broker or foreign trader, its agent, designated pursuant to § 15.05 of this chapter, shall, if directed, promptly transmit calls made by the Commission pursuant to this section by telex or a similarly expeditious means of communication.

(e) The futures commission merchant, trader or foreign broker to whom the special call is issued must provide to the Commission the information specified below for the commodity, contract market, and delivery months or option expiration dates named in the call. Such information shall be filed at the place and within the time specified by the Commission.

(1) For each account of a futures commission merchant or foreign broker, including those accounts in the name of the futures commission merchant or foreign broker in which open futures or options contracts are carried on the records of the futures commission merchant or foreign broker on the dates specified in the call issued pursuant to this section, a futures commission merchant or foreign broker shall provide the Commission with the following information:

(i) The name and address of the person in whose name the account is carried, and, if the person is not an individual, the name of the individual to contact regarding the account;

(ii) The name and address of any other person who controls the trading of the account;

(iii) The name and address of any person who has a ten percent or more beneficial interest in the account;

(iv) The total open futures and options contracts in the account; and

(v) The number of futures contracts against which delivery notices have been issued or received and the number against which exchanges of futures for cash have been transacted during the period of time specified in the call.

(2) For each account of a trader, a trader shall provide the Commission with the following information:

(i) The total open futures and options contracts owned or controlled on the dates specified in the call;

(ii) The name and address of any person having a ten percent or more beneficial interest in the open futures or options contracts reported pursuant to § 21.03(e)(2)(i);

(iii) The name and address of any other person which controls the trading of the open futures or options contracts reported pursuant to § 21.03(e)(2)(i); and

(iv) The cash commodity transaction and position information required to be maintained pursuant to § 18.05 of this chapter as specified in the call which relates to futures or options positions of the trader in the United States.

(f) If the Commission has reason to believe that a futures commission merchant, trader or foreign broker has not responded as required to a call made pursuant to this section, the Commission may inform the contract market specified in the call and that contract market shall prohibit, and no futures commission merchant or foreign broker shall accept, an order for the execution of trades in the contract market and in the months or expiration dates specified in the call for or on behalf of the futures commission merchant, trader or foreign broker named in the call, unless such trades offset existing open contracts of such futures commission merchant, trader or foreign broker.

(g) Any person that believes he or she is or may be adversely affected or aggrived by action taken by the Commission under paragraph (f) of this section above shall have the opportunity for a prompt hearing after the Commission acts. Any such person may immediately present in writing to the Commission for its consideration any comments or arguments concerning the Commission's action and may present for Commission consideration any documentary or other evidence that person deems appropriate. Upon request, the Commission may, in its discretion, determine that an oral hearing be conducted to permit the further presentation of information and views concerning any matters by any or all such persons. The oral hearing may be held before the Commission or any person designated by the Commission, which person shall cause all evidence to be reduced to writing and forthwith transmit the same and a recommended decision to the Commission. The Commission's directive under paragraph (f) of this section shall remain in effect unless and until modified or withdrawn by the Commission.

(h), If, during the course of or after the Commission acts pursuant to paragraph (f) of this section, the Commission determines that it is appropriate to undertake a proceeding pursuant to section 6(b) of the Commodity Exchange Act, 7 U.S.C. 9, the Commission shall issue a complaint in accordance with the requirements of section 6(b), and, upon a further determination by the Commission that the conditions described in § 21.03(c) still exist, a hearing pursuant to section 6(b) of the Act shall commence no later than five business days after service of the complaint. In the event the persons served with the complaint under section 6(b) has, prior to the commencement of the section 6(b) hearing, sought a hearing pursuant to paragraph (g) above and the Commission has determined to accord him such a hearing, the two hearings shall be conducted simultaneously.

Dated: May 26, 1982.

Jane K. Stuckey,

Secretary of the Commission, Commodity Futures Trading Commission.

[FR Doc. 82-14904 Filed 6-1-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulation No. 4]

Federal Old-Age, Survivors, and Disability Insurance; Revised Medical Criteria for the Determination of Disability

Correction

In FR Doc. 82-12222 appearing at page 19620 in the issue of Thursday, May 6, 1982, please make the following changes:

(1) On page 19630, middle column, in item "C.2.", third line, "determining PaO_2" should be changed to read, "determining $PaCO_2$".

(2) On page 19640, first column, in item "13.25", paragraph "C", "extenteration" should be changed to read, "exenteration".

(3) On page 19641, middle column, last line, "rhonic" should be changed to read, "rhonchi".

(4) On page 19645, middle column, in paragraph "G", "A social" should be changed to read, "Asocial".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 1

Disinterments from National Cemeteries

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration proposes to change its regulation on disinterments from national cemeteries, to require that a request for disinterment include the consent of all living immediate family members over their notarized signatures as well as the notarized statement of the requester stating that all close living relatives have given consent. The change is being made because close living relatives and immediate family members have later protested the disinterment. This change is expected to eliminate the problem.

DATE: Comments are due on or before July 2, 1982.

ADDRESSES: Interested persons are invited to submit written comments, suggestion, or objections regarding this proposed regulation to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received by July 2, 1982 will be available for public inspection only in the Veterans Services Unit, room, 132, of the above address, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until July 19, 1982.

FOR FURTHER INFORMATION CONTACT: Sonja McCombs (202) 389-2987.

SUPPLEMENTARY INFORMATION: 38 CFR 1.621 currently requires that all close living relatives of the decedent consent to the disinterment of remains from a national cemetery. This requirement brought objections from the immediate family. On March 21, 1980, 38 CFR 1.621 was substantially abbreviated to reduce the burden of those who requested authority to disinter remains from national cemeteries by requiring only the notarized statement, that all the living close relatives of the deceased consent, and signature of the requester. The proposed regulation to effect this abbreviated requirement was printed at 45 FR 18406 and 18407 but a final regulation was never printed. At this time, the VA is setting forth a new proposed amendment of 38 CFR 1.621 to require that a request for disinterment include the consent of all living immediate family members over their notarized signatures.

VA Form 40-4970, Request for Disinterment, was revised to reflect the abbreviated requirement. The Department of Memorial Affairs, Veterans Administration, has used VA Form 40-4970 since March 1980 and has encountered many problems with it. In one instance, a relative certified that there was no living spouse. The spouse later contacted the VA, very irate that her husband had been disinterred from the national cemetery. In another case, a relative signed a VA Form 40-4970 certifying that all close living relatives had agreed to the disinterment. This information later proved false. While the VA complied with a valid notarized request and was not responsible for the integrity of the sworn statement, the VA would prefer to avoid any further anguish to the family of the deceased veteran. This proposed amendment of 38 CFR 1.621 and revision of VA Form 40-4970 should eliminate future problems and be more acceptable to veterans and their families.

The Administrator has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. The Administrator hereby certifies that this proposed amendment will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this proposed 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 these regulations apply almost exclusively to individual veterans and their survivors. They will have no significant impact on small entities (i.e., small business, small private profit and nonprofit organizations, and small governmental jurisdictions). There is no Catalog of Federal Domestic Assistance number for disinterment of remains from national cemeteries.

Information collection requirements contained in this regulation (§ 1.612) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2900-0365.

Approved: May 17, 1982.

Robert P. Nimmo,

Administrator.

List of Subjects in 38 CFR Part 1

Cemeteries, Claims, Government property, Veterans.

PART 1—GENERAL PROVISIONS

38 CFR 1.621 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.621 Disinterments from national cemeteries.

(a) Interments of eligible decedents in national cemeteries are considered permanent and final. Disinterments will be permitted only for cogent reasons and then only with the prior written authorization of the Chief Memorial Affairs Director. Disinterments from a national cemetery will be approved only when all living immediate family members of the decedent, to include the person who initiated the interment (whether or not he or she is a member of the immediate family), give their consent, or when a court order or state instrumentality of competent jurisdiction directs the disinterment. "Immediate family members" are defined as surviving spouse, if not remarried, all adult children of the decedent, appointed guardian(s) of minor children, the appointed guardian of the surviving unremarried spouse or of the adult child(ren) of the decedent. When the person who initiated the interment is the remarried spouse, his or her written consent will not be required. In the absence of a surviving unremarried spouse and children, the decedent's parents will be considered "immediate family members." (38 U.S.C. 1004)

(b) All requests for authority to disinter remains will be submitted on VA Form 40–4970, Request for Disinterment, and will include the following information:

(1) A full statement of reasons for the proposed disinterment.

(2) Notarized statements by all eligible living immediate family members of the decedent, to include the person who initiated the interment (whether or not he or she is a member of the immediate family), that they consent to the proposed disinterment.

(3) A notarized statement, by the person requesting the disinterment that those who supplied affidavits comprise all the living immediate family members of the deceased. (38 U.S.C. 1004) (Approved by the Office of Management and Budget under OMB control number 2900–0365.)

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 82-14853 Filed 6-1-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-9-FRL 2134-7]

California's Application for Interim Authorization; Phase II Component a Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region 9

ACTION: Notice of public hearing and public comment period.

SUMMARY: Regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (45 FR 33063). The hazardous waste management program regulations include provisions for authorization of State program to operate in lieu of the Federal program and for a transitional stage in which States can be granted interim program authorization. This document announces the availability for public review of the California application for partial Phase II Component A Interim Authorization, invites public comment, and gives notice of a public hearing to be held on the application.

DATE: Comments on California's interim authorization application must be received before or by close of the public hearing on July 8, 1982.

PUBLIC HEARING: EPA will conduct a public hearing on California's interim authorization application at 1:30 p.m. and 7:30 p.m. on July 8, 1982. The State of California will participate in the public hearing.

ADDRESSES: Written comments should be sent to: Environmental Protection Agency, Region 9, Toxics and Waste Management Division, Paul Blais (T-2-1), 215 Fremont Street, San Francisco, CA 94105.

The public hearing will be held at: Environmental Protection Agency, Region 9, 215 Fremont Street, 6th Floor, Nevada Room, San Francisco, CA 94105.

Copies of the California interim authorization are available at the following addresses for inspection and copying by the public:

California Department of Health Services, Hazardous Waste Management Branch, 714 P Street, Room 523, Sacramento, CA 95814; (916) 323–2337

California Department of Health Services, Hazardous Waste Management Branch, 107 South Broadway, Room 7012, Los Angeles, CA 90012; (213) 620–2380

California Department of Health Services, Hazardous Waste Management Branch, 2151 Berkeley Way, Room 119, Berkeley, CA 94704; (415) 540–2043

Environmental Protection Agency, Region 9, Library Information Center, 215 Fremont Street, Room 601, San Francisco, CA 94105; (415) 974–8076

EPA Headquarters Library, 401 M Street S.W., Room 2404, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Paul Blais, RCRA State Programs Section Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105; (415) 974–8127.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations inlude provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented, in two phases corresponding to the two stages in which the underlying Federal program will take effect.

California received interim authorization for Phase I on June 4, 1981. In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of components of Phase II interim authorization. Component A, published in the January 12, 1981 **Federal Register** (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments, and waste piles. California's partial application for Phase II–A interim authorization does not cover new or existing surface impoundments.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479).

As noted in the May 19, 1980 **Federal Register**, copies of complete State submittals for Phase II interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indian—land, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalities, Confidential business information.

Dated: May 21, 1982.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 82-14861 Filed 6-1-82; 8:45 am]

BILLING CODE 6550-50-M

40 CFR Part 180

[PP 1E2541, 1E2547/P236; PH-FRL 2135-6]

Inorganic Bromides Resulting From Soil Treatment With Methyl Bromide; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the inorganic bromides, resulting from soil treatment with methyl bromide, in or on the raw agricultural commodities onions (dry bulb only), asparagus, and lettuce. The proposed amendment to establish a maximum permissible level for residues of the inorganic bromides in or on these commodities was submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before July 2, 1982.

ADDRESS: Written comments to: Donald R. Stubbs, Emergency Response Section,

Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7700).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions 1E2541 and 1E2547 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Oregon, and Washington (PP 1E2541) and California (PP 1E2547).

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the inorganic bromides, resulting from soil treatment with methyl bromide, in or on the raw agricultural commodities onions (dry bulb only) (PP 1E2541) and asparagus and lettuce (PP 1E2547) at 200 parts per million (ppm). The petitions were later amended to propose tolerances at 300 ppm in or on each of the commodities.

The data submitted in the petitions and all other relevant material have been evaluated. The pesticide is considered useful for the purposes for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances include the following three studies conducted before 1955 and rated as "supplemental" based on curent-day standards for testing: a 20-month rat feeding study with a systemic no-observed-effect level (NOEL) of 235 ppm; a 52-week rabbit feeding study with a systemic NOEL of 90 ppm; and a 1-year dog feeding study with a systemic NOEL of 2,900 ppm. Of significance are long-term clinical studies of inorganic bromides in humans to support the demonstrated safe use by humans of over-the-counter proprietary brominated analgesics. Agricultural tolerances have previously been established for residues of the inorganic bromides on various commodities at levels ranging from 5 ppm up to 240 ppm (40 CFR 180.123, 180.126, 180.146, 180.197, 180.199); food additive tolerances have been established at levels up to 400 ppm in major food items such as cheeses, dried eggs, and milled grain products (21 CFR 193.250), and in fermented malt beverages (21 CFR 193.230).

Tolerances already exist for residues of the inorganic bromides in onions at 20 ppm and asparagus at 100 ppm, both from postharvest commodity fumigation with methyl bromide, and in lettuce at 130 ppm resulting from preharvest soil treatment with 1,2-dibromo-3-chloropropane.

The acceptable daily intake (ADI), based on studies of systemic effects in humans and using a 10-fold safety factor, is calculated to be 60 mg/kg of body weight (bw)/day, calculated as the bromide ion. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 600 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is currently estimated to be 125 mg/day. This does not take into account inorganic bromides in milk, eggs, meat and poultry resulting from ingestion of "background" inorganic bromides which are ubiquitous in nature, especially in in milk. The potential for increased exposure in the human diet from the proposed tolerances is not considered toxicologically significant.

The nature of the residues is adequately understood and an adequate analytical method (direct potentiometry using a solid state bromide electrode) is available for enforcement purposes. All residue data for each of the three commodities are from tests conducted in California. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerances established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before July 2, 1982 that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, "[PP 1E2541, 1E2547/P236]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 21, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.199 be revised to read as follows:

§ 180.199 Inorganic bromides resulting from soil treatment with combinations of chloropicrin, methyl bromide, and propargyl bromide; tolerances for residues.

Tolerances are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities grown in soil fumigated with combinations of chloropicrin, methyl bromide, and propargyl bromide. No tolerances are established for chloropicrin since it has been established that no residue of this substance remains in the raw agricultural commodity.

Commodities	Parts per million
Asparagus	300
Broccoli	25
Cauliflower	25
Eggplants	60
Lettuce	300
Muskmelons	40
Onions (dry bulb)	300
Peppers	25
Pineapples	25
Strawberries	25
Tomatoes	40

[FR Doc. 82-14362 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1E2493/P232; PH-FRL 2135-8]

Cyano(3-Phenoxyphenyl)Methyl 4-Chloro-Alpha-(1-Methylethyl)Benzeneacetate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity filberts. The proposed amendment to establish a maximum permissible level for residues of the insecticide in or on the commodity filberts was submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments must be received on or before July 2, 1982.

ADDRESS: Written comments to: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs (703-557-7700) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 1E2493 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Oregon.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity filberts at 0.2 part per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included an acute oral rat toxicity study with a median lethal dose (LD_{50}) of 1-3 grams (g)/kilogram (kg) of body weight (bw) (water vehicle) and 450 milligrams (mg)/kg of bw (dimethyl sulfoxide (DMSO) vehicles); a 90-day dog feeding study with a no-observed-effect level (NOEL) of 500 ppm (highest dose tested); a 90-day rat feeding study with a NOEL of 125 ppm; an 18-month mouse feeding study with a NOEL of less than 100 ppm with no oncogenic effects at the highest level fed (3,000 ppm); a 24-month mouse feeding study with a NOEL of 10-50 ppm for males and 50-250 ppm for females (no oncogenic effects were noted at 1,250 ppm, the highest dose tested); a 24-month rat feeding study that demonstrated no oncogenic effects at 1,000 ppm (only level tested) (significantly decreased body weight was observed at this dose level); a 2-year rat feeding study with a NOEL of 250 ppm (highest level fed)—no oncogenic effects were observed; a three-generation rat reproduction study with a NOEL of 250 ppm (highest level fed); teratology studies (in mice and rabbits), each negative at 50 mg/kg/day (highest dose tested); and the following mutagenicity studies: mouse dominant lethal (negative at 100 mg/kg of bw, which was the highest level fed); mouse host-mediated bioassay (negative at 50 mg/kg of bw, which was the highest level fed); Ames test in vitro (negative), and a bone marrow cytogenic study in the Chinese hamster (negative at 25 mg/kg of bw). The following studies assessing neurological effects were performed: a hen study negative at 1.0 g/kg of bw for 5 days, repeated at 21 days; a rat (8-day) acute study with a NOEL of 200 mg/kg of bw; a 15-month rat feeding study which resulted in a systemic NOEL of 500 ppm and a NOEL of 1,500 ppm with respect to nerve damage.

The acceptable dialy intake (ADI), based on the 2-year rat feeding study (NOEL of 12.5 mg/kg/day, or 250 ppm) and using a 100-fold safety factor, is calculated to be 0.1250 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 7.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0541 mg/day; the current action will increase the TMRC by 0.0001 mg/day (0.18 percent). Published tolerances utilize 0.72 percent of the ADI; the current action utilizes less than 0.01 percent.

The nature of the residues is adequately understood and an adequate analytical method (electron-capture gas chromatography) is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request July 2, 1982, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, "[PP 1E2493/P232]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 24, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.379 be amended by revising the chemical name to reflect "(1-methylethyl)" and adding and alphabetically inserting the raw agricultural commoditty filberts to read as follows:

§ 180.379 Cyano(3-phenoxyphenyl methyl 4-chloro-alpha-(1-methyl-ethyl)benzeneacetate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Filberts	0.2
* * * * *	

[FR Doc. 82-14864 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 425

[WH-FRL 2135-4]

Leather Tanning and Finishing Industry Point Source Category Effluent Limitations Guidelines, Pretreatment Standards and Standards of Performance for New Sources

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability and request for comments.

SUMMARY: EPA proposed regulations on July 2, 1979 to limit effluent discharge to waters of the United States and introduction of pollutants into publicly owned treatment works from leather tanning and finishing facilities. EPA accepted comments on the proposed regulations until April 10, 1980. At a hearing in Washington, D.C., on February 15, 1980, the Agency announced that it would make available for public review additional information and data the Agency gathered after proposal of the regulations. EPA announces today the availability for public review of technical and economic data and related documentation received after proposal of the regulations. EPA is requesting comments on these supplementary record materials and on the Agency's preliminary analysis of how these materials might influence final rulemaking.

DATES: Comments must be submitted on or before July 19, 1982.

ADDRESS: Comments may be mailed to Mr. Donald F. Anderson, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket Clerk, Leather Tanning Rules, or delivered to the Docket Clerk, Rm. 911, East Tower, Waterside Mall, between the hours of 9:00 A.M. and 4:00 P.M. the supplementary information and data received, and the revised technical and economic data evaluation summaries will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2402 (Rear), Waterside Mall, 401 M Street, Southwest, Washington, D.C. 20460. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Donald F. Anderson, (202) 426-2707.

SUPPLEMENTARY INFORMATION:

A. Data Gathering and Review Efforts

In their comments on the proposed regulations, (44 FR 38746-38776, July 2, 1979), the leather tanning industry claimed that the data and other supporting record material relied upon by EPA in proposing these regulations contained a large number of errors.

The Agency responded to this comment by completely reviewing the entire data base and all documentation supporting this rulemaking. All historical data points were examined for background documentation, accuracy, and applicability. In its review of the data base, the Agency has corrected errors relating to previously reported data, including production levels, water use ratios, and technology cost.

EPA also conducted a program to acquire new data during the comment period. This program involved 56 information request mailings (developed in cooperation with and distributed by the Tanners' Council of America), 43 site visits, and 10 wastewater sampling visits. The Agency acquired a significant amount of additional information and data on production levels, wastewater flow data, methods capable of reducing flow, and control and treatment technology performance and cost.

The Agency also has considered new data, developed by a study of toxic pollutant treatability at publicly owned treatment works ("POTW study"), in reviewing the basis for pretreatment standards. The data considered is included in a report, entitled "Fate of Priority Pollutants in Publicly Owned Treatment Works—Interim Report," report number EPA-440/1-80-301, October 1980, which is available separately for review and comment. Interested parties should contact Mr. Robert Southworth at (202) 426-2707 to receive a copy of this report.

EPA analyzed the supplemented data base in order to verify or modify, as appropriate, the important underlying facets of the regulations, including: industry profile and subcategorization; water use and waste load generation; the performance and cost of control and treatment technologies as applied by direct dischargers and by publicly owned treatment works (POTWs); treated effluent variability analysis; economic analysis; and environmental analysis. The purpose of the balance of this notice which follows is to inform the public and the regulated community of the Agency's preliminary analysis of how the verified and supplemented record may influence final rulemaking for the leather tanning and finishing industry. This preliminary analysis is an extra effort by the Agency to ensure the fullest possible public participation in the development of this regulation.

The Agency is making available to the Tanners' Council of America (TCA), the trade association which represents most of the industry, a separate copy of all verified and updated data and summaries of all key technical and economic statistics.

B. Industry Subcategorization

In developing the proposed regulations, EPA identified seven categories within the leather tanning and finishing industry on the basis of hide or skin type and process employed. The seven subcategories were as follows:

1. Hair Pulp, Chrome Tan, Retan-Wet Finish
2. Hair Save, Chrome Tan, Retan-Wet Finish
3. Hair Save, Non-Chrome Tan, Retan-Wet Finish
4. Retan-Wet Finish
5. No Beamhouse
6. Through-The-Blue
7. Shearling

Upon further review of the industry, and in response to public comment, EPA is considering establishing two additional subcategories, 8 and 9. Subcategory 8 would cover pigskin tanneries which previously were included in subcategory 1. Subcategory 9 would cover plants which retan-wet finish splits, while plants which retan-wet finish grain sides remain in subcategory 4.

C. Methodology for Determining Representative Water Use and Wastewater Characteristics

EPA restudied the raw waste loads and water use ratios for each subcategory in order to determine representative values, and has applied a different methodology than that originally proposed. Due to the large inconsistencies in data reported by different tanneries, and in response to the commenters' concerns over the highly variable nature of the data itself,

it became apparent that an average subcategory value would be biased toward those facilities contributing a large number of data points for any particular parameter, and further would not adequately reflect the variability observed in parameter values. Therefore, the arithmetic mean of each facilitiy's data was computed and subcategory water use and wastewater characteristics for each parameter were determined using the median value of the family of plant mean values in each subcategory. This method would give equal weight to each facility's data, and provide a better estimate of central tendency since the median is less sensitive to extreme values in the data than the mean. The Agency feels that this change in methodology, coupled with the updated data base, would provide a more accurate representation of the industry's raw waste characteristics.

Table 1 is a listing of median flow ratios and the number of plants achieving them in each subcategory, including the two additional subcategories.

TABLE 1

Subcategory	No. of plants in subcategory date base	Median flow ratio (gallon/pound)	No. of plants operating below median flow
1	37	6.7	20
2	4	5.8	3
3	13	4.9	7
4	11	4.6	5
5	14	5.8	8
6	3	2.1	1
7	2	9.1	1
8	2	5.0	1
9	4	3.0	2

EPA identified achievable reduced flow ratios in most subcategories by taking the median of those plant average flow ratios which were less than or equal to the subcategory median ratios noted in Table 1. These reduced flow ratios and the number of plants achieving them in each subcategory are listed in Table 2.

TABLE 2

Subcategory	Reduced flow ratio (gallon/pound)	No. of plants meeting flow ratio
1	5.5	10
2	5.0	2
3	4.9	9
4	2.9	4
5	5.6	6
6	1.4	1
7	8.4	1
8	5.0	1
9	2.5	2

EPA also identified further reductions in water use achievable in five subcategories by new sources which have the capability of utilizing efficient processing methods and equipment. These new source flow ratios and the number of plants achieving them are listed in Table 3.

TABLE 3

Subcategory	New source flow ratio (gallon/pound)	No. of plants meeting flow ratio
1	4.2	5
2	4.9	1
3	4.2	4
4	2.9	4
5	3.9	3
6	1.4	1
7	8.4	1
8	4.1	1
9	2.5	2

Revised raw waste loads by subcategory are not repeated here but are included in the record at item I, E.

Toxic Pollutant Parameters

As part of the new data gathering effort described previously, EPA sampled the wastewaters from 10 plants for toxic pollutants present. The additional sampling added significantly to the toxic pollutant data base. This data indicates that 48 toxic pollutants were detected in the raw wastewaters of the industry, while only 13 were found to be present in treated effluents. Table 4 presents a list of these toxic pollutants.

TABLE 4—TOXIC POLLUTANTS DETECTED IN TREATED EFFLUENTS

Chromium
Copper
Lead
Nickel
Zinc
1,2-Dichlorobenzene
2,4,6-Trichlorophenol
Ethylbenzene
Methylene chloride
4-Nitrophenol
Pentachlorophenol
Phenol
Bis(2-ethylhexyl) phthalate

Variability of Treated Effluent Characteristics

The review and analysis of the updated data base also included recalculation of variability factors for regulated pollutants. The proposed effluent limitations were based on variability factors derived primarily by best engineering judgment. The revised variability factors are based on statistical analysis of the data by pollutant. The data sets subjected to this analysis were for plant numbers 47, 50, and 55. All data representing documented periods of plant start-up, upsets, mechanical or power failures, or similar circumstances which result in poor effluent quality (permit violations) were edited from the data base. Normal variability in effluent quality as represented by the resulting data base has been quantified utilizing the following methodology. The data for each pollutant from each plant were fit to a generalized form of the lognormal distribution. Daily maximum variability factors for each plant were determined by taking the ratio of the estimated 99th percentile concentration and the estimated long term mean of the fitted distribution. These values were combined across plants to obtain overall variability factors and effluent concentrations.

Maximum monthly effluent limitations were developed in a manner consistent with the method used to develop maximum day effluent limitations. The same distribution of daily effluent concentrations and estimated long term mean effluent concentrations were used in developing the maximum monthly effluent concentrations. The maximum monthly effluent limitations were based on statistical modeling techniques applied to available data to derive maximum monthly effluent limitations assuming eight sample observations per month, because this is expected to be typical in the industry. Monthly variability factors were determined by taking the ratio of the estimated 95th percentile of the distribution of the monthly arithmetic mean concentrations and the estimated long term mean effluent concentration. These factors were combined across plants in the same manner used for the maximum day variability factors.

The expected value of the maximum monthly average, as estimated by statistical modeling techniques, changes with the number of data points (sampling frequency). The expected value of the maximum monthly average based on sampling every day of the month (30 data points per monthly average) is substantially lower than the expected value based on sampling twice per week (eight data points). In this regard the Agency recognizes that individual plants in the industry may choose to sample more frequently than twice per week, for example to improve process control for biological treatment systems. However, EPA is considering requiring achievement of maximum monthly effluent limitations based on eight sampling days per 30 day period, or approximately twice per week. Compliance by a given discharger with these (eight day) limitations would be based on the arithmetic average of the actual number of measurements taken

during a 30 period, regardless of their frequency (e.g., three or four samples per week).

Appendix A includes tentative variability factors derived from analysis of the updated data base. The variability factors listed in Appendix A and the statistical methodology utilized in their development have been reviewed to ensure that they are representative of actual final effluent quality variability. The Agency specifically solicits comments on the appropriateness of this methodology and the resulting variability factors.

D. Cost Development and Economic Analysis

EPA has reevaluated the methodology used for developing the cost of complying with the proposed regulations. The results of that evaluation are discussed below.

One of the major comments by the TCA and members of the leather tanning industry has been that the cost of control and treatment technology was understated substantially, and that the economic analysis overstated the industry's economic condition in view of a recent severe downturn. The TCA's independent economic study indicated that the proposed regulations would force half of the plants in the industry to close.

In response to industry concerns, EPA completed a comprehensive review and revision of the entire engineering design and cost development procedure. Design factors generally were found to be correct, while a number of inadequacies and errors were found in the cost development procedures used for the proposed regulations. Revisions to subcategory median water use ratios, which generally increased, and the revised unit cost curves, taken together, have resulted in substantial increases in the cost of control and treatment technologies. EPA also revised its costing procedures by developing a credit applicable to direct dischargers for previous expenditures on in-place technologies. Results of these revisions are discussed in appropriate sections in this notice.

EPA also reevaluated the methodology used for assessing the economic impact of the cost of complying with the proposed regulations. Specifically, the economic analysis methodology employs basic capital budgeting techniques to determine whether or not facilities will continue operation following imposition of pollution control requirements and to evaluate reductions in profitability. The Agency developed model plants which represent production type (i.e., cattlehide-chrome tannery, sheepskin, etc.), discharge status (direct or indirect), and production size. In addition, to verify model plant results, EPA performed a plant specific analysis for 13 of the 20 direct discharging tanneries.

The decision criteria for plant closures are based on net present value analysis (NPV) and cash flow analysis. Cash flow analysis measures the total annual expenditures and total revenues, the difference being the "net cash flow." Under NPV analysis, the net cash flows for each year (over the life of an investment) are discounted at the interest rate representing the industry cost of capital. Plants are projected to close or refrain from entry if both the NPV and the sum of the NPV and annual cash flow are negative.

EPA also completed a major reassessment of the economic conditions of the industry, with the assistance of summary data provided by the TCA, financial data provided by a number of individual firms, and other data collected by the Agency's economic contractor. The basis for the economic analysis was updated to reflect conditions through 1979, including hide prices, demand for and prices of finished leather, plant utilization rates, international competition, and related factors, with control technology cost data expressed in first quarter 1980 dollars. EPA evaluated seven model plants for indirect dischargers, in addition to the 15 model plants evaluated for the proposed regulations. Plant specific analyses again were performed for 13 of the 20 direct dischargers, including consideration of an allowance for previous expenditures on in-place control technologies. Preliminary results of the revised economic analysis are presented in the appropriate sections in this notice.

E. BPT

The Agency has reviewed the proposed BPT (best practicable control technology currently available) which was based on equalization, primary coagulation-sedimentation, and biological treatment in the form of extended aeration activated sludge. This technology has been demonstrated within the industry. However, as of this date it still has not been applied in all subcategories. The similarity in treatability of wastewaters generated by plants in all subcategories permits transfer of this technology among subcategories within the industry. Differences in wastewater volume and pollutant loading among subcategories has been accounted for by adjustments in unit process design (e.g., tank sizes, aeration equipment capacity, etc.) and associated cost.

The Agency also has reviewed preliminarily a substantial amount of data in the supplemented record concerning the performance of BPT technology. The methodology for evaluating the variability of treated effluent data, as described above under *Variability of Treated Effluent Characteristics*, used estimates of long term average effluent concentrations as the starting point for developing tentative variability factors. As a result of the supplemented data base and the refined methodology for evaluating that data, the Agency is considering changing its proposed BPT effluent concentrations.

Data from two POTW's with high proportions of tannery wastewater, Berwick and Hartland, Maine, (plant numbers 50 and 55, respectively) and from one direct discharger (plant number 47) were utilized to develop tentative weighted average long term effluent concentrations, as follows: BOD5—35 mg/l; TSS—48 mg/l; Chromium (Total)—0.76 mg/l; and Oil and Grease—15 mg/l. These average effluent concentrations were obtained by taking the estimated long term means for each plant and combining them by weighting based on the number of data points for each plant. The maximum day and maximum 30 day limitations produced were consistent with the data in the sense that the three facilities showed a violation rate in line with the 99th (maximum day) and 95th (maximum 30 day) percentile criteria used to develop the limitations.

In reviewing these concentrations, the Agency was concerned that the degree of operational proficiency required to achieve limitations based on the weighted average long term effluent concentrations may not allow adequate flexibility for individual plants in selection among options for upgrading. This is important because virtually all direct dischargers will require varying degrees of upgrading of both physical facilities and operational practices. Only marginal relaxation in the limitations is necessary to afford more flexibility, especially during the initial period of developing operational skills for newly upgraded physical facilities. The Agency also considered it important that all three plants used to develop the limitations should achieve the limitations, at least on a mass basis (lbs/day), approximately within the criteria used to develop them. In this regard, one of the plants (No. 47) used in the analysis had long term effluent BOD5 and TSS concentrations

somewhat higher than the weighted average long term effluent concentrations noted above. Engineering evaluation indicated that minor facility upgrading of this plant would be beneficial, although improved operational procedures alone could provide sufficient improvement to achieve the weighted average long term effluent concentrations. For this reason, the Agency did not consider it necessary to adjust the limitations up to the concentrations achieved by this plant. In addition, the Agency was concerned about the achievability of the TSS concentration for vegetable tanning wastewaters because solids can be somewhat difficult to physically separate in secondary clarifiers.

For these reasons, the Agency, by using best engineering judgment, has found it prudent to increase these long term effluent concentrations and is considering long term average final effluent concentrations, as follows: BOD5—40 mg/l; TSS—60 mg/l; Oil and Grease—20 mg/l; Total Chromium—1 mg/l. The concentrations underlying the regulations proposed in 1979 are as follows: BOD5—60 mg/l; TSS—95 mg/l; Oil and Grease—17 mg/l; and Total Chromium—2 mg/l. Appendix A lists the variability factors which could be applied to these concentrations together with flow ratios in Table 1 in order to develop maximum 30 day average (based on eight sampling days per 30 day period) and maximum day mass based effluent limitations which are listed in Appendix B. All three plants used to develop these BPT effluent limitations were found to be in compliance with either the concentrations, or the mass limitations (lbs/day), or both, approximately within the criteria used to establish them (i.e., maximum 30 day—95th percentile; maximum day—99th percentile). It is likely that the revised effluent limitations being considered by the Agency will provide a number of plants, other than those used to develop the limitations, with sufficient flexibility to allow selection of less costly options for upgrading than chosen by EPA, or improved operation and maintenance, or both.

The data sets, statistical methodologies, and underlying control technologies utilized to develop these concentrations have been reviewed to ensure that unique circumstances do not serve as the basis for effluent limitations which otherwise would be difficult to achieve. The Agency solicits comments on these technical aspects of BPT.

The Agency also reviewed the cost of upgrading from currently in-place technology to BPT technology for each of the 20 direct dischargers, and has determined that the total investment cost is $11.7 million, the total annual cost is $5.0 million, with an investment cost credit of $12.6 million for in-place technology. Preliminary economic impact analysis indicates that one of the 13 direct dischargers analyzed may close and two plants may become marginal as a result of these costs.

Public comments on the proposed regulation focused on the economic analysis of the cost of compliance with BAT. Therefore, the Agency specifically solicits comments on the economic analysis of the cost of compliance with BPT, and whether the 13 plants analyzed are representative of all 20 direct dischargers.

F. BAT

The Agency has reviewed the options previously set forth in the BAT (best available technology economically achievable) proposal, and is considering redefining some of those options. Proposed OPTION I was based on the addition of in-plant controls and segregated stream pretreatment to PBT technology. However, in view of the increase in cost for control technology and the economic posture of the industry, EPA is considering making BAT OPTION I equal to BPT. In addition, EPA is considering combining the effluent limitations and costs of proposed OPTION II, based on activated sludge upgraded primarily by powdered activated carbon (PAC) addition, with those of proposed OPTION I, primarily based on in-plant control and segregated stream pretreatment. This combination would remain as BAT OPTION II. The addition of multi-media filtration, (previously OPTION III) which was the basis for the proposed BAT regulation, would remain identified as OPTION III. The Agency is considering dropping proposed OPTION IV, which was based on the end-of-pipe addition of granular activated carbon columns, because it is too expensive and lacks demonstrated use in this industry.

Based on all available data it appears that the additional increment of investment cost beyond OPTION I for all direct dischargers to implement OPTION II would be $16.1 million, with total annualized cost of $4.3 million. Preliminary economic analysis indicates that 5 of 13 direct dischargers analyzed potentially may close. The additional increment of investment cost beyond OPTION II for all direct dischargers to implement OPTION III would be $3.6 million, with total annualized cost of $0.65 million. Preliminary economic analysis indicates that potentially two additional plants may close (or 7 of 13 direct dischargers analyzed) if this option were chosen.

Based upon this analysis, the Agency is considering OPTION I as the basis for BAT. OPTION I would require no more stringent effluent limitations (see Appendix B) or associated technology and cost than required by BPT. EPA specifically invites comment on this option and all other options.

EPA proposed BAT limitations for BOD5, TSS, oil and grease (as indicators for toxic pollutants) and for total chromium, COD, TKN, ammonia, phenol (total) and sulfide. Due to the potential economic impacts, as discussed above, the Agency is considering not selecting BAT OPTIONS II or III. Because BAT OPTION I (BPT) does not specifically control COD, TKN, ammonia, phenol (total), or sulfide, EPA is considering not regulating these pollutants under BAT OPTION I. EPA does, however, recognize that if BAT OPTION I is employed, site specific water quality problems may require more stringent permit requirements on a case-by-case basis. Accordingly, the Agency has developed preliminary achievable long term effluent concentrations for BOD5, TSS, oil and grease, total chromium, as well as COD, TKN, ammonia, and phenol (total) for BAT OPTIONS II and III. Appendix C includes these preliminary long term effluent concentrations which could be utilized, together with water use ratios in Table 2 and variability factors in Appendix A, to develop mass based effluent limitations for BAT OPTIONS II and III.

With regard to control of ammonia and TKN by BAT OPTIONS II and III, commenters objected to the substitution of epsom salts for ammonia in deliming. They argued that this substitution would harm leather quality and would substantially increase production costs. Accordingly, EPA has recalculated the incremental cost of BAT OPTION II excluding epsom salts deliming, but including the costs of other technology necessary to support nitrogen control by biological nitrification (i.e., pretreatment of segregated streams to reduce TKN in raw wastewater, additional aeration and chemical addition to control pH in activated sludge). EPA evaluation of the end-of-pipe technology indicates that consistently low TKN and ammonia effluent concentrations can be achieved with proper design and diligent operation of BAT OPTIONS II and III technology (see Appendix C).

G. BCT

BCT limitations are based on the "best conventional pollutant control

technology" for discharges of conventional pollutants from existing sources. Section 304(a)(4) defines conventional pollutants to include BOD, TSS, fecal coliform, pH and any additional pollutants defined by the Administrator as conventional. On July 30, 1979 the Administrator defined oil and grease as a conventional pollutant (44 FR 44501).

Section 304(b)(4)(B) of the Act requires that the methodology for determining BCT include two major factors: an industry cost-effectiveness test and a test that compares the cost for private industry to reduce its effluent levels with the cost incurred by POTWs.

The Agency's "cost-reasonableness" test was intended to consider these factors. However, that cost test was remanded by the United States Court of Appeals for the Fourth Circuit. *American Paper Institute* v. *EPA*, 660 F.2d 954 (4th Cir. 1981). The Agency is currently developing a new methodology.

The proposed regulation had set BCT equal to BAT in all subcategories. BPT is the minimum level of BCT control required by law. As noted previously, EPA is considering setting BAT equal to BPT. In addition, on the basis of available data EPA has not identified any economically achievable technology beyond BPT which would effect significant additional removal of conventional pollutants. Therefore, the Agency is considering setting BCT equal to BPT in all subcategories.

H. NSPS

The proposed new source performance standards (NSPS) were based upon the proposed BAT technology. Should the Agency decide that BAT will equal BPT, the Agency would probably consider adopting BPT technology with reduced flow ratios (noted earlier in Table 3 as new source flow ratios) in developing mass based effluent limitations. Appendix D includes mass based effluent limitations being considered by the Agency for NSPS.

I. PSES

PSES are designed to prevent the discharge of pollutants that pass through, interfere with, or otherwise are incompatible with a well operated POTW achieving secondary treatment requirements. EPA has determined generally that there is pass through of pollutants if the percent of pollutants removed by a well operated POTW achieving secondary treatment requirements is less than the percent removed by the BAT model treatment system. The general pretreatment regulations which served as a framework for these categorical regulations are found at 40 CFR Part 403, 43 FR 27736, June 26, 1978; 46 FR 9462, January 28, 1981.

The proposed pretreatment standards for existing sources (PSES) included concentration based limitations for ammonia, sulfide, and chromium, and subcategory specific ranges for pH. EPA has reviewed the entire technology, performance (including new data), and cost basis for this regulation. As a part of this review and in response to comments, EPA is considering developing two additional control technology options which are less costly and require less space for installation than the technology option which served as the basis for the proposed PSES regulation. These two additional technology options, and the technology option which served as the basis for the proposed PSES regulations, are discussed below. Discussion of regulatory options for each of the pollutants in the proposed PSES regulation follows the discussion of these technology options. Appendix E is a tabulation of pretreatment standards being considered by the Agency for chromium, sulfide, ammonia, and pH.

The first and least stringent of the two additional control technology options (TECHNOLOGY OPTION I) being considered by EPA incorporates: in-plant controls (depending on subcategory), including stream segregation and water conservation; segregated stream pretreatment, including fine screening and catalytic oxidation of beamhouse wastewaters; and pH control and monitoring (pH and flow) at the combined sewer discharge. TECHNOLOGY OPTION I includes control only for sulfide. The total industry cost could be as high as $39.5 million, with total annualized cost of $12.6 million, if all plants were required to install this technology. Preliminary economic analysis indicates no closures for this option, and all plants have adequate space to install this technology.

The second of the two additional control technology options being considered (TECHNOLOGY OPTION II) by EPA involves controls in addition to those in TECHNOLOGY OPTION I (depending upon subcategory) as follows: in-plant control, including chromium recovery and reuse; segregated stream pretreatment, including fine screening, equalization, and coagulation-sedimentation of tanyard wastewaters; and dewatering of sludges. TECHNOLOGY OPTION II includes control capability both for sulfide and chromium. The Agency found that from 5 to 10 percent of the indirect dischargers would not have adequate interior plant space or adjacent land available to install pretreatment TECHNOLOGY OPTION II. The total cost of installing this pretreatment technology (including both chromium and sulfide control) could be as high as $147 million with total annualized cost of $36.6 million, if all plants were required to install this technology. No closures are projected based on this cost, but the investment cost requirements may cause serious capital availability difficulties for many plants.

TECHNOLOGY OPTION III, which served as the basis for the proposed PSES regulations, incorporates controls in addition to those in TECHNOLOGY OPTION II (depending upon subcategory) as follows: segregated stream pretreatment, including flue gas coagulation-sedimentation of beamhouse wastewaters, equalization and coagulation-sedimentation of combined wastewaters in place of the same unit processes applied to segregated tanyard wastewaters. TECHNOLOGY OPTION III also includes control capability both for sulfide and chromium. The total industry cost could be as high as $214 million, with total annualized cost of $59.8 million, if all plants were required to install this technology. Preliminary economic analysis indicated that as many as 14 plants may close out of a total of 140 plants. In addition, the investment cost requirements may cause severe capital availability difficulties for many plants. Data and information in the record, gathered from visits during the comment period, indicates that approximately 20–25 percent of all indirect dischargers do not have adequate interior plant space or adjacent available land to install this technology.

Ammonia

In the discussion of BAT control technology, it was noted that EPA is considering not setting ammonia limitations on the basis of comments that in-process substitution for ammonia would not be feasible and that its costs are substantial. For the same reason, EPA is considering withdrawing the proposed pretreatment standard for ammonia.

Sulfide

The proposed regulation included a "zero" standard for sulfide (not detectable by the 304(h) analytical method) because of the potential for release of hydrogen sulfide gas in

sewers, headworks, and sludge management facilities at POTWs. Fatalities attributable to release of hydrogen sulfide gas have been documented. However, the severity of these problems varies by pH and time (slug loading), and by POTW (comingling of varying quantities of municipal and industrial wastewaters in collection sewers).

As a result of reviewing the supplemented data base and comments, the Agency is considering basing the sulfide pretreatment standard on a long term average effluent concentration of 9 mg/1 (the proposed pretreatment standard was 0.0 mg/1). This standard would be the same for TECHNOLOGY OPTIONS I, II, and III. Data available permitted calculation of a maximum day variability factor, found to be 2.7. The most severe hazard posed by hydrogen sulfide gas occurs during rapid fluctuations in pH caused by slug loading. For this reason, a 30 day average limitation does not provide an effective tool for controlling this hazard. Therefore, a maximum 30 day average pretreatment standard for sulfide is not being considered by the Agency at this time. The maximum day pretreatment standard would be applicable to plants in subcategories (nos. 1, 2, 3, 6, and 8) which incorporate sulfide unhairing operations and discharge high concentrations of sulfides. Appendix E includes a tabulation of maximum day concentrations being considered by the Agency for sulfide. The Agency is considering TECHNOLOGY OPTION I as the basis for a regulation which would control only sulfide. This TECHNOLOGY OPTION would afford the same level of control as the other two TECHNOLOGY OPTIONS, but at substantially lower cost and economic impact, and could be installed within available space at all plants.

The Agency is considering two regulatory options which would be used in conjunction with TECHNOLOGY OPTION I to control sulfide. The first regulatory option would be to promulgate a categorical pretreatment standard which would apply to all indirect dischargers covered by these regulations. The second regulatory option would be to promulgate a categorical pretreatment standard which would include a provision for waivers from this standard. A waiver would be requested by affected POTWs and would be based upon an evaluation of site specific factors which determine the degree of hazard of sulfide to human health. Among the factors which would be germane to a waiver request are: the presence of other industrial discharges which could decrease substantially the pH of tannery wastewater and liberate large quantities of hydrogen sulfide; the presence of other industrial discharges which could dilute tannery wastewaters to the point that sulfide concentrations pose no significant danger; the type of collection sewers, headworks, and sludge disposal facilities which could be subject to liberation of hydrogen sulfide gas; etc. The Agency solicits comments on these approaches to sulfide control and the specific procedures which should be adopted if the waiver approach is chosen.

Chromium

The proposed regulation included a pretreatment standard for chromium (total) applicable to all plants that was based primarily on pretreatment by coagulation-sedimentation of combined wastewater streams (TECHNOLOGY OPTION III). The proposed pretreatment standard was 2 mg/l. It was designed to avoid pass through of chromium from a POTW.

Review of data in the updated record indicates that three of the "captive" POTWs, which are designed to treat these wastewaters (more than 90 percent tannery wastewater in two cases) and are well operated, are removing from 95–98 percent of the chromium received. Data from an EPA study of 20 well operated POTWs achieving secondary treatment requirements indicates that chromium removals are not as high (73 percent) as achieved by the "captive" POTWs and by direct dischargers using BAT level treatment. Therefore there may be pass through of chromium at POTWs receiving these wastewaters if there is no pretreatment.

Among the three technology options described above, TECHNOLOGY OPTION II and TECHNOLOGY OPTION III include control capability for chromium. For TECHNOLOGY OPTION II, the achievable long term effluent concentration for chromium (total) would be 8 mg/l for those subcategories (nos. 4, 5, 7, and 9) which do not have beamhouse operations; the achievable long term effluent concentration for chromium (total) is 5 mg/l for those subcategories (nos. 1, 2, 3, 6, and 8) which do have beamhouse operations that generate wastewaters which dilute the pretreated tanyard stream prior to discharge to a POTW sewer. For TECHNOLOGY OPTION III, EPA has reviewed the supplemented record and as a result of that review has found that the achievable long term effluent concentration for chromium (total) would be revised to 8 mg/l for all subcategories (the proposed standard was 2 mg/l, as noted above). The preferred basis for a categorical pretreatment standard would be TECHNOLOGY OPTION II, because TECHNOLOGY OPTION III would have serious economic impacts, and because the technology could not be installed by 20–25 percent of the plants due to constraints on available plant space and adjacent land. Appendix A lists variability factors which could be applied to concentrations achievable by TECHNOLOGY OPTION II in order to develop maximum 30 day average (based on eight sampling days per 30 day period) and maximum day concentrations which are listed in Appendix E. The Agency's analysis suggests that 5–10 percent of the plants may have inadequate interior space or adjacent land available to install TECHNOLOGY OPTION II. EPA specifically requests comments as to whether there are any plants that would indeed have inadequate space to implement this option, and whether there are alternative methods to control chromium which such facilities could use.

pH

The proposed PSES regulations included pH limitations which differ by subcategory. The Agency intends to retain these pH limitations to provide reasonable assurance that massive quantities of hydrogen sulfide gas will not be liberated, and that favorable conditions for chromium precipitation will exist.

J. PSNS

The Agency proposed pretreatment standards for new sources (PSNS) which were based on the same technology required for PSES, plus physical-chemical treatment by the Chappel Process. One of the comments received by the Agency was that the Chappel Process was not reliably demonstrated. EPA agrees that this process has not been demonstrated for immediate use in all subcategories. Therefore, the Agency is considering establishing PSNS based on the same pretreatment technology option chosen for existing sources (PSES). Appendix E is a tabulation of preliminary pretreatment standards for new sources.

List of Subjects in 40 CFR 425

Leather and leather products industry, Water pollution control, Waste treatment and disposal.

Dated: May 20, 1982.

Rebecca Hanmer,

Acting Assistant Administrator for Water.

APPENDIX A.—PRELIMINARY PARAMETER VARIABILITY FACTORS

	BOD	TSS	Chromium	Oil and grease
BPT Max. Month	1.89	1.85	1.59	1.58
BPT Max. Day	4.21	4.05	4.33	3.54
PSES Max. Month			1.5	
PSES Max. Day			2.4	

APPENDIX B.—PRELIMINARY BPT AND BAT OPTION I EFFLUENT LIMITATIONS

Pollutant or pollutant property	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days
Subcategory 1: Hair Pulp/Chrome Tan/Retan-Wet Finish		
	Mass units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	9.41	4.22
TSS	13.58	6.20
Oil and Grease	3.96	1.77
Total Chromium	0.24	0.09
pH	(1)	(1)
Subcategory 2: Hair Save/Chrome Tan/Retan-Wet Finish		
	Mass units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	8.15	3.66
TSS	11.75	5.37
Oil and Grease	3.42	1.53
Total Chromium	0.21	0.08
pH	(1)	(1)
Subcategory 3: Hair Save/Non-Chrome Tan/Retan-Wet Finish		
	Mass units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	6.88	3.09
TSS	9.93	4.54
Oil and Grease	2.89	1.29
Total Chromium	0.18	0.06
pH	(2)	(2)
Subcategory 4: Retan-Wet Finish-Sides		
	Mass units—kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	6.46	2.90
TSS	9.32	4.26
Oil and Grease	2.72	1.21
Total Chromium	0.17	0.06
pH	(1)	(1)
Subcategory 5: No Beamhouse		
	Mass units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	8.15	3.66
TSS	11.75	5.37
Oil and Grease	3.42	1.53
Total Chromium	0.21	0.08
pH	(1)	(1)

APPENDIX B.—PRELIMINARY BPT AND BAT OPTION I EFFLUENT LIMITATIONS—Continued

Pollutant or pollutant property	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days
Subcategory 6: Through-the-Blue		
	Mass units—*kg/kkg (or pounds per 1,000 lb) of raw materials*	
BOD5	2.95	1.32
TSS	4.26	1.94
Oil and Grease	1.24	0.55
Total Chromium	0.08	0.03
pH	(1)	(1)
Subcategory 7: Shearling		
	Mass units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	12.78	5.74
TSS	18.44	8.42
Oil and Grease	5.37	2.40
Total Chromium	0.33	0.12
pH	(1)	(1)
Subcategory 8: Pigskin		
	Mass units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	7.02	3.15
TSS	10.13	4.63
Oil and Grease	2.95	1.32
Total Chromium	0.18	0.07
pH	(1)	(1)
Subcategory 9: Retan-Wet Finish-Splits		
	Mass units—kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	4.21	1.89
TSS	6.08	2.78
Oil and Grease	1.77	0.79
Total Chromium	0.11	0.04
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0.
[2] Within the range of 6.0 to 9.0 at all times.

APPENDIX C.—BAT TREATMENT TECHNOLOGY PERFORMANCE; PRELIMINARY ACHIEVABLE LONG TERM AVERAGE CONCENTRATIONS

Pollutant	Milligrams per liter: Option I (BPT) [1]	Milligrams per liter: Option II	Milligrams per liter: Option III
BOD5	40	25	20
TSS	60	30	15
Oil and Grease	20	15	10
Chromium (Total)	1.0	0.8	0.5
COD	500	250	200
TKN	(2)	20	20
Ammonia	(3)	15	15
Phenol (Total)	0.2	0.1	0.1
Sulfide	(4)	(4)	(4)

[1] For BAT OPTION I, COD, TKN, Ammonia, Phenol (Total), and Sulfide are not being considered for regulation; they are presented for information purposes only.
[2] TKN for subcategories 1, 2, 3, and 8 is 95 mg/l; for subcategory 6 insufficient data is available to establish TKN concentrations in existing discharges; TKN for subcategories 4, 5, 7, and 9 is 35 mg/l.
[3] Ammonia for subcategories 1, 2, 3, and 8 is 90 mg/l; for subcategory 6 insufficient data is available to establish Ammonia concentrations in existing discharges; Ammonia for subcategories 4, 5, 7, and 9 is 30 mg/l.
[4] Detection limit, which is 6 mg/l for small sample sizes.

APPENDIX D.—PRELIMINARY NSPS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days
Subcategory 1: Hair Pulp/Chrome Tan/Retan-Wet Finish		
	Mass Units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	5.93	2.66
TSS	8.56	3.91
Oil and Grease	2.49	1.12
Total Chromium	0.15	0.06
pH	(1)	(1)
Subcategory 2: Hair Save/Chrome Tan/Retan-Wet Finish		
	Mass Units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	6.85	3.07
TSS	9.87	4.51
Oil and Grease	2.87	1.29
Total Chromium	0.18	0.07
pH	(1)	(1)
Subcategory 3: Hair Save/Non-Chrome Tan/Retan-Wet Finish		
	Mass Units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	5.92	2.66
TSS	8.54	3.90
Oil and Grease	2.49	1.11
Total Chromium	0.15	0.05
pH	(1)	(1)
Subcategory 4: Retan-Wet Finish-Sides		
	Mass Units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	4.07	1.83
TSS	5.87	2.68
Oil and Grease	1.70	0.76
Total Chromium	0.11	0.04
pH	(1)	(1)
Subcategory 5: No Beamhouse		
	Mass Units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	5.46	2.45
TSS	7.87	3.60
Oil and Grease	2.29	1.03
Total Chromium	0.14	0.05
pH	(1)	(1)
Subcategory 6: Through-the-Blue		
	Mass Units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	1.98	0.88
TSS	2.85	1.30
Oil and Grease	0.83	0.37
Total Chromium	0.05	0.02
pH	(1)	(1)
Subcategory 7: Shearling		
	Mass Units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	11.76	5.28
TSS	16.96	7.75
Oil and Grease	4.94	2.21

APPENDIX D.—PRELIMINARY NSPS EFFLUENT LIMITATIONS—Continued

Pollutant or pollutant property	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Total Chromium	0.30	0.11
pH	(1)	(1)
Subcategory 8: Pigskin		
	Mass Units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	5.76	2.58
TSS	8.31	3.80
Oil and Grease	2.42	1.08
Total Chromium	0.15	0.06
pH	(1)	(1)

APPENDIX D.—PRELIMINARY NSPS EFFLUENT LIMITATIONS—Continued

Pollutant or pollutant property	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Subcategory 9: Retan-Wet Finish-Splits		
	Mass Units—*kg/kkg (or pounds per 1,000 lb) of raw material*	
BOD5	3.49	1.57
TSS	5.05	2.31
Oil and Grease	1.47	0.66
Total Chromium	0.09	0.03
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0

APPENDIX E.—PRELIMINARY PRETREATMENT STANDARDS FOR EXISTING SOURCES (PSES) AND PRETREATMENT STANDARDS FOR NEW SOURCES (PSNS)

Subcategories	Pollutant or pollutant property	Milligrams per liter (mg/1)	
		Maximum for any 1 day	Average of daily values for 30 consecutive days
1, 2, 3, 6, and 8	Total Chromium	12	8
	Sulfide	24	
	pH	(1)	(1)
4, 5, 7, and 9	Total Chromium	19	12
	pH	(2)	(2)

[1] Within the range of 7.0 to 10.0.
[2] Within the range of 6.0 to 10.0.

NOTE.—All concentrations are rounded to nearest interger value. See discussion under (PSES) for long term total chromium and sulfide concentrations and sulfide variability factor and Appendix A for chromium variability factors.

[FR Doc. 82-14880 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 47, No. 106
Wednesday, June 2, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable ,to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL RIGHTS COMMISSION

Florida 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 Florida Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on June 24, 1982, at the Howard Johnson Hotel, 200 South East Second Avenue, Miami, Florida. The purpose of this meeting will be to orient the new members of the newly rechartered Committee, discuss followup activities to the Miami hearing and program planning for the remainder of Fiscal Year 1982 and the entire Fiscal Year 1983.

Persons desiring additional information should contact the Chairperson, Teresa Saldise, 815 South West Thirteenth Court, Miami, Florida, 33135, (305) 856-1363 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia, 30303, (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington D.C., May 27, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-14858 Filed 6-1-82; 8:45 am]

BILLING CODE 6335-01-M

Wyoming 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 Wyoming Advisory Committee to the Commission will convene at 7:30 pm and will end at 10:00 pm, on June 23, 1982, at the Hitching Post Inn, 1700 West Lincolnway, in the Cheyenne West Room, Cheyenne, Wyoming, 82001. The purpose of this meeting will be to discuss the followup activities to the Committee's report "Workplace Conditions in Wyoming," program planning of future activities and projects and review the current activities in the Commission.

Persons desiring additional information should contact the Chairperson, Jamie C. Ring, 520 Parkview Drive, Casper, Wyoming, 82601, (307) 268-2269 or the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado, 80202, (303) 837-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington D.C., May 27, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-14859 Filed 6-1-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Cordage From Cuba; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on cordage from Cuba. This merchandise is covered by the embargo on trade with Cuba which has been in effect since February 7, 1962. As a result of the review, the Department has preliminarily determined to continue to use, for purpose of establishing a cash deposit of estimated countervailing duties on possible future entries, the rate established by the Department of the Treasury. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 2, 1982.

FOR FURTHER INFORMATION CONTACT: Tom Hodge or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Background

On October 6, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 49168) the final results of its first administrative review of the countervailing duty order on cordage from Cuba (T.D. 53534, 19 FR 4560) and announced its intent to conduct the next administrative review by the end of July 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

Merchandise covered by the review is cordage which the Cuban government considered "binder twine and baler twine," but which does not meet the definition contained in the Tariff Schedules of the United States Annotated (TSUSA). Normally, binder twine and baler twine, as defined by the TSUSA, enter under items 315.2020 and 315.2040 of the TSUSA. The merchandise under consideration here is currently classifiable under item 315.2500 of the TSUSA.

Preliminary Results of the Review

As a result of our review, we preliminarily conclude that the merchandise has not been imported into the United States since 1962. There are no known unliquidated entries. This merchandise is covered by the embargo on trade with Cuba, in effect since February 7, 1962 (27 FR 1085).

Therefore, the Department has preliminarily determined to continue using the rate of 2.488¢ per pound established by T.D. 53534 for cash deposit of estimated countervailing duties on shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results by July 2, 1982 and may request disclosure and/or a hearing within 10 days of the date of publication. Any request for an administrative protective

order must be made no later than five 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.

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 § 355.41 of the Commerce regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-14879 Filed 6-1-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

[No. 346 (P6F)]

National Marine Fisheries Service; Proposed Modification of Permit

On July 16, 1981, notice was published in the **Federal Register** (46 FR 36879) that a scientific research permit had been issued under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) to the National Zoological of eithty (80) California sea lions.

Notice is hereby given that the Permit Holder has requested that the Permit be modified in the following manner:

Section A-1 is to be changed to read:

"A-1 Up to three hundred and thirty (330) California sea lions (*Zalophus california*) of any age and of either sex may be taken over a three year period as described in the application and documents submitted in the modification request."

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before July 2, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

The Permit and documents pertaining to the modification request are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 26, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-14901 Filed 6-1-82; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name Sea World Pty. Ltd. (P286).

b. Address P.O. Box 190, Surfers Paradise, Queensland, Australia 4217.

2. Type of Permit: Public Display.

3. Name and Number of Animals: California sea lions) (*Zalophus californianus*); 6.

4. Type of Take: To take for public display.

5. Location of Activity: From the surplus stocks at Sea Life Park, Hawaii.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, by July 2, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Australian Department of Health have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 30, South Ferry Street, Terminal Island, California 90731.

Dated: May 26, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-14902 Filed 6-1-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Addition of a New System of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Addition of a new system of records.

SUMMARY: The Department of the Air Force proposes to add a new system of records to its inventory of systems of records subject to the Privacy Act of 1974. The notice for this system is set forth below.

DATE: This action will be effective July 2, 1982.

ADDRESSES: Send comments to the System Manager named in the notice.

FOR FURTHER INFORMATION CONTACT: Mr. Jon E. Updike, HQ USAF/DAAD(S), Room 4A-1088, The Pentagon, Washington, D.C. 20330. Telephone 202/694-3431.

SUPPLEMENTARY INFORMATION: The Air Force systems of records notices inventory subject to the Privacy Act of 1974; Title 5 U.S.C. 552a (Pub. L. 93-579, 44 Stat. 1896 *et seq.*) have been published to date in the **Federal Register** at:

FR Doc. 82-674 (47 FR 2544) January 18, 1982

FR Doc. 82-2886 (47 FR 5285) February 4, 1982

FR Doc. 82-4481 (47 FR 7476) February 19, 1982

FR Doc. 82-9386 (47 FR 14936) April 7, 1982

FR Doc. 82-10539 (47 FR 16827) April 29, 1982

The Department of the Air Force submitted a new system report for the system of records under the provisions of 5 U.S.C. 552a(o) on April 22, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

May 27, 1982.

FO55 TAC A

SYSTEM NAME:

Crisis Management Information System.

SYSTEM LOCATION:

Tactical Air Command, TAC Numbered Air Force Headquarters and all Tactical Air Command Wings. The primary system is located at the HQ TAC Operations Center (TACOPS/DOCS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aircrew members in Tactical Air Command maintaining qualifications in command assigned aircraft.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual identification, currency and qualifications information to include SSN, availability, crew position and qualification, weather category, GCC training level and information listing deployed location if applicable. In addition, data from other systems are accessed to determine total flying time, total primary aircraft flying time, flying time for the current and previous month and the number of ocean crossings performed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To mobilize and generate forces in response to tasking. May be used to automatically generate lineup reports for routine deployments. Used at wing level to track availability of aircrew and aircraft on a daily basis.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computer storage and on computer output products.

RETRIEVABILITY:

Data may be retrieved by either the individual's full SSN or last name.

SAFEGUARDS:

Access is protected by passwords which change every six months. Individual records are controlled by computer software and can be accessed only by personnel assigned to the command post serving the individual's unit.

RETENTION AND DISPOSAL:

Records will be retained for three years or until no longer needed, whichever is sooner. History files are retained at Headquarters Tactical Air Command for analyses purposes; magnetic media is overwritten or degaused. Printed material is destroyed by tearing into pieces, pulping, burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Tactical Air Combat Operations Staff, Assistant Deputy Director for TAC OPS Center, HQ Tactical Air Command, Langley AFB, VA 23665. Mail address TACOPS/DOC, Langley AFB, VA 23665.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the system manager. Make base level inquiries to the local command post.

RECORD ACCESS PROCEDURES:

Individual may obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, unit files or TAFTRAMS/AFORMS (F05101 OTMUHJA/FO6005 XOOFFA) computer tapes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-14839 Filed 6-1-82; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Intent To Grant Exclusive Patent License; Anthony's Manufacturing Co., Inc.

Notice is hereby given of an intent to grant to Anthony's Manufacturing Company, Inc. of San Fernando, California, an exclusive license to practice in the United States, the invention described in U.S. Patent No. 4,169,280, entitled "Method for Making Glass Nonfogging," in the field of use limited to glass doors and panels for refrigeration units. The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will contain terms and conditions to be negotiated by the parties in accordance with 35 U.S.C. 209. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license, or

(ii) An application for a nonexclusive license in the above-identified field of use to manufacture, use, and/or sell the invention in the United States, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously in such field of use.

The Assistant General Counsel for Patents will review all written responses to this notice. The license will be granted if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Signed at Washington, D.C. on this 25th day of May, 1982.

U.S. Department of Energy.

R. Tenney Johnson,

General Counsel.

[FR Doc. 82-14810 Filed 6-1-82; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF EDUCATION

Meeting; Intergovernmental Advisory Council on Education

AGENCY: Intergovernmental Advisory Council on Education.

ACTION: Amendment of notice.

SUMMARY: This document is intended to notify the public of changes in the Notice of Meeting of the Intergovernmental Advisory Council on Education, published Tuesday, May 25, 1982, on page 22584.

The meeting on June 10, 1982 (2:00 p.m. to 4:30 p.m.) will be held in Room 1134 at the Department of Education, 400 Maryland Avenue SW., Washington, D.C. The meeting on June 11, 1982 (9:00 a.m. to 4:30 p.m.) will be held in Room 3000 at the Department of Education, 400 Maryland Avenue SW., Washington, D.C.

Dated: May 26, 1982.

John H. Rodriguez,

Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 82-14843 Filed 6-1-82; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Vocational Education; Meeting

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: June 17, 1982.

ADDRESS: The Columbia Ballroom B of the Capitol Holiday Inn, 550 C Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Virginia Solt, NACVE Staff, 425—13th Street NW., Suite 412, Washington, DC (202) 376-8873.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

This meeting of the National Advisory Council on Vocational Education is partially open to the public. The Agenda will contain the following:

Thursday, June 17, 1982

9:00 a.m.-5:00 p.m.
Council Organization
Report from the Office of the Assistant Secretary
Congressional Briefing on Reauthorization Issues
Business/Education Cooperation

The Council will meet in partially closed session at the Capitol Holiday Inn, 500 C Street SW., Washington, DC on June 17, 1982, from approximately 11:30 A.M. to 12:30 P.M. in the Columbia Ballroom B to discuss personnel issues. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) and under exemptions (2) and (6) contained in the Government in the Sunshine Act (Pub. L. 94-409, 5 U.S.C. 552b(c)(2) and (6)). These discussions will touch upon matters that would disclose information of a personal nature, which disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

Summaries of the activities of the closed session and related matters which would be informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting.

Records are kept of the Council's open proceedings and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 A.M. to 5:00 P.M., 425—13th Street NW., Suite 412, Washington, DC 20004.

Signed at Washington, DC, on May 25, 1982.

George Wallrodt,

Acting Executive Director.

[FR Doc. 82-14844 Filed 6-1-82; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-31056; PH-FRL 2136-1]

Diamond Shamrock Corp.; Application To Register a Pesticide Product Involving a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register, or amend registration of, pesticide products involving changes use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comments by July 2, 1982.

ADDRESS: Written comments, identified by the document control number (OPP-31056) and the file or registration number, should be submitted to: Franklin D. R. Gee, Product Manager (PM-17), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA received an application as follows to register, or amend registration or, pesticide products involving changed use pattern pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of application does not imply a decision by the Agency on the application.

Application Received

File Symbol: 677-UUT.
Applicant: Diamond Shamrock Corp., Animal Health Division, 1100 Superior Ave., Cleveland, OH 44114.
Product name: Ectrin Insecticide 10% Water Dispersible Liquid.
Active ingredient: Cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate 10%.
Proposed classification/Use: General. To include in its presently registered use the use as liquid applied directly to animals (beef and non-lactating cattle) and animal pemises.
Type registration: Conditional.

Notice of approval or denial or an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing such comments telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: May 21, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-14842 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30218; PH-FRL 2135-5]

Zoecon Corp.; Application To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing an active ingredient not included in any previously registered pesticide products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by July 2, 1982.

ADDRESS: Written comments, identified by the document control number (OPP-30218) and the file or registration number, should be submitted to: Franklin D. R. Gee, Product Manager (PM-17), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA received an application as follows to register a pesticide product containing an active ingredient not included in any previously registered pesticide products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Application Received

1. File Symbol: 20954-RRL.
Applicant: Zoecon Corp., 975 California Ave., Palo Alto, CA 94304.
Product name: Mavrik 2E Insecticide.
Active ingredient: *N*[2-chloro-4-(trifluoromethyl) phenyl]-*D*-valine (±)-alpha-cyano (3-phenoxyphenyl)methyl ester 25.0%.
Proposed classification/Use: General. For use on ornamental plants, trees. shrubs, and turf; crops grown for planting seed use; nonbearing fruit, nut trees, and vines.
Type registration: Conditional.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing such comments telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: May 20, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-14841 Filed 6-1-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing it (Space WARC Advisory Committee)

May 25, 1982.

Task Group A-1 of Working Group A: U.S. Requirements (*2 meetings*)
Chairman: V. Naleszkiewicz, (301) 652-4660
Meeting: Wednesday, June 2, 1982
Time: 9:30 A.M.-1:00 P.M.
Location: Federal Communications Commission, 2025 M Street, N.W., Room 7327, Washington D.C.
Meeting: Wednesday, June 23, 1982
Time: 9:30 A.M.-4:30 P.M.
Location: Federal Communications Commission, 2025 M Street, N.W., Room 7327, Washington D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-14855 Filed 6-1-82; 8:45 am]

BILLING CODE 6712-01-M

Publication of Foreign AM Broadcast Station Notifications in the Federal Register Discontinued

May 24, 1982.

As of April 1, 1982 the Commission has discontinued publication of foreign AM broadcast station notifications in the **Federal Register**. This action is being taken in connection with recent format changes for notifications as a result of the Final Acts of the Administrative Radio Conference on Medium Frequency (AM) Broadcasting in Region 2 (Western Hemisphere). Publication of receipt of future foreign AM broadcast station notifications will be done by public notice. This information will continue to be available from Downtown Copy Center, the Commission's Copy contractor and on the Commission's AM broadcast station data base. A micro fiche copy of the AM data base is

available for inspection at the FCC headquarters Public Reference Room and at the FCC Field Offices or can be purchased from the National Technical Information Service of the U.S. Department of Commerce.

The Commission is in receipt of Canadian change list Number 411, dated April 5, 1982, Number 412 dated May 4, 1982, and Mexican change list Number 297, dated April 30, 1982. They are available through the above sources.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-14857 Filed 6-1-82; 8:45 am]

BILLING CODE 6712-01-M

Radio Advisory Subgroup on Technical Matters; Resumes Meeting

The Technical Subgroup of the Advisory Committee on Radio Broadcasting will resume its continuing meeting on preparations for bilateral discussions between the United States and Canada concerning AM broadcasting at 10:00 a.m., Wednesday, June 16, 1982, in Room 5119, 2025 M Street, NW., Washington, D.C.

Under the Chairmanship of Wallace E. Johnson, the Subgroup will consider diurnal curves, technical standards for directional antenna systems, field strength measurement procedure, bracket angles, and related matters under consideration in bilateral discussions with Canada. The meeting is open for participation by all interested persons.

For further information, contact Mr. Wallace E. Johnson, at (202) 841-0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-14856 Filed 6-1-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 79-83]

Investigation of Unfiled Agreements in the North Atlantic Trades; Order of Investigation

On August 14, 1979, the Commission issued an Order of Investigation into the activities of conferences and carriers operating in the North-Atlantic trades of the United States. This action followed the issuance of indictments against seven major carriers and several individual employees. The indictments alleged an unlawful conspiracy to fix prices and other activities which contravened not only the antitrust laws but also the Shipping Act, 1916 (46 U.S.C. 801 *et seq.*) and regulations promulgated by the Commission. *Nolo contendere* pleas were entered in behalf of corporate and individual defendants.

Following the entry of these pleas, a private treble damage action was brought on behalf of a class of shippers against the major carriers operating in the North-Atlantic trades. The parties to this civil action have recently entered into a settlement agreement which provides for, among other things, the payment of over $50 million to the shipper plaintiffs.

At the time of the initiation of the Commission's investigation into the activities which are the subject of this proceeding, the Commission did not establish a procedural schedule for the investigation. The proceedings were deferred pending the completion of Commission efforts to obtain information from grand jury proceedings involving the subject trade. These efforts have not been fruitful. It is therefore incumbent upon the Commission to provide the parties with a procedural schedule and further definition of issues to be investigated.

The Commission's Order of August 14, 1979, focused upon determining whether violations occurred and whether penalties or remedial actions were required to prevent similar activities in the future. Furthermore, the conference agreements which were the subject of the criminal and treble damage proceedings were subjected to an investigation to determine whether they should be disapproved, cancelled or modified.

Since the return of the criminal indictments in 1979, millions of dollars in fines and settlements have been paid by respondents in proceedings related to their allegedly unlawful activities between 1971 and 1977. It is clear that payments of this magnitude will have a significant deterrent effect on carriers operating pursuant to agreements approved by the Commission under section 15 of the Act (46 U.S.C. 814). In view of these large fines and settlements paid by Respondents, the Commission, by this order, deletes those provisions of its Order of Investigation which dealt with the imposition of civil penalties.

The Commission remains, however, responsible for monitoring the implementation of agreements and cannot ignore allegations that activities violative of the Shipping Act, 1916 have occurred. Corollary proceedings involving antitrust violations are now complete and it is time for this investigation to proceed.

Therefore, it is ordered, that the Commission's Order of August 14, 1979 (the Order) is amended to delete issue number 4 of the first ordering paragraph;

It is further ordered, that this proceeding shall determine whether: (1) The Agreements listed on Appendix A of the Order should be disapproved, cancelled, or modified under the provisions of section 15; (2) the Respondents listed on Appendix B of the Order violated section 15 by taking concerted action which was beyond the scope of approved section 15 agreements; (3) the Respondents listed on Appendix B of the Order violated 46 CFR 537.3 by failing to furnish the Commission with a true and complete report of meetings held pursuant to approved agreements;

It is further ordered, that this matter is assigned to the Commission's Office of Administrative Law Judges for hearing and decision, with a public hearing to be held at a date and place hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, that notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record;

It is further ordered, that all future notices, orders, or decisions issued in this proceeding, including notice of the hearing or any prehearing conferences, be mailed directly to all parties of record; and

It is further ordered, that all documents submitted by parties of record shall be filed in accordance with 46 CFR 502.118 as well as being mailed directly to all parties of record.

By the Commission.[1] [2]

Francis C. Hurney,

Secretary.

Docket No. 79-83—Investigation of Unfiled Agreements in the North Atlantic Trades

Commissioner Richard J. Daschbach, dissenting.

This investigation has little prospect for extracting the data needed to make a

[1] Vice Chairman Moakley dissents.

[2] Commissioner Daschbach dissents and issues the attached separate opinion.

determination whether the Respondents' activities occurring between 1971 and 1977 violated the Shipping Act, 1916. There is thus no purpose to be achieved by continuing it.

[FR Doc. 82-14846 Filed 6-1-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-22]

Review of Certain Portwide Exemptions; Availability of Finding of no Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 82-22 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Under Docket No. 82-22, the Commission intends to review the portwide exemptions granted by the Commission to the ports of Pensacola, Port Everglades and Tampa, Florida pursuant to § 510.22(e) of Commission General Order 4 [46 CFR 510.33(e)].

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 82-14845 Filed 6-1-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than June 24, 1982.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Heritage Bancorporation,* Cherry Hill, New Jersey (mortgage banking activities; Texas): To engage through its subsidiary, Heritage Mortgage Finance Company, in making or acquiring residential and commercial first or second mortgage loans or other extensions or commitments of credit such as would be made by a mortgage banking company, purchasing such loans from corresponding mortgate bankers and other financial institutions, servicing such loans for others and acting as sales agent for credit life insurance and credit accident and health insurance on mortgage loans originated or serviced by it. These activities will be conducted from an office in Plano, Texas, serving the State of Texas. Comments on this application must be received not later than June 17, 1982.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Acorn Financial Corp.,* Oak Park, Illinois (leasing activities; Illinois): To engage through its subsidiary, Acorn Leasing Corp., in the leasing of personal property in accordance with Federal Reserve Board Regulation Y. These activities would be conducted from offices located in Oak Park, Illinois, serving the State of Illinois.

Board of Governors of the Federal Reserve System, May 26, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-14812 Filed 6-1-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Minneapolis (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Trimont Bancorporation, Inc.,* Trimont, Minneapolis; to become a bank holding company by acquiring 88 percent of the voting shares of Triumph State Bank, Trimont, Minnesota. Comments on this application must be received not later than June 25, 1982.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *The First National Bancorporation of Heavener, Oklahoma, Inc.,* Heavener, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Heavener, Heavener, Oklahoma. Comments on this application must be received not later than June 25, 1982.

C. Secretary, Board of Governors of the Federal Reserve System, Washington, D.C.:

1. *United Midwest Bancshares, Inc.,* Cincinnati, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of Southern Ohio Bank, Cincinnati, Ohio. This application may be inspected at the Federal Reserve Bank of Cleveland.

Comments on this application must be received not later than June 25, 1982.

Board of Governors of the Federal Reserve System, May 26, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-14813 Filed 6-1-82; 8:45 am]

BILLING CODE 6210-01-M

Northwest Bancorporation; Proposed Acquisition of Dial Corporation; Correction

This document corrects a previous **Federal Register** document (FR Doc. 82-13719) published at page 21918 of the issue of May 20, 1982. Applicant proposes to engage in the additional activities of the sale and underwriting of credit-related insurance, and the sale of travelers checks. Applicant proposes to engage in all activities from offices of its subsidiary in 37 states. Regarding the previously published list of states, remove Michigan and insert Pennsylvania.

Board of Governors of the Federal Reserve System, May 26, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-14815 Filed 6-1-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

May 11, 1982.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Coastal Band of Chumash, c/o Frances Franco, 808 E. Cota, Santa Barbara, California 93103 has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on March 25, 1982. The petition was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) formerly § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Service, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20242.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 82-14823 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Emergency Vehicle Travel Closure; Jefferson County, Mont.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure.

DECISION: Notice is hereby given that an emergency vehicle travel closure is being implemented pursuant to 43 CFR 8341.2 on the Nursery Creek Road, Jefferson County, Montana.

The road located in the SW¼ Section 31, T7N, R3W, PMM. The road is being closed in order to prevent wheeled vehicles from adding to erosion on an already badly eroded road bed.

This designation becomes effective immediately and will remain in effect until rescinded or modified by the authorized officer.

ADDRESSES: For further information about this designation, contact either of the following Bureau of Land Management offices:

District Manager, Butte District Office, P.O. Box 3388, 106 N. Parkmont, Butte, Montana 59702, (406) 494-5059

Area Manager, Headwaters Resource Area, P.O. Box 3388, 106 N. Parkmont, Butte, Montana 59702, (406) 494-5059.

Lyle G. Fox,

Area Manager.

[FR Doc. 82-14849 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. OR 28793]

Oregon; Realty Action-Direct, Noncompetitive Sale; Public Land in Umatilla County

May 24, 1982.

The following described lands have been examined and identified as suitable for disposal by noncompetitive sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 stat. 2750; 43 U.S.C. 1713):

Willamette Meridian, Oregon

T. 4 N., R. 28 E.

Sec. 10, W½E½NE¼NW¼, W½NE¼NW¼.

The above described lands, comprising 30 acres, are being offered as a direct, non-competitive sale to the City of Hermiston, Oregon, at the appraised fair market value.

The lands involved are an integral part of the City of Hermiston's park complex. The sale will resolve a complicated situation; the City of Hermiston has had the lands under Recreation and Public Purposes patent since January 17, 1969. The city wants to keep the land in its natural environment and not develop the lands under the provisions of the Recreation and Public Purposes Act, hence they applied for direct sale.

Provisions in 43 CFR 2711.3-2(2)(b) provide for noncompetitive sale when in the opinion of the authorized officer, the public interest would be best served by a direct sale.

Disposal of the lands will serve important public objectives, that is, expansion of the City of Hermiston's—Hermiston Butte Park.

The lands are presently managed and designated for park purposes; part of the Hermiston Butte Park is presently owned by the City of Hermiston, the objective (park) cannot be achieved prudently or feasibly on lands other than the subject lands.

The lands are located within the city limits; management of the lands by the Bureau of Land Management is considered to be uneconomical and difficult. Disposal of the subject land is consistent with the Bureau's land-use planning. No other agency or group has expressed interest in acquisition of the lands.

The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued will contain the following conditions and Reservations;

1. A condition for issuance of a new patent pursuant to section 203 of the Federal Land Policy and Management Act of 1976 (90 stat. 2750; 43 U.S.C. 1713), will be that the city of Hermiston reconvey the land to the United States, in which the city received pursuant to the Recreation and Public Purposes Act of June 14, 1926 (44 stat. 741, as amended and supplemented, 43 U.S.C. 869, 869-1 thru 869-3 inclusive).

2. A right-of-way hereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 stat. 391; 43 U.S.C. 945.

3. All mineral deposits in the land so patented, and to it, or persons

authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior by prescribe.

And will be subject to:

1. Such rights for telephone line purposes as the Pacific Northwest Bell Telephone Company, or its successors, may have under right of way Oregon 010969 granted pursuant to the Act of March 4, 1911 (36 stat. 1253), as amended (43 U.S.C. 961).

2. Such rights for electric power transmission line purposes as the Pacific Power and Light Company, or its successors, may have under right-of-way Oregon 012079, granted pursuant to said Act of March 4, 1911, as amended.

3. Such rights for television and radio communication site purposes as J.R. Eliason doing business as Blue Mountain Communications, or his successors, may have under right-of-way Oregon 017504, granted pursuant to said Act of March 4, 1911, as amended.

4. Such rights for microwave site purposes as the West End Development Company, Inc., or its successors, may have under right-of-way OR 2482, granted pursuant to said Act of March 4, 1911, as amended.

5. Such rights for water pipeline and water plant purposes as the City of Hermiston, or its successors, may have under right-of-way Oregon 015330, granted pursuant to the Act of February 15, 1901 (31 stat. 790; 43 U.S.C. 959).

6. There is also reserved to the United States and to the Hermiston Irrigation District a 100-foot right-of-way for the reconstruction, repair, operation, and maintenance of any and all irrigation facilities constructed in connection with the Umatilla Project as presently located and existing on said tract of land. Said 100-foot right-of-way shall extend fifty feet on the right and fifty feet on the left, measured at right angles, from the centerline of said irrigation facilities.

Detailed information concerning the sale, including the Environmental Assessment Record and Land Report, is available for review at the Baker District Office, Federal Building, P.O. Box 987, Baker, Oregon 97814.

On or before July 16, 1982, interested parties may submit comments to the Baker District Manager, P.O. Box 987, Baker, Oregon 97814. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Gordon R. Staker,

District Manager.

[FR Doc. 82-14833 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-84-M

Utah; White River Dam Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Final Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Land Management, has prepared a Final Environmental Impact Statement (EIS) for the proposed White River Dam Project in Uintah County, Utah.

SUPPLEMENTARY INFORMATION: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final EIS that addresses the State of Utah's proposed White River Dam Project in Uintah County, Utah. The proposal involves construction of an earthen dam across the White River and creation of a 13.5-mile reservoir. Also proposed are a 15 megawatt hydroelectric power plant, power transmission system, recreational facilities, and access roads. The Final EIS includes th Biological Opinion of the Fish and Wildlife Service regarding the impacts of the proposed project on threatened and endangered species.

FOR FURTHER INFORMATION CONTACT: Thomas F. Slater, Utah State Office, BLM, 136 East South Temple, Salt Lake City, Utah 84111 or phone (801) 524-5645.

Copies of the Final EIS are available for review at the Washington Office, BLM, 18th & C Street, NW., Washington, D.C. 20240. A limited number of copies are available upon request at the following locations:

Utah State Office, BLM, Public Room, 14th Fl., 136 East South Temple, Salt Lake City, UT 84111

Richfield District, BLM, 150 East 900 North, Richfield, Utah 84701

Vernal District, BLM, 170 South 5th East, Vernal, Utah 84078.

Dated: May 24, 1982.

Dean Stepanek,

Associate State Director.

[FR Doc. 82-14834 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-84-M

[W-73959]

Conveyance of Public Land; Big Horn County, Wyoming

May 21, 1982.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), the Town of Greybull, Wyoming, has purchased by noncompetitive sale public land in Big Horn County, Wyoming, described as:

Sixth Principal Meridian, Wyoming

T. 52 N., R. 93 W.,
Sec. 17, lots 15, 16, 17, 18, 19, 21, 22, 23, N½NE¼SW¼.

Containing 47.97 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance document to the Town of Greybull, Wyoming.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-14830 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-84-M

[W-74730]

Wyoming; Proposed Withdrawal and Opportunity for Public Meeting

On September 16, 1980, and May 4, 1982, the Deputy Assistant Secretary, Land and Water Resources, granted the Bureau of Land Management permission to file an application for the withdrawal of the following described land from the operation of the general public land laws including the mining laws, but not the mineral leasing laws, subject to valid existing rights:

Sixth Principal Miridian, Wyoming

T. 58 N., R. 94 W.,
Sec. 20, lots 1 to 8, inclusive, and S½N½;
Sec. 21, lots 4, 5, and SW¼NW¼;
Sec. 28, S½SE¼.

The area described contains 528.23 acres in Bighorn County, Wyoming.

For a period of two years from May 14, 1981, which was the date of the **Federal Register** publication for 349.48 acres of the proposed withdrawal, the above lands will be segregated from the operation of the general public land laws including the mining laws, but not the mineral leasing laws, subject to valid existing rights, unless rejected, or the withdrawal is approved prior to that date.

No licenses, permits, cooperative agreements or discretinary land use authorizations of a temporary nature will be allowed on the lands without the approval of an authorized officer of the Bureau of Land Management during the

segregation period of the proposed withdrawal.

Notice is hereby given that a public meeting may be afforded in connection with the proposed withdrawal. All interested persons who desire a meting to be held on the proposal must submit a written request for a meeting to the undersigned on or before September 8, 1982. Upon determination by the State Director, Bureau of Land Management, that a public meeting shall be held, a notice stating the time and place of the meeting, shall be published in the **Federal Register** and in at least one newspaper having a general circulation in the vicinity of the lands involved, at least 30 days before the scheduled date of the meeting. 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 BLM on or before September 8, 1982. The application and case file pertaining to it is available for public inspection at the address indicated below.

This application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

The proposed application for 349.48 acres of the lands involved, was published in the **Federal Register**, May 14, 1981, Vol. 46, No. 93 on page 26704. The proposed amendment for the remaining 178.75 acres, was published in the **Federal Register**, May 13, 1982, Vol. 47, No. 93 on page 20677.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary and prepare a report for consideration of the Office of the Secretary of the Interior. The final determination on the proposed withdrawal will be published in the **Federal Register**.

All communications in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals operations, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-14832 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-84-M

[A-16772]

Arizona; Public Lands Exchange; Mohave County

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action-Exchange, public lands in Mohave County, Arizona.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 23 N., R. 13 W.,
Sec. 28, all.
Comprising 640 acres of public land.

In exchange for these lands, the Federal government will acquire non-Federal land from X-Bar 1 Ranch, Inc., described as follows:

Gila and Salt River Meridian, Arizona

T. 23 N., R. 14 W.,
Sec. 9, N½, E½SW¼, SE¼; (1st Priority)
Sec. 17, S½SW¼. (2nd Priority)
Comprising 640 acres of private land.

The exchange proposal involves only the surface estate of the private offered lands while the public selected includes the surface and mineral estates, with the exception of oil and gas.

The purpose of the exchange is to acquire the non-Federal lands which contain crucial mule deer habitat adjacent to the Peacock Mountains. Consolidation of Federal ownership will facilitate wildlife habitat management in this area. The exchange is consistent with the Bureau's planning system. The public interest will be well served by making the exchange.

The value of the lands and interests to be exchanged is approximately equal. Upon the completion of a final appraisal, acreages may be adjusted or a cash payment made, where the value of the public estates exceed that of the private, to equalize the value difference. Should the value of the private offered exceed the value of the selected public estates, those private lands, identified herein as the 1st Priority, will be acquired first, thereby utilizing a reduction in private acres in lieu of a Federal money payment.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A right-of-way for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. A reservation of all the oil and gas to the United States with the right to prospect for, mine and remove such deposits.

3. A public road easement sixty-six (66) feet-in-width traversing the south half of the subject public section to be transferred.

Private lands to be acquired by the United States will be subject to the following reservations, terms and conditions:

1. All minerals in the subject are reserved to the Santa Fe Pacific Railroad Company.

2. A reservation to John P. Rubel and Margaret Ann Rubel reserving an undivided one-half (½) of all unreserved minerals.

The publication of this notice in the **Federal Register** will segregate the public lands described herein to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As set forth in 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. This segregative effect shall terminate upon issuance of patent to such lands, upon publication in the **Federal Register** of a termination of the segregation, or 2 years from date of this publication, whichever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

For a period of 45 days interested parties may submit comments to the District Manager, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments may be evaluated by the Arizona State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: May 24, 1982.

W. K. Barker,

District Manager.

[FR Doc. 82-14847 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-84-M

[M 55063(ND)]

North Dakota; Coal Exploration License Application; Invitation

May 24, 1982.

Members of the public are hereby invited to participate with The Coteau Properties Company in a program for the exploration of coal deposits owned by

the United States of America in the following described lands located in Mercer County, North Dakota:

T. 145 N., R. 87 W., 5th P.M.,
Sec. 2, Lot 3, SE¼NW¼;
Sec. 6, SE¼;
Sec. 20, NW¼;
Sec. 32, E½;
Sec. 34, N½.
T. 146 N., R. 87 W., 5th P.M.,
Sec. 28, W½W½.
T. 144 N., R. 88 W., 5th P.M.,
Sec. 2, lots 3, 4, S½NE¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, SW¼.
T. 145 N., R. 88 W., 5th P.M.,
Sec. 2, lot 1, SE¼NE¼;
Sec. 4, lot 4, SW¼NW¼, SW¼;
Sec. 22, all;
Sec. 26, N½NE¼, SW¼NE¼, W½, NW¼SE¼;
Sec. 28, NE¼NE¼, S½NE¼, SE¼NW¼, S½;
Sec. 34, N½N½, SE¼NE¼, SW¼, NE¼SE¼, S½SE¼.
T. 146 N., R. 88 W., 5th P.M.,
Sec. 20, SW¼;
Sec. 30, Lots 1, 2, 3, 4, E½W½, SE¼;
Sec. 32, S½NE¼, NW¼, S½.
T. 144 N., R. 89 W., 5th P.M.,
Sec. 2, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 10, N½;
Sec. 12, all.

7207.49 acres.

Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and The Coteau Properties Company, Kirwood Office Tower, Bismarck, North Dakota 58501. Such written notice must refer to serial number M 55063 (ND) and be received no later than July 2, 1982 or 10 calendar days after the last publication of this notice in the Beulah Beacon, whichever is later. This notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Minerals Management Service, 2525 4th Avenue North Billings, Montana, and the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana. The exploration plan is available for public inspection at either of these offices at the addresses given.

Edgar O. Stark,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-14835 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Realty Action; Non-Competitive Occupancy; Public Lands In Jackson County

May 24, 1982.

The following described land (revested Oregon and California Railroad Grant Land) has been examined and identified as suitable for lease under Section 302 of the Federal Land Policy and Management Act of 1975, (43 U.S.C. 1732, 1740), at not less than the fair market value:

Portion of N½NE¼NE¼ of Section 11 T. 38 S., R. 4 W., W.M.

The purpose of the lease is to authorize the use of a parcel one hundred fifty (150) feet by three hundred (300) feet for residential purposes approximately seven hundred fifty (750) feet west of the NE corner of Section 11, T. 38 S., R. 4 W., W.M. The tract contains 1.03 acres more or less. Because the private improvements already exist, the land will not be offered for lease through competitive bidding. The tract is to be leased to Mr. Robert E. Martindale of 939 Thompson Creek Road, Applegate, Oregon 97530 for a period not to exceed five (5) years. The tract presently contains a mobile home with attached bedroom, two story garage-storage building, above ground swimming pool and small wood shed. In addition, the tract is landscaped and contains a driveway. All improvements listed above are to be removed during the five (5) year period and the land restored to its natural state. The improvements were originally placed on the Bureau of Land Management administered land in trespass when the original owner of the improvements mistakenly assumed the lands to be his own.

Since the lease will be issued for a limited period of time only, and all improvements will be removed and the area restored to its natural state, the lease will not be inconsistent with the Bureau's long range plans and programs. The public interest will be well served by making the lease for a limited time only and restoring the site to its natural condition.

Detailed information concerning this lease, including the Land Report and environmental analysis is available for review at the Medford District Office, 3040 Biddle Road, Medford, Oregon 97501.

For a period of forty-five (45) days interested parties may submit comments to the District Manager, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final action determination of the Department of the Interior.

Hugh R. Shera,

District Manager.

[FR Doc. 82-14848 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Getty Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Getty Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3747, Block 199, High Island Area, offshore Texas.

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 Minerals 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. 226.

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: May 24, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-14828 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Superior Oil Co.

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 Leases OCS 0244 and 0245, Blocks 71 and 72, West Cameron 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 Minerals 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. 226.

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 Reglations.

Dated: May 20, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-14826 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Tenneco Oil Exploration and Production

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 2927 Block 59, 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 Minerals 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. 226.

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 Reglations.

Dated: May 24, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-14827 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil Co.

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 3120, Block 34, 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 Minerals 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. 226.

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: May 24, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-14825 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 26, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by June 17, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

DELAWARE

Kent County

Leipsic, *Laws, Alexander, House (Leipsic and Little Creek Multiple Resource Area)* Front and Main Sts. (incorrectly published as Cannon, Wilson L., House)

SOUTH CAROLINA

Richland County

Columbia, *House of Peace Synagogue (Columbia Multiple Resource Area)* 1318 Park St. (proposed move)

[FR Doc. 82-14783 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Intent To Prepare Draft Environmental Impact Statements on Mining and Reclamation Plans for Surface Coal Mines Proposed by Consolidation Coal Company and Kiewit Mining and Engineering Company, Big Horn County, Montana

AGENCY: Office of the Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of intent to prepare two draft environmental impact statements and to conduct a public scoping meeting.

SUMMARY: The Office of Surface Mining (OSM) intends to prepare draft environmental impact statements on two proposed surface coal mining operations located in Big Horn County, Montana: Consolidation Coal Company's (Consol) proposed CX Ranch Mine and Kiewit Mining and Engineering Company's proposed Wolf Mountain Mine. Both of the proposed operations would be located near Squirrel Creek, approximately 2 miles northwest of Decker, Montana and 22 miles north of Sheridan, Wyoming. The proposed CX Ranch Mine would disturb 1,280 acres and would continue for 13 years with a maximum annual coal production of 8 million tons. The proposed Wolf Mountain Mine would disturb 1,947 acres and would continue for 20 years with a maximum annual coal production of 3 million tons. OSM has determined that the approval or disapproval of the proposed operations are major Federal actions significantly affecting the quality of the human environment, thereby requiring the preparation of the EIS's. OSM will conduct a public meeting to help determine the scope of the issues to be addressed in the EIS's, and identify significant issues and alternatives. The mining and reclamation plans submitted by Consol and Kiewit Mining are available for public review at the addresses listed below under "ADDRESSES." Comments on the proposed plans and/or significant issues which should be addressed in the EIS's may be submitted for a 30 day period following publication of this notice.

DATES: The public scoping meeting will be held from 7:00 p.m. to 9:00 p.m., local time, on June 9, 1982. The comment period on the proposed plans will be accepted until July 2, 1982.

ADDRESES: The public scoping meeting on the EIS's will be held at the Sheridan College, Sheridan, Wyoming. The mining and reclamation plans for the proposed mines are available for public review during normal working hours at the following locations:

Office of Surface Mining, Western Technical Service Center, Brooks Towers, 2nd Floor, 1020 15th Street, Denver, Colorado

Office of Surface Mining, Wyoming State Office, P.O. Box 1420, Mills, Wyoming

Montana Department of State Lands, Capitol Station, Helena, Montana

Written comments on the proposed plans and/or significant issues which should be addressed in the EIS's may be submitted to the Administrator, Office of Surface Mining, Western Technical Service Center, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic or William Wiest, Office of Surface Mining, Western Technical Service Center, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, telephone 303/837-5656.

SUPPLEMENTARY INFORMATION: The Montana Department of State Lands (DSL) will participate in the preparation of the EIS's. The EIS's will evaluate alternative actions that could be taken on the mining and reclamation plans by the Department of the Interior and the State of Montana. The major alternatives thus far identified for consideration are:

a. Approval of the mining and reclamation plans with design modifications and/or necessary stipulations to meet the requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and the Montana Environmental Quality Act, and regulations pursuant to these Acts;

b. No action or disapproval of the mining and reclamation plans.

The EIS's would be limited to a site-specific analysis of both coal mines within the permit area, adjacent areas, and regional areas. Since there are other energy developments proposed for the same regional area as the proposed mines, the cumulative impacts from all currently proposed developments will be evaluated using available information.

Dated: May 27, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-14891 Filed 6-1-82; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29863]

Soo Line Railroad Co. and Minneapolis, Northfield and Southern Railway, Inc.; Petition for Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission has exempted the consolidation of the Soo Line Railroad Company (Soo) and Minneapolis, Northfield and Southern Railway, Inc. (MNS) from regulation pursuant to 49 U.S.C. 10505. Rail operations will continue over the lines of MNS and there should be no substantial competitive impact arising from the transaction. MNS will be operated as a part of the Soo system after consolidation.

As a condition to use of the exemption, any employee of MNS or Soo affected by the consolidation shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60(1979). This will satisfy the requirement of 4g U.S.C. 10505(g)(2).

DATES: The exemption will become effective on June 2, 1982. Petitions to reopen must be filed no later than June 22, 1982.

ADDRESSES: Send petitions to reopen to:

(1) Interstate Commerce Commission, Section of Finance, Room 5417, Washington, D.C. 20423.

(2) Petitioner's representatives:

Byron D. Olsen, C. Harold Peterson, 804 Soo Line Building, Box 530, Minneapolis, MN 55440;

Faegre & Benson, 1300 Northwestern, National Bank Building, Minneapolis, MN 55402.

Copies of the full decision may be purchased by contacting: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423, (202) 289-4357, DC Metropolitan Area, (800) 424-5403, toll free for outside the DC area.

Pleadings should refer to Finance Docket No. 29863.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245 or Ernest B. Abbott (202) 275-3002.

SUPPLEMENTARY INFORMATION: For further information, see the Commission's decision in Finance Docket No. 29863.

Decided: May 21, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham,

Sterrett, Andre, and Simmons. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-14747 Filed 6-1-82; 8:45 am]

BILLING CODE 7035-01-M

Long- and Short-Haul Application for Relief (Formerly Fourth Section , Application)

May 26, 1982.

This application for long- and short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43967, Southwestern Freight Bureau, Agent (B-158), reduced rates on shipments of sugar, beet or cane, returned in the reverse direction, in Supplement No. 54 to its Tariff ICC SWFB 4412 effective June 16, 1982. Grounds for relief: Market Competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-14816 Filed 6-1-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verfied statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-91

Decided: May 21, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier, (Member Parker not participating.)

MC 161790, filed May 3, 1982. Applicant: SURRATT TRUCK SERVICE, 411 Congress St., Chapin, IL 62628. Representative: Richard D. Surratt, (same address as applicant), (217) 472-7881. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI.).

MC 161990, filed May 13, 1982. Applicant: C & G TRUCKING CORPORATION, 4843 West Potomac Avenue, Chicago IL 60651. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603 (312) 782-8880. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP2-107

Decided: May 21, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 11592 (Sub-34), filed April 14, 1982. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW, Washington, DC 20036, (202) 223-5900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Batavia, IL, and Irvington, NE, 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 substitute motor carrier service for abandoned rail service.

MC 141483 (Sub-5), filed May 3, 1982. Applicant: VALCON PACKAGE DELIVERY, INC., 3840 West St., Landover, MD 20785. Representative: Gerald K. Gimmel, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840-8565. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 152183 (Sub-4), filed April 28, 1982. Applicant: FLAMINGO TRANSPORT, INC., P.O. Box 890, Adairsville, GA 30103. Representative: Frank Linn, (same address as applicant), (404) 382-5852. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Blanche and Blue Pond, AL, Bartlett, Cartago, Cosco, Inyokern, Little Lake, Lone Pine, Olancha, Pencilwood, and Swanston, CA, Dundee, Lake Hamilton, and Waverly, FL, Chelsea and Menlo, GA, Corral and Hill City, ID, Addison, Grand Tower, Mooseheart, and Sand Ridge, IL, LaOtto, IN, Orange City, IA, Viola and Wier, KS, Benton and Hardin, KY, Amesbury and Salisbury, MA, Alden,

Bellaire, Bendon, Central Lake, Chief Lake, Ellsworth, Interlochen, Kaleva, Norwalk, and Rapid City, MI, Key West, MN, Fairfax and Tarkio, MO, Huntley and Ragan, NE, Pactolus, Stokes, and Whichard, NC, Dunseith, ND, and Ehrhardt and Lodge, SC, 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 substitute motor carrier service for abandoned rail service.

MC 153093 (Sub-2), filed May 4, 1982. Applicant: ASSOCIATED MOVING & STORAGE CO., INC., P.O. Box 23053, New Orleans, LA 70183. Representative: Robert J. Gallagher, 1000 Connecticut Ave. N.W., Suite 1200, Washington, DC 20036, 202-785-0024. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 161602, filed April 21, 1982. Applicant: SHIPPERS AND TRUCKERS ASSISTANCE LOADING AND RESEARCH, INC., 6009 Wayzata Blvd., Suite 117, St. Louis Park, MN 55416. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612-927-8855, As a *broker of general commodities* (except household goods), between points in the U.S. (including AK, but excluding HI).

Volume No. OP3-079

Decided: May 21, 1982.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 109064 (Sub-45), filed April 28, 1982. Applicant: TEX-O-KAN TRANSPORTATION COMPANY, INC., 3301 E. Loop 820 S. Ft. Worth, TX 76112. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255-6279. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 138144 (Sub-66), filed May 6, 1982. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 180 N. Michigan Avenue, Suite 1700, Chicago, IL 60601, (312) 263-1600. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 154265 (Sub-3), filed May 10, 1982. Applicant: MIKE WILLIAMS TRANSFER, INC., 2 Foxhurst Court, Manhasset Hills, NY. Representative: Kenneth M. Piken, 95—25 Queens Boulevard, Rego Park, NY 11374, (212) 275-1000. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161885, filed May 7, 1982. Applicant: ROBERT L. NEWSOM, d.b.a. NEWSOM TRANSPORTATION, 1005 Lewell Ave., Salt Lake City, UT 84104. 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 points in the U.S. (except AK and HI).

MC 161934, filed May 11, 1982. Applicant: ALVIN HOWE, d.b.a. HOWE GRAIN AND SUPPLY, Box 116, Hartford, SD 57033. Representative: Alvin Howe, RR 1 Box 83, Lennox, SD 57039, (605) 743-5436. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161985, filed May 12, 1982. Applicant: COX TRUCK BROKERAGE, INCORPORATED, Speed & Briscoe Truck Stop, I95 & Lewistown Rd., P.O. Box 103, Mechanicsville, VA 23111. Representative: John A. Cox (Same address as applicant), (804) 798-1477. As a *broker of general commodities,* (except household goods), between point in the U.S.

Volume No. OP4-188

Decided: May 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158286 (Sub-10), filed May 17, 1982. Applicant: M. T. TRUCK LINE, INC., 4947 W. 173rd St., Country Club Hills, IL 60477. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Williamsville and Cheektowaga, NY, and Wallen and Huntertown, IN, on the one hand, and on the other, points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423.

MC 162016, filed May 17, 1982. Applicant: A. J. MURRAY & CO., INC., 111 John St., New York, NY 10038. Representative: Leonard Baldassano (same address as applicant), (212) 619-1981. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5-119

Decided: May 24, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 138388 (Sub-15), filed May 20, 1982. Applicant: CHESTER CAINE, JR., d.b.a. CAINE TRANSFER, Box 376, Lowell, WI 53557. Representative: James A. Spiegel, Old Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S. (except AK and HI).

MC 42619 (Sub-7), filed May 18, 1982. Applicant: DASH TRANSPORTATION, INC., P.O. Box 221, Bloomingdale, IL 60108. Representative: Edward J. Kiley, 1730 M St., NW., Washington, D.C. 20036, (202) 296-2900. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161738, filed April 29, 1982. Applicant: FRED C. DOSS, SR., 6601 Primrose Parkway, Muncie, IN 47302. Representative: Fred C. Doss, Sr., (same address as applicant), (317) 282-4298. Transporting, *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162038, filed May 17, 1982. Applicant: E. W. WILSON, d.b.a. TEXAS TRUCK BROKERS, Route 5, Box 16A, Denton, TX 76201. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, 202-347-8862. As a *broker of general commodities* (except household

goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-14817 Filed 6-1-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 261]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: May 25, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Canadian Carrier Applicants

In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority.*

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Ewing, and Williams.

Agatha L. Mergenovich,

Secretary.

MC 35835 (Sub-35)X, filed February 10, 1982, previously noticed in the **Federal Register** of March 2, 1982, republished as follows: Applicant: JENSEN TRANSPORT, INC., 300 Ninth Ave., S.E., Independence, IA 50644. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Lead certificate: broaden to county-wide authority: Buchanan, Benton, Bremer, Black Hawk, Delaware, Fayette, Linn and Clayton Counties, IA (Independence and points within 25 miles thereof), sheet no. 3. The purpose of this republication is to correct a territorial omission.

MC 69397 (Sub-69)X, filed May 19, 1982. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St., N.W., Washington, DC 20005. Sub-61F: (1) Broaden commodity description from lumber and lumber products, composition board, particleboard, fibreboard products, gypsum and gypsum products, and moulding to "lumber and wood products and building materials"; (2) change Savannah to Chatham County, GA; and (3) expand one-way to radial authority.

MC 69953 (Sub-1)X, filed May 17, 1982. Applicant: EAGLE TRANSFER CORPORATION, 435 Greenwich St., New York, NY 10013. Representative: Kenneth M. Piken, 95-25 Queens Blvd., Rego Park, NY 11374. Lead certificate: broaden from household goods to "household goods, furniture, and fixtures."

MC 112304 (Sub-264)X, filed May 20, 1982. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Sub 263, broaden (1) general commodities (with exceptions) to "general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)."

MC 128075 (Sub-44)X, filed May 10, 1982. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60010. Sub 3, broaden (1) agricultural implements, agricultural implement parts, roofing, iron and steel articles and feed to "machinery, metal products, pulp, paper and related products, petroleum, natural gas and their products, clay, concrete, glass, or stone products and lumber and wood products (except in bulk)"; agricultural implements and parts to "machinery and metal products"; farm machinery to "machinery", agricultural implements and machinery and parts to "machinery and metal products", and amusement park equipment and road contractors' and builders' equipment and machinery to "machinery, metal products, lumber and wood products, rubber and plastic products and clay, concrete, glass or stone products", (2) service to intermediate and off-route points in IA within 25 miles of Waukon to service at all intermedicate points and off-route points in Allamakee, Winneshiek, Fayette and Clayton Counties, IA; (3) Canton, IL to Fulton County; Rock Falls, IL to Whiteside County, Riceville, IA and points within 30 miles thereof to Worth, Cerro Gordo, Floyd, Mitchell, Howard, Winneshiek, Chickasaw and Fayette Counties, IA and Freeborn, Mower, and Fillmore Counties, MN; Stillwater, MN to Washington County; Arlington, Postville, Castalia, Monona, Decorah, Cresco, Chester, Lime Springs, New Hampton, Charles City, Plainfield, Waverly, Independence, Dyersville, Elma, Alta Vista, Calwell, Orchard, Colmar, and Stacyville, IA to Fayette, Allamakee, Clayton, Winneshiek, Howard, Chickasaw, Floyd, Bremer, Buchanan, and Dubuque Counties; Osage, IA to Mitchell County; Waterloo, IA to Black Hawk County; Lyle, MN to Mower County; Austin, MN and points within 5 miles thereof to Mower and Freeborn Counties and (4) to radial authority.

MC 134616 (Sub-3)X, filed May 17, 1982. Applicant: KEARNY'S TRUCKING SERVICE, INC., P.O. Box 264, Portland, PA 18351. Representative: Joseph A. Keating, Jr., 121 Main St., Taylor, PA 18517. No. MC -129459 Subs 14F, 17F and 19F permits: broaden to (1) "food and related products" from (a) dry spaghetti and macaroni, Subs 14F and 17F, and (b) foodstuffs (except in bulk), Sub 19F; and (2) "between points in the U.S. (except AK and HI)", under continuing contract(s) with named shippers, all Subs.

MC 141215 (Sub-5)X, filed May 17, 1982. Applicant: HICKS CORNERS TRUCKING, INC., Route 2, Highway 18, Dodgeville, WI 53533. Representative: Richard A. Westley, P.O. Box 5086, 4506 Regent Street, Madison, WI 53705. Sub 3F certificate, broaden to countywide authority as follows: Dane, Grant, Iowa and Lafayette Counties, WI (from Blue Mounds, Barneveld, Ridgeway,

Dodgeville, Edmund, Cobb, Montford, Fennimore, Stitzer, Lancaster, Livingston, Rewey, Leslie, Cuba City, and Platteville).

MC 145629 (Sub-6)X, filed May 13, 1982. Applicant: FUCHS, INC., R.R. 1, Box 576, Sauk City, WI 53583. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Lead and Subs 1 and 2 certificates, and No. MC-116982 and Subs 5, 7, 11, 13, 14, 15, and 16 permits, (1) broaden to: (a) "chemicals and related products" from dry fertilizer and agricultural chemicals in lead certificate and permit, and Subs 7 and 14, (b) "lumber and wood products" from lumber products in Sub 1, and from wood products in Sub 11, (c) remove complete, knocked down or in sections and in connection therewith restriction: from "prefabricated buildings, component parts thereof, etc." in Sub 5, and from "building and housing units, component parts, etc." in Subs 11 and 14, (d) "food and related products" from dry feed and feed ingredients in Sub 11; (2) remove facilities restrictions and broaden to counties: (a) Warrens, WI (Monroe County) Sub 1, (b) Madison, WI (Dane County) Sub 2; (3) change one-way to radial authority in lead certificate, and broaden to between points in the U.S. (except AD and HI), under continuing contract(s) with named shippers in all permits; (4) remove (a) restriction to in bulk in lead certificate, (b) restriction against the transportation of cement, and the originating at or destined to restriction in Sub 2, (c) wheeled undercarriage restriction in Subs 5, 11, and 14, (d) in bulk in tank vehicles exception in Sub 14 Sub 14 part (2).

MC 146149 (Sub-24)X, filed May 12, 1982. Applicant: KENNEDY FREIGHT LINES, INC., 4989 Vulcan Avenue, Columbus, OH 43228. Representative: Paul F. Beery, Esq., 275 East State Street, Columbus, OH 43215. Sub-No. 18F broaden to "furniture and fixtures" from new furniture, and to "food and related products, pulp, paper and related products, textile mill products, rubber and plastic products, chemicals and related products (except commodities in bulk), leather and leather products, and clay, concrete, glass, or stone products (except commodities in bulk) auto parts, sporting goods, and building materials," from infant articles, auto parts, sporting goods, and building materials.

MC 151929 (Sub-4)X, filed May 19, 1982. Applicant: INTERSTATE DRAYING CO., 8311 Durango, S.W., Tacoma, WA 98499. Representative: Daniel W. Baker, 100 Pine St, #2550, San Francisco, CA 94111. MC-75330 and Subs 12 and 13 certificates (acquired in MC-F-14466F), (1) remove exceptions of commodities of unusual value, livestock, requiring special equipment and those injurious to other lading (lead) and automobiles, trucks, truck trailers, buses, automobile chassis, truck chassis, truck trailer chassis, bus chassis, livestock, commodities requiring use of vehicles with mechanical, refrigeration, metal cans, and can tops, bottoms, and ends (Sub 12), (a) from general commodities authority to authorize "general commodities (except classes A & B explosives, household goods and commodities in bulk)" in lead and Sub 12, (b) from building, assembled or partially assembled to "lumber and wood products, clay, concrete, glass and stone products, and fabricated metal products" in Sub 13; (2) replace (a) Alameda, Oakland, Emeryville, Berkeley, San Leandro and San Francisco, CA with San Francisco and Alameda Counties, CA, in the lead, (b) facilities at Newark, CA with Alameda County, CA in Sub 13; (3) change one-way to radial authority in Sub 13.

[FR Doc. 82-14818 Filed 6-1-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP2-108

Decided: May 21, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 16513 (Sub-36), filed May 7, 1982. Applicant: REISCH TRUCKING AND TRANSPORTION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, 703-750-1112. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cerro Wire and Cable Company, of Maspeth, NY.

MC 107012 (Sub-761), filed April 15, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30

West, Fort Wayne, IN 46818. Representative: Bruce Boyarko, (same address as applicant), (219) 429–2224. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with F. W. Woolworth Co., Inc., of New York, NY.

MC 118883 (Sub-11), filed May 3, 1982. Applicant: VAN E. HAMLETT, Osage St., P.O. Box 8009, Nashville, TN 37208. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219, 615–255–0540. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with W.R. Grace & Co., of Cambridge, MA, Lightweight Concrete Company, Inc., of Nashville, TN, and Foamcrete, Inc., of Chattanooga, TN.

MC 119192 (Sub-19), filed April 28, 1982. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Ave., Bridgeport, CT 06607. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT. 06103, 203–728–0700. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of furniture, between points in the U.S. (except AK and HI).

MC 121212 (Sub-3), filed May 4, 1982. Applicant: CUMBERLAND TRUCKING CO., INC., 2550 Lunt Ave., Elk Grove Village, IL 60007. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, 312–726–6525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, MI, and WI.

MC 121212 (Sub-4), filed May 10, 1982. Applicant: CUMBERLAND TRUCKING CO., INC., 2550 Lunt Ave., Elk Grove Village, IL 60007. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, 312–726–6525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI on and south of WI Hwy 33, points in IL and IN on and north of U.S. Hwy 24, on the one hand, and, on the other, points in Clayton, Fulton, DeKalb, Henry, Cobb, Douglas, Rockdale, and Gwinnett Counties, GA.

MC 126542 (Sub-20), filed May 10, 1982. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, P.O. Box 162, Mentone, AL 35984, (205) 634–4885. Transporting *materials, parts, equipment and supplies* used in the manufacture and distribution of magnetic tape, between points in the U.S. (except AK and HI).

MC 126942 (Sub-2), filed April 28, 1982. Applicant: ALLSTATE BUS COMPANY, 2151 South Harvey St., Muskegon, MI 49442. Representative: Roger Kirschenbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326, 404–262–7855. Transporting *passengers and their baggage*, in charter and special operations, between points in the U.S. (including AK, but excluding HI), under continuing contract(s) with Brenner Tours, of Hopkins, MI.

MC 127253 (Sub-56), filed May 10, 1982. Applicant: STEWCO, INC., P.O. Box 728, Waskom, TX 76592. Representative: Frederick S. Wetzel, III, P.O. Box 5606, North Little Rock, AR 72119, (501) 376–3700. Transporting *commodities in bulk*, between points in AR, and points in the U.S. (except AK and HI).

MC 129712 (Sub-72), filed April 28, 1982. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 237–6472. Transporting *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 Markey Forest Products, Inc., of Walled Lake, MI.

MC 129712 (Sub-73), filed May 10, 1982. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 237–6472. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cresline Plastic Pipe Co., Inc., of Mechanicsburg, PA.

MC 129923 (Sub-26), filed May 3, 1982. Applicant: SHIPPERS TRANSPORTS, INC., 5010 Commerce St., West Memphis, AR 72301. Representative: Edward G. Grogan, Twentieth Floor, First Tennessee Bldg., Memphis, TN 38103, (901) 526–2000. Transporting *food and related products*, between points in Caddo Parish, LA, on the one hand, and, on the other, points in CA, IL, KS, MN, NY, OR, PA, TN, TX, and WA.

MC 134453 (Sub-30), filed May 3, 1982. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, MN 55359. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *clay, concrete, glass or stone products*, between points in Stark County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 135812 (Sub-5), filed April 28 1982. Applicant: PROFESSIONAL DRIVER SERVICES, INC., 1631 Lebanon Rd., Nashville, TN 37210. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *transportation equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Ryder Truck Rental, Inc., of Miami, FL.

MC 139843 (Sub-19), filed May 7, 1982. Applicant: VERNON G. SAWYER, P.O. Drawer B, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203, 318–322–5252. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR, AL, AZ, CA, CO, FL, GA, IL, IN, KS, KY, LA, MO, MS, NM, and TX.

MC 142723 (Sub-11), filed May 7, 1982. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: William A. Gray, 2310 Grant Bldg., Pittsburg, PA 15219, (412) 471–1800. 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 Fox Grocery Company, of Monroeville, PA.

MC 143832 (Sub-1), filed May 10, 1982. Applicant: L. E. C. FRIDAY, INC., 2000 Windingbrook Way. Westfield, NJ 07090. Representative: Elmer J. Schuman, (same address as applicant), (201) 589–1200. 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 Reliable Shippers Association, of Newark, NJ.

MC 145813 (Sub-5), filed May 3, 1982. Applicant: POINTS WEST TRUCKING, INC., 20727 Santa Clara St., Canyon Country, CA 91351. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *rubber and plastic products, and pulp, paper and related products*, between Los Angeles, CA, Chicago, IL, Sparks, NV, New York City, NY, points in Lewis County, NY, Sullivan County, TN, and Bergen and Passaic Counties, NJ, on the one hand, and, on the other, Chicago, IL, and points in CA, OR, WA, NV, UT, and AZ.

MC 150103 (Sub-19), filed May 10, 1982. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington St., Jefferson, WI 53549. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 674–2440. Transporting *pulp, paper and related products, expanded cellular products, and packaging materials,* between points in the U.S. (except AK and HI).

MC 150612 (Sub-3), filed April 16, 1982. Applicant: SOUTHEASTERN SALES & DESIGN, INC., Highway 25 South, P.O. Box 199, Counce, TN 38326. Representative: Edward G. Grogan, Twentieth Fl., First Tennessee Bldg., Memphis, TN 38103, (901) 526–2000. Transporting (1) *iron and steel and iron and steel articles,* between points in the U.S. (except AK and HI), (2) *building materials,* between points in Hardin County, TN, and points in AL, AR, GA, IL, IN, KY, LA, MS, MO, OH, SC, TN and TX, (3) *iron and steel articles,* between points in Tishomingo County, MS, and points in AL, MS and TN, (4) *telephones, telephone and power cable, and transformers,* between points in AZ, NM, OK, TX, WI and 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 western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada, and (5) *Mercer commodities,* between points in the U.S. (except AK and HI.)

MC 152353 (Sub-6), filed May 3, 1982. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *rubber, metal, steel and related products,* between points in WI, on the one hand, and, on the other, points in IL, IN, MI, and MN.

MC 159832 (Sub-1), filed May 4, 1982. Applicant: PAR TRUCKING, INC., 1008 E. Morven, Lancaster, CA 93535. Representative: Robert Fuller, 13215 E. Penn St. Suite 310, Whittier, CA 90602, 213–945–3002. Transporting *ores and minerals, clay, concrete, glass or stone products, and chemicals and related products* (1) between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, and (2) between points in GA and LA, on the one hand, and, on the other, points in CA.

MC 161623, filed April 22, 1982. Applicant: TRANSSYSTEMS, INC., d.b.a. ABLETRANS CO., P.O. Box 5335, Lake Station, IN 46405. Representative: William Wilson (same address as applicant), 219–938–2096. Transporting (1) *metal products,* (2) *machinery,* and (3) *rubber and plastic products,* between points in the U.S. (except AK and HI).

MC 161932, filed May 11, 1982. Applicant: A. BEVERLY OLVERSON, d.b.a. NORTHERN NECK TOURS, P.O. Box D, Callao, VA 22435. Representative: Frederick A. Olverson (same address as applicant), (804) 529–6111. As a *broker* at Callao, VA, in arranging for the transportation by motor vehicle of *passengers and their baggage,* beginning and ending at points in VA, and extending to points in the U.S.

MC 161982, filed May 13, 1982. Applicant: THATCHER CORPORATION, d.b.a. ALADIN BUS LINES, 1605 N. Claymont St., Wilmington, DE 19802. Representative: Lee V. Henderson, 117 West 37th St., Wilmington, DE 19802, (302) 762–1030. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in New Castle County, DE, and Chester and Philadelphia Counties, PA, and extending to points in the U.S. (except AK and HI).

MC 161993, filed May 13, 1982. Applicant: RICHARD E. SINGER, d.b.a. REEFER EXPRESS, 43550 Mayberry St., Hemet, CA 92343. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, 805–872–1106. Transporting *such commodities,* as are dealt in or used by manufacturers of cosmetics and hair care products, between points in the U.S., under continuing contract(s) with Roux Laboratories, Inc., of Jacksonville, FL.

Volume No. OP3–082

Decided: May 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 48564 (Sub-1), filed May 18, 1982. Applicant: WEIL/THOMAN MOVING & STORAGE CO., 1617–29 Queen City Ave., Cincinnati, OH 45214. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods,* (1) between points in OH, IL, IN, KY, IA, MO, NJ, NY, PA, WV, and MI, and (2) between points in OH, IL, IN, KY, IA, MO, NJ, NY, PA, WV, and MI, on the one hand, and, on the other, points in CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, MI, IN, OH, KY, TN, AL, MS, ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, WV, VA, NC, SC, GA, FL, and DC.

MC 69024 (Sub-8), filed May 17, 1982. Applicant: H. B. RUSSELL TRUCK SERVICE, INC., 104 Orange St., Red Bud, IL 62278. Representative: Floyd H. Stellhorn (same address as applicant), (618) 282–3206. 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 78725 (Sub-7), filed May 17, 1982. Applicant: ROLLAND GUENTHER, d.b.a. R. GUENTHER TRUCKING, Post Office Box 175, Rose, OH 45061. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *malt beverages,* between Perry, GA, Newark, NJ, Milwaukee, WI, Peoria, IL, Tampa, FL, Winston-Salem, NC, Longview, TX, Memphis, TN, Oak Creek, WI, Eden, NC, Fulton, NY, Albany, GA, St. Paul, MN, Newport, KY, Monroe, WI, Detroit and Frankenmuth, MI, St. Louis, MO, and Cincinnati, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 97244 (Sub-6), filed May 17, 1982. Applicant: MASS. TRANSPORTATION, INC., 187 Sidney Street, Cambridge, MA 02139. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *food and related products,* between points in IL, MA, NJ, and NY, on the one hand, and, on the other, points in CT, DE, GA, IL, ME, MD, MA, NH, NY, OH, PA, RI, VT, and VA.

MC 99464 (Sub-4), filed May 17, 1982. Applicant: IVAN W. WERNER AND WILLIAM R. DOUGLAS, d.b.a. PAWNEE TRANSFER, P.O. Box 227, Pawnee City, NE 68420. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Over regular routes, transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between Pawnee City, NE and Falls City, NE: from Pawnee City over NE Hwy 50 to junction NE Hwy 4, then over NE Hwy 4 to junction U.S. Hwy 73, then over U.S. Hwy 73 to Falls City, NE, and return over the same route, serving all intermediate points and the off-route points of Peru, Brownville, Salem, and Rulo, NE.

Note.— This regular route authority may be tacked with applicant's existing authority. Applicant also intends to interline this authority with other authorized carriers.

MC 107445 (Sub-43), filed May 11, 1982. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., P.O. Box 33051,

Indianapolis, IN 46203. Representative: K. Clay Smith (same address as applicant), (317) 783–9235. Transporting (1) *building materials,* (2) *metal products* and (3) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in Burlington County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 127974 (Sub-29), filed May 17, 1982. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110–1097, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 129784 (Sub-19), filed May 17, 1982. Applicant: DAVISION TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71270. Representative: Dennis W. Ledet (same address as applicant) (318) 255–3850. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (a) between points in AR, LA, MO, MS, OK, TN, and TX, and (b) between points in LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 136545 (Sub-41), filed May 17, 1982. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 53556. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 8056, Madison, WI 53705, (608) 238–3119. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IA, MI, MN and WI and points in IL and IN on and north of U.S. Hwy 36, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146055 (Sub-20), filed May 18, 1982. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pet foods, between points in CA, IL, ID, OH, TX, LA, MS, AL, and WA, on the one hand, and, on the other, points in the U.S.

MC 146985 (Sub-20), filed May 18, 1982. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main St., P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802, (219) 423–3595. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Eli Lilly International Corporation, of Indianapolis, IN.

MC 151195 (Sub-2), filed May 17, 1982. Applicant: DUWAINE HELLICKSON, d.b.a. HELLICKSON LIVESTOCK AND GRAIN, P.O. Box 146, Ostrander, MN 55961. Representative: Val M. Higgins, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *metal products,* between Cincinnati, OH, on the one hand, and, on the other, points in WI, IA, MN, SD, ND, IN, IL, and MO.

MC 154464 (Sub-4), filed May 17, 1982. Applicant: B-HI TRANSPORT, INC., P.O. Box 1227-Taylor St., Searcy, AR 72143. Representative: Larry Bowen (same address as applicant), (501) 268–3897. Transporting *food and related products,* between Searcy, AR, Hammond, IN and Lansing, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156254 (Sub-10), filed May 17, 1982. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, (617) 580–1000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 156694 (Sub-1), filed May 17, 1982. Applicant: TWIN CITY WAREHOUSES, INC., 800 Chatham Rd., Winston-Salem, NC 27101. Representative: Mark C. Ellison, Suite 329, 300 Interstate N. Pkwy, Atlanta, GA 30339 (404) 955–4020. Transporting *caskets,* between Winston-Salem, NC, on the one hand, and, on the other, points in WV.

MC 161094, filed May 17, 1982. Applicant: G & G TRUCKING, INC., 9780 So. 60th St., Franklin, WI 53132. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting (1) *metal products* and (2) *machinery,* between points in WI, on the one hand, and, on the other, points in the U.S. (except HI).

MC 162025, filed May 17, 1982 Applicant: B. MASSEY AND G. ODOM, d.b.a. COWBOY TRUCKING, Route 3, Box 1, Sulphur Springs, TX 75482. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *food and related products,* between points in TX, TN, AL, GA, and FL.

MC 162034, filed May 17, 1982. Applicant: A & B CHARTER CORP., 6128 Rod Ave., Woodland Hills, CA 91367. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers and their baggage,* in round trip charter operations, beginning and ending at points in Los Angeles County, CA and extending to points in AZ, NV, UT, OR, WA and WY.

MC 162035, filed May 17, 1982. Applicant: MERCHANTS TRANSPORT OF HICKORY, INC., 543 12th St. Dr., N.W., Hickory, NC 28601. Representative: William H. Borghesani, Jr., 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1122. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in NC, SC, GA, PA, TN, FL, VA, Mobile, Baldwin, Montgomery, Coosa, Elmore, Autauga, Shelby, Jefferson, Morgan, Marshall, Limestone Counties, AL, McDowell, Mercer, Monroe, Summers, Wyoming, Raleigh, Greenbrier, Fayette, Boone, Berkeley, Kanawha Counties, WV, and Washington, Prince Georges, Charles, and Baltimore Counties, MD.

MC 162044, filed May 17, 1982. Applicant: AMITY ENTERPRISES, INCORPORATED, 5111 Clairton Blvd., Pittsburgh, PA 15236. Representative: Kay Tischerl, (same address as applicant), (412) 884–2707. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in the U.S., under continuing contract(s) with Amity Travel Service Inc., of Pittsburgh, PA.

MC 162045, filed May 17, 1982. Applicant: JAYCO ENTERPRISES, INC., d.b.a. JET, INC., P.O. Box 460, Middlebury, IN 46540. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293–3597. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contracts with (1) A & E Systems, Inc., of Santa Anna, CA, (2) Carr-Griff, Inc., of Anaheim, CA, (3) Deutsch Kase Haus, of Middlebury, IN, (4) Ger-Win Vans, Inc., of Bristol, IN, (5) Jayco, Inc., of Middlebury, IN, (6) K. Z., Inc., of Middlebury, IN, (7) L & W Engineering, Inc., of Middlebury, IN, (8) RVC, Inc., of Middlebury, IN, (9) Shomco, Inc., of Elkhart, IN, (10) Skylark Incorporated, of Bristol, IN, (11) Van American, Inc., of Goshen, IN, and (12) Ziggity Systems, Inc., of Middlebury, IN.

MC 162055, filed May 17, 1982. Applicant: TRAILER-MOVERS, INC., P.O. Box 522834, Miami, FL 33152. Representative: Robert L. Cope, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, FL, GA, and SC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-14820 Filed 6-1-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-173

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 120913 (Sub-1-1TA), filed May 13, 1982. Applicant: A & P TRANSPORTATION, INC., 255 Brigham Street, Marlboro, MA 01752. Representative: David P. LaCroix, P.O. Box 539, Marlboro, MA 01752. *Contract carrier:* irregular routes: *Electrical and electronic equipment, computers, data processing, and distribution thereof,* between points in the U.S., under continuing contract(s) with Digital Equipment Corp., Northboro, MA 01532. Applicant intends to tack to present authority. Supporting shipper: Digital Equipment Corp, 450 Whitney Street, Northboro, MA 01532.

MC 49743 (Sub-1-1TA), filed May 14, 1982. Applicant: ADMIRAL MOVING AND STORAGE, INC., 420 Ellington Road, South Windsor, CT 06074. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Office furniture, furnishings and equipment* between the facilities of G. F. Business Equipment, Inc. in Hartford County, CT on the one hand, and on the other, points in MA. Supporting shipper: G. F. Business Equipment, Inc., 30 Garden Street, Hartford, CT 06101.

MC 134806 (Sub-1-29TA), filed May 18, 1982. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Paper products* from Dalton, MA to Denver, CO, Salt Lake City, UT, Portland, OR, Seattle, WA and points in CA, under continuing contract(s) with Byron Weston Company, Division of Crane & Company, Dalton, MA. Supporting shipper: Byron Weston Company, Division of Crane & Company, 800 Main Street, P.O. Box 256, Dalton, MA 01226.

MC 134806 (Sub-1-30TA), filed May 18, 1982. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Groceries and foodstuffs,* between Denver, CO, Phoenix, AZ, and all points in CA, on the one hand, and, on the other, N. Leominster, MA, under continuing contract(s) with NEOPC, Inc., N. Leominster, MA. Supporting shipper: NEOPC, Inc., 609 Main Street, N. Leominster, MA 01453.

MC 162010 (Sub-1-1TA), filed May 14, 1982. Applicant: BAYFIELD TRANSPORTATION COMPANY, 182 West 25th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Light bulbs, incandescent and flourescent and materials and supplies used in the manufacturing and sales thereof, except in bulk,* between East Brunswick and Finderne, NJ, on the one hand, and, on the other, points in the U.S., except AK and HI, under continuing contract(s) with Action Tungsram, Inc., East Brunswick, NJ. Supporting shipper: Action Tungsram, Inc., 11 Elkins Road, East Brunswick, NJ 08816.

MC 134272 (Sub-1-1TA), filed May 17, 1982. Applicant: DAY & ROSS, LTD., Mapleton Road, P.O. Box 2099, Station A, Moncton, N.B., CD E0J 1N0. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Insecticides, herbicides and fungicides in bags, cartons, or drums,* from Philadelphia, PA to U.S./CD border at Houlton ME, under continuing contract(s) with Rohm and Haas Company of Philadelphia, PA. Supporting shipper: Rohm and Haas, Independence Mall, West, Philadelphia, PA 19105.

MC 148141 (Sub-1-2TA), filed May 19, 1982. Applicant: GOODY PRODUCTS, INC., 969 Newark Turnpike, Kearny, NJ 07032. Representative: William Jacobs, (same as applicant). Contract carrier: irregular routes: *Molybdenum Concentrates and Ferro Molybdenum in packages, in package,* between points in the U.S., (except AK and HI), under continuing contract(s) with Duval Sales Corporation, Houston, TX. Supporting shipper: Duval Sales Corporation, Pennzoil Place, P.O. Box 2967, Houston, TX 77001.

MC 156045 (Sub-1-1TA), filed May 20, 1982. Applicant: H. P. LEASING, INC., 44 Chandler Drive, Somerset, MA 02726. Representative: Frank M. Cushman, 5 Carbrey Avenue, Sharon, MA 02067. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between all points in the 48 contiguous U.S. (excluding AK and HI) under continuing contract(s) with AAA Cargo Brokers, Inc., Sharon, MA. Supporting shipper: AAA Cargo Brokers, Inc., 36 South Main Street, Sharon, MA 02067.

MC 162113 (Sub-1-1TA), filed May 19, 1982. Applicant: J. E. TRANSPORTS, INC., 885 Main Street West, Listowel, Ontario, CD N4W 3H8. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312. *General*

commodities (except household goods, commodities in bulk and Classes A and B explosives) between the points of entry on the International boundary between the U.S. and CD (1) on the Niagara River, on the one hand, and, on the other, Buffalo and Niagara Falls, NY, and (2) on the St. Lawrence River, on the one hand, and, on the other, Alexandria Bay, Ogdensburg and Rooseveltown, NY. Supporting shipper(s): There are 43 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 161642 (Sub-1-1TA), filed May 17, 1982. Applicant: J & M DELIVERY & CAR SERVICE, INC., 465 Barell Avenue, Carlstadt, NJ 07072. Representative: A. David Millner, Esq., 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. *Contract carrier:* irregular routes: *Paper articles and related materials,* from Leetsdale, PA, to Carlstadt, NJ and Baltimore, MD, under contract(s) with Pryor Corporation of Chicago, IL. Supporting shipper: Pryor Corporation, 400 North Michigan Avenue, Chicago, IL 60611.

MC 161984 (Sub-1-1TA), filed May 13, 1982. Applicant: DON JACKSON EXPRESS, INC., 575 Kennedy Road, Cheektowaga, NY 14227. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives, household goods, commodities in bulk, and commodities which, because of their size or weight, require special equipment),* between points in Erie, Niagara, Monroe and Onondaga Counties, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with SPEC/COM Corporation of Cheektowaga, NY. Applicant intends to interline. Supporting shipper: SPEC/COM Corporation, 575 Kennedy Road, Cheektowaga, NY 14227.

MC 154763 (Sub-1-2TA), filed May 18, 1982. Applicant: JET LINE SERVICES, INC., 441 Rear Canton Street, P.O. Box 180, Stoughton, MA 02072. Representative: Roger E. Cowley, (same as applicant). *Hazardous waste (excluding nuclear and radioactive waste)* between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, and MS. Supporting shipper(s): Recycling Industries, Inc., 385 Quincy Avenue, Braintree, MA 02184; U.S. Environmental Protection Agency, 60 Westview Street, Lexington, MA 02173.

MC 150430 (Sub-1-2TA), filed May 20, 1982. Applicant: MIDLAND TRANSPORT LIMITED, P.O. Box 929, Moncton, New Brunswick, CD E1C 8N8. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. *Contract carrier:* irregular routes: *Such commodities as are dealt in by a manufacturer of tires,* between points in the States of MD, GA, SC and FL and points on the U.S./CD International Boundary on the ME/New Brunswick border under continuing contract(s) with Michelin Tires (Canada) Ltd. of Granton, Nova Scotia, CD. Supporting shipper: Michelin Tires (Canada) Ltd., P.O. Box 399, New Glasgow, Nova Scotia, CD B2H 5E6.

MC 151593 (Sub-1-3TA), filed May 13, 1982. Applicant: DON MONTEIRO TRUCKING INC., 122 Park Street, Stoneham, MA 02180. Representative: William F. Mix, 21-A Muzzey Street, Lexington, MA 02173. *Clay, concrete, earth or stone products, (except commodities in bulk),* between points in MA on the one hand, and, on the other, points in ME, NH, VT, RI, CT, NY, NJ, and PA. Supporting shipper(s): Deering Mason Supply Corp., 158 Essex Street, Melrose, MA 02176; Ideal Cement Block Co., 232 Lexington St., Waltham, MA 02154; Linden & Malden Cement Block Co., Inc., 636 Lynn Street, Malden, MA 02148.

MC 162114 (Sub-1-1TA), filed May 19, 1982. Applicant: OCEAN FREIGHT SYSTEMS, INC., 1413 President Street, Brooklyn, NY 11213. Representative: Ira S. Lipsius, c/o Schindel, Cooper & Farman, 225 W. 34th Street, New York, NY 10122. *Cotton piece goods, upholstery fabrics, artificial leathers and paper goods* (1) from points in SC, NC and VA to points within the New York City Commercial Zone and (2) from points in NC, SC and MA to the Port of New York. Supporting shipper(s): Broadway Supply & Manufacturing Co., 490 Broadway, New York, NY 10042; Joy Fabrics, Inc. & Aurora International, 19 Brook Road, Needham Heights, MA 02104; A-One Merchandising, Inc., 445 Empire Blvd., Brooklyn NY 11225.

MC 151193 (Sub-1-31TA), filed May 17, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, P.O. Drawer D, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant). *Contract carrier:* irregular routes: *Pulp board, artists board cloth, artists supplies, display racks, paper cutters or trimmers and foam board,* between points in NJ, IL, GA, TX, MA, CA, OH, IN, RI, MD, VA, NC, SC, PA and NY, under continuing contract(s) with Charles T. Bainbridge's Sons, Inc. of Edison, NJ. Supporting shipper: Charles T. Bainbridge's Sons, Inc., 50 Northfield Avenue, Edison, NJ 08817.

MC 151193 (Sub-1-30TA), filed May 17, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, P.O. Drawer D, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant). *Contract carrier:* irregular routes: *Cleaning compounds, deodorants, disinfectants, chemicals (except hazardous waste), scouring pads, and equipment, materials and supplies used in the manufacture, distribution and sale of such commodities (except in bulk),* between AZ, CA, CO, FL, GA, IL, IA, NB, MA, MD, MO, NJ, and OH, under continuing contract(s) with Airwick Industries, Inc., of Carlstadt, NJ. Supporting shipper: Airwick Industries, Inc., 111 Commerce Road, Carlstadt, NJ 07072.

MC 149536 (Sub-1-6TA), filed May 19, 1982. Applicant: RODCO LEASING, INC., 380 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *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 Friendly Ice Cream Corporation, Wilbraham, MA 01095. Supporting shipper: Friendly Ice Cream Corporation, 1855 Boston Road, Wilbraham, MA 01095.

MC 5723 (Sub-1-1TA), filed May 20, 1982. Applicant: VANGUARD INTERSTATE TOURS, INC., 1 Westerly Road, Ossining, NY 10510. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, NW., Washington, DC 20005. *Contract carrier:* regular routes: *Passengers* between Poughkeepsie, NY and Tarrytown, NY, serving the intermediate points of Wappingers Falls, Fishkill, White Plains, and Harrison, NY, from Poughkeepsie over U.S. Hwy 9, via Wappingers Falls and Fishkill, to its intersection with Hwy. I-84, then over Hwy. I-84 to its intersectionwith Hwy. I-684, then over Hwy. I-684 to White Plains, then over city streets to Harrison, then over city streets to Tarrytown, and return over the same route. Restricted to transportation performed under continuing contract(s) with Hudson Valley Commuters Association, Ltd., Hopewell Junction, NY. Supporting shipper: Hudson Valley Commuters Association, Ltd., R.D. 7, Box 68, Hopewell Junction, NY 12533.

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 160862 (Sub-II-1TA), filed April 21, 1982. Originally published in the **Federal Register** on May 3, 1982.[1] Applicant: CORSAIR FREIGHTWAYS CORP., 10 E. Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda, 135 N. 4th St., Philadelphia, PA 19106. *Contract; irregular: such commodities as are dealt in or used by retail department stores,* between points in OH on the one hand, and, on the other, points in the states of OH, PA, NY, GA, KY, NC, TN, VA, CT, NJ, MA, DE, MD, WV, SC, AL, MS, IN, IL and WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gold Circle Stores, 6575 Huntley Road, Worthington, OH 43085.

MC 140889 (Sub-II-30TA), filed May 20, 1982. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113. *Contract, irregular: Food and related products* from points in Cuyahoga County, OH to points in Spotsylvania and Roanoke Counties, VA; McLean County, IL; Dallas County, TX; Los Angeles County, CA; Fulton County, GA and Ramsey County, MN under a continuing contract(s) with Orlando Baking Co. of Cleveland, OH, for 270 days. An underlying E.T.A. seeks 120 days authority. Shipper: Orlando Baking Co., 7777 Grand Ave., Cleveland, OH 44104.

MC 154014 (Sub-II-2TA), filed May 18, 1982. Applicant: ALLEN TRUCK & TRAILER LEASING, INC., 125 West Peach St., P.O. Box 724, Connellsville, PA 15425. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. (1) *Beer and carbonated beverages,* between Connellsville, PA, on the one hand, and, on the other, Newport, KY; Cincinnati and Cleveland, OH; and Southton, PA; and (2) *glass and glass products, advertising material, tableware, and premiums,* between points in PA, NJ, NY, MA, RI, ME, CT, MD, WV, NC, SC, GA, TN, IL, OH, IN, MI & VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Connellsville Bottling Works, 237-39 N. First St., Connellsville, PA 15425.

MC 126910 (Sub-II-1TA), filed May 18, 1982. Applicant: KING B. ROWLAND TRUCKING, INC., 55 E. Washburn St., New London, OH 44851. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Cement, in bulk,* from Bessemer and Wampum, PA, and Dundee, MI, to Norwalk, Shelby, Ashland, and Willard, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jennings Ready Mix, P.O. Box 387, Norwalk, OH 44857.

MC 161925 (Sub-II-1TA), filed May 20, 1982. Applicant: KENNEDY LEASING, INC., P.O. Box 68, Birdsboro, PA 19508. Representative: Lynn E. Zampella, P.O. Box 68, Birdsboro, PA 19508. *Paper products* between New Philadelphia, OH: Williamsport, Birdsboro, and Thornburg, PA on the one hand, and, on the other, pts. in MD, NY, PA, NJ, MA, DE, RI, CT, NH, and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Beacon Container Corp., 700 W. 1st St., Birdsboro, PA 19508; Great Plains Bag Corp., 2127 Reiser Ave., New Philadelphia, OH 44663.

MC 162061 (Sub-II-1TA), filed May 18, 1982. Applicant: H. A. RICKERT, LTD., 22 Red Ridge Rd., Levittown, PA 19056. Representative: Wayne N. Cordes, 27 South State St., Newtown, PA 18940. *Passengers and their baggage in special and charter operations, in limousine vehicles capable of transporting six passengers or less, not including drivers,* between pts. in NY, NJ, and PA, for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Women's Realty, Inc., 7802 Ventnor Ave., Margate, NJ 08402; Brown & Fleming Associates, Inc., 211 W. State St., Media, PA 19063; Innovative Travel Group, 1546 Atlantic Ave., Atlantic City, NJ 08401; American Universal Insurance Co., 606 Court St., Suite 309, Reading, PA 19601.

MC 155377 (Sub-II-3TA), filed May 19, 1982. Applicant: PGT TRUCKING, INC., P.O. Box 197, Rt. 68, Industry, PA 15052. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. *Fabricated metal products, and materials, supplies and equipment used in the manufacture and installation thereof,* between points in PA and OH, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Combustion Service & Equipment Co., 2016 Babcock Blvd., Pittsburgh, PA 15209.

MC 158859 (Sub-II-4TA), filed May 20, 1982. Applicant: O. DEAN TRANSPORTATION, INC., 405 W. Williamsburg Rd., Sandston, VA 23150. Representative: P. Owen Dean (same address as applicant). Contract, irregular: *Metal products, parts and supplies used in the manufacture of the above commodities* between Bristol, VA, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Reynolds Metals Co. Supporting shippers: Reynolds Metals, Co., 7900 Reycan Rd., Richmond, VA 23237-2292.

MC 152509 (Sub-II-27TA), filed May 18, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant). Contract, irregular: *General commodities (except Classes A and B explosives, household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with General Electric Co. Supporting shippers: General Electric Co., 200 Taylor St., Ft. Wayne, IN 46804.

MC 140889 (Sub-II-29TA), filed May 18, 1982. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113. Contract, irregular: *machinery and metal productrs, food and related products, rubber and plastic products, chemical and related products, glass products and notions* from points in Franklin County, OH to points in Baldwin and Fulton Counties, GA; Austin and Harris Counties, TX; Los Angeles County, CA; Hillsborough County, FL; Oklahoma, Tulsa and Osage Counties, OK; Union County, NJ; Dean and Milwaukee Counties, WI; and Johnson and Wyandotte Counties, KS, under a continuing contract(s) with Triangle Distributing, Inc. of Westerville, OH, for 270 days. An underlying ETA seeks 120 days authority. Shipper: Triangle Distributing, Inc., P.O. Box 155, Westerville, OH 43081.

MC 102299 (Sub-II-1TA), filed May 18, 1982. Applicant: THE BALTIMORE & ANNAPOLIS RAILROAD COMPANY, 801 Baltimore-Annapolis Blvd., Glen Burnie, MD 21061. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005. *Passengers and their baggage, in the same vehicle with passengers, in special operations,* beginning and ending at Glen Burnie, Baltimore and Rosedale, MD and extending to the facilities of Caesar's Boardwalk Regency Hotel, Atlantic City, NJ. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 13 supporting statements attached to this application which may be examined at the Philadelphia Regional Office.

MC 107012 (Sub-II-219TA), filed May 18, 1982. Applicant: NORTH

[1] The purpose of this republication is to include the state of VA, which was left out of the original publication.

AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). Contract, irregular: *General commodities (except classes A and B explosives)* between points in the U.S., under continuing contract(s) with Convergent Technologies, Inc., Santa Clara, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Convergent Technologies, Inc., 2500 Augustine Dr., Santa Clara, CA 95051.

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 161796 (Sub-3–TA), filed May 17, 1982. Applicant: JERRY D. RAINEY, d.b.a. J. R. EXPRESS, Greenland Road, Anderson, SC 29622. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract:* Irregular: *Fiberglass yarn, fiberglass fabric and fiberglass products* from Anderson, SC to points in CT, MA, NJ, NY, NH, PA, RI and VA under continuing contract(s) with Clark-Schwebel Fiber Glass Corp., P.O. Box 2627, Anderson, SC 29621. Supporting shipper: Clark-Schwebel Fiber Glass Corp., P.O. Box 2627, Anderson, SC 29621.

MC 118159 (Sub-3–6TA), filed May 17, 1982. Applicant: DISTRIBUTION SERVICE SYSTEMS, INC., 2961 Interstate Street, Unit 2, Charlotte, NC 28208. Representative: Charles W. Singer, P.O. Box 2298, Green Bay, WI 54306. *General commodities (except household goods as defined by the Commission, commodities in bulk and Classes A and B explosives),* between points in the US, under contract with The Mead Corporation, and its subsidiaries and affiliates. Supporting shipper: The Mead Corporation, Courthouse Plaza, N.E., Dayton, OH 45463.

MC 153180 (Sub-3–3TA), filed May 17, 1982. Applicant: M & T DRUM SERVICE, INC., Route 4, Box 1230, Huntersville, NC 28078. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Chemical waste materials (hazardous and non-hazardous),* (1) between the facilities of ENSCO located in the US, on the one hand, and, on the other, all points in the US, and (2) between the facilities of Chemical Waste Management, Inc. located in the US, on the one hand, and, on the other, points in the US, in and east of MN, IA, MO, OK, and TX. Supporting shippers: ENSCO, 1015 Louisiana Ave., Little Rock, AR 72202; Chemical Waste Management, Inc., Highway 17, Milemarker 163, Emelle, AL 35459.

MC 161834 (Sub-3–1TA), filed May 17, 1982. Applicant: KWIK-WAY TRUCKING CO., INC., Route 2, Post Office Box 108, Vale, NC 28168. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Inboard and outboard boat engines and assemblies,* (1) from Detroit, MI and its commercial zone to Ft. Lauderdale, FL, and (2) from Detroit, MI and its commercial zone and Cleveland, OH and its commercial zone to Miami, FL. Supporting shippers: Jerry's Marine Service of Ft. Lauderdale, FL, Inc., 120 S.W. 16th Street, Ft. Lauderdale, FL 33315; Commander Marine Corp., 4780 N.W. 128th St. Road, Miami, FL 33054.

MC 115654, (Sub-3–33TA), filed May 17, 1982. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Jackie Hastings Jones (same address as applicant). *Bananas,* From Tampa, FL to points in KY and TN. Supporting shipper: Del Monte Banana Company, P.O. Box 011940, Miami, FL 33101.

MC 144447 (Sub-3–1TA), filed May 17, 1982. Applicant: TREXLER TRUCKING, INC., Route 1, Box 538, Gold Hill, NC 28071. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Cement paving material,* from Winston-Salem, NC to points in VA, SC, GA, WV, KY, and TN. Supporting shipper: Dixie Concrete Co., Inc., 3300 N. Liberty St., Winston-Salem, NC 27105.

MC 145716 (Sub-3–1TA), filed May 17, 1982. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway, Suite 1–M, Atlanta, GA 30341. Representative: Brian Weir, 3300 Northeast Expressway, Suite 1–M, Atlanta, GA 30341. *Contract* irregular, *general commodities (except classes A & B explosives and household goods)* between all points in the US, (except AK and HI) under continuing contract(s) with The Sherwin-Williams Co. Supporting shipper: The Sherwin-Williams Co., 1370 Ontario St., Clevand, OH 44101.

MC 151826 (Sub-3–5TA), filed May 14, 1982. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036. *Chemicals drugs and equipment and supplies used in the operation of hospital,* between, on the one hand, Pittsylvania County, VA, Campbell County, VA, Nash County, NC, Scotland County, NC, Spartanburg County, SC and Franklin County, OH, and, on the other hand, points and places in the US, (except AK and HI). Supporting shipper: Abbott Laboratories, 1400 Sheridan Road, Chicago, IL 60064.

MC 161841 (Sub-3–1TA), filed May 14, 1982. Applicant: PRMMI TRUCKING, INC., 30 Maritime and Faragate Streets, Jacksonville, 32203. Representative: Morris R. Garfinkle, 1054 Thirty-first Street, N.W., Washington, D.C. 20007. *General commodities (except Classes A and B explosives)* (1) between points in the Commercial Zone of Elizabeth, NJ restricted to traffic having a prior or subsequent movement by water; (2) between points in the Commercial Zone of Baltimore, MD restricted to traffic having a prior or subsequent movement by water; (3) between points in the Commercial Zone of Charleston, SC restricted to traffic having a prior or subsequent movement by water; (4) between points in the Commercial Zone of Jacksonville, FL restricted to traffic having a prior or subsequent movement by water; (5) between points in the Commercial Zone of Miami, FL restricted to traffic having a prior or subsequent movement by water; (6) between points in the Commercial Zone of New Orleans, LA restricted to traffic having a prior or subsequent movement by water; and (7) between points in the Commercial Zone of Houston, TX restricted to traffic having a prior or subsequent movement by water. Supporting shippers: Puerto Rico Marine Management, Inc., Fleet and Bombay Streets, Elizabeth NJ 07207; Florida Feed Mills, Inc., 2762 West Beaver Street, Jacksonville, FL 32203; United Rice Packing Co., Inc., P.O. Box 50700, New Orleans, LA 70150.

MC 159639 (Sub-3–2TA), filed May 13, 1982. Applicant: FLA-TEX, INC., 195 N. Rifle Range Rd., Bartow, FL 33830. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Automobile Parts or Components* between Toledo, OH; Goldsboro, NC; Buffalo, NY and Detriot, MI on the one hand, and, on the other, Harlingen, TX. Supporting shipper: Magic Valley Muffler Mfg., Inc., 402 North T., Suite B, Harlingen, TX 78550.

MC 161991 (Sub-3–1TA), filed May 13, 1982. Applicant: DAVID THOMPSON TRUCKING COMPANY, 5801 Kinghurst Dr., Charlotte, N.C. 28212. Representative: David Thompson (same address as applicant). *Printed matter and related items and food and related items* between points in Mecklenburg County, NC, on the one hand, and, on the other, points in NC and SC, on commodities having a prior or

subsequent movement. There are five supporting shippers and their statements may be examined at the Regional Office in Atlanta, Ga.

MC 155013 (Sub-3-7TA), filed May 13, 1982. Applicant: FREIGHTMASTER, INC., P.O. Box 664, Taylorsville, NC 28681. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Contract;* Irregular; *Such commodities as are dealt in by farm supply stores* between Statesville, NC, Washington, NC, and Sumpter, SC on the one hand, and, on the other, points in OH, IL, IN, TN, KY, PA, MN, WI, VA, NY, NJ, LA, MS, AR, AL, MO, IA, MI, GA, and FL. Under continuing contract(s) with FCX, Inc. Supporting shipper: FCX, Inc., P.O. Box 2149, Raleigh, NC 27602.

MC 161769 (Sub-3-2TA), filed May 13, 1982. Applicant: ECONO-TOURISTIC ASSOCIATES, INC., 60 Lockwood Ave., Charleston, SC 29401. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. *Passengers and their baggage in the same vehicle with passengers, in round-trip charter operations,* (1) beginning and ending at points in Huntsville, Birmingham, Montgomery, AL; Albany, Augusta, Atlanta, Macon, GA; Beaufort, Charleston, Greenville, Columbia, SC; Jacksonville, Tallahassee, Pensacola, Orlando, FL and Nashville, TN (and their commercial zones) and extending to Fontana Dam, NC (and its commercial zone) and (2) beginning and ending at points in Fontana Dam, NC (and its commercial zone) and extending to Knoxville, TN (and its commercial zone). Supporting shipper: Fontana Villiage Resort, Fontana Dam, NC 28733.

MC 157238 (Sub-3-2TA), filed May 12, 1982. Applicant: JUNIOUS O'NEAL TRAFTON, Route 1, Box 35-A, Scotchland Rd., Camden, NC 27921. Representative: Junious O'Neal Trafton (same address as above). *Passengers and their baggage in special and charter operations* beginning and ending at points in Camden, Currituck, Pasquotank and Perquimans Counties, NC, and extending to points in AL, AZ, CA, CT, DE, FL, GA, KY, LA, MD, NY, MA, MI, NJ, OH, PA, SC, TN, TX, VA, and WV. There are 10 statements of support attached to this application which may be examined at the ICC Regional office in Atlanta, GA.

MC 107960 (Sub-3-4TA), filed May 12, 1982.. Applicant: SUMMERFORD TRUCK LINE, INC., P.O. Box 487, Ashford, AL 36312. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *General commodities (except Classes A and B explosives, household goods and commodities in bulk)* between Houston County, AL, on the one hand, and, on the other, Mobile, AL and New Orleans, LA and points in their respective commercial zones, having a prior or subsequent movement by water. Supporting shippers: Akwell Industries, Inc., P.O. Box 1252, Dothan, AL 35302; and Sony Magnetic Products of America, U.S. Highway 84 West, Dothan, AL 36301.

MC 151407 (Sub-3-4TA), filed May 18, 1982. Applicant: T & T TRUCKING, INC., 274 N.W. 37th Street, Miami, FL 33127. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Chemicals and related products (except commodities in bulk, Classes A and B explosives and radioactive materials)* from Dade County, FL to Oakland, San Francisco and Los Angeles, CA; Portland, OR and Tacoma, WA. Supporting shipper(s): Pet Chemicals, Inc., 7781 N.W. 73rd Court, Miami Springs, FL 33166.

MC 146496 (Sub-3-13TA), filed May 18, 1982. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Thomas H. Davis, 5724 New Peachtree Rd., Chamblee, GA 30341. *Contract carrier:* irregular routes: *Tires and tire related products* between points in the US (except AK and HI) under continuing contract(s) with Dunlop Tire Company. Supporting shipper: Dunlop Tire Company, Division of Dunlop Tire & Rubber Corp., P.O. Box 1109, Buffalo, NY 14240

MC 161852 (Sub-3-1TA), filed May 18, 1982. Applicant: TROPHY TRANSPORT, INC., P.O. Box 2352, Dalton, GA 30720. Representative: Gerald K. Gimmel, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Contract;* Irregular. (1) *Carpets and materials, equipment and supplies* used in the manufacture thereof between Dalton, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI) under a continuing contract with Beaulieu of America, Inc., (2) *Carpets, rugs and padding,* from Dalton, GA, to points in AL, AZ, AR, LA, MS, NM, OK, TN, and TX, under a continuing contract with Dalyn Corp. of Dalton, GA. Supporting shippers: Beaulieu of America, 600 Fifth Ave., Dalton, GA and Dalyn Corp., P.O. Box 1031, Dalton, GA 30720.

MC 148928 (Sub-3-1TA), filed May 18, 1982. Applicant: R & H TRUCKING, INC., Route 2, Nichols, SC 29581. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. *Fertilizer and related products,* between points in NC, SC and GA. Supporting shippers: There are seven statements of support attached to this application, which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 153376 (Sub-3-2TA), filed May 18, 1982. Applicant: HEADRICK TRUCKING, Route 1, Box 258-B, Crandall, GA 30711. Representative: Thomas W. Headrick (same address as applicant). *Contract:* Irregular. *Crushed Limestone Rock* from Andrews, NC, and Chattanooga, TN, to Dalton, GA. From Chattanooga, TN to Chatsworth, GA. Supporting shippers: Georgia Talc Company, P.O. Box 370, Chatsworth, GA 30705; H&S Industries, Inc., P.O. Box 601, Dalton, GA 30720.

MC 162054 (Sub-3-1TA), filed May 18, 1982. Applicant: DAY TOURS, 210 West Main Street, Conover, NC 28613. Representative: Mary Ann Monday (same address as applicant). *Passengers in special and charter operations* between Conover, NC, and Knoxville, TN. There are five (5) statements of support attached to this application and may be reviewed at the ICC Regional Office in Atlanta, GA.

MC 162070 (Sub-3-1TA), filed May 18, 1982. Applicant: JIM HARDY, JR., Rt. 2, Box 279, Senatobia, MS 38668. Representative: Jim Hardy, Jr., Rt. 2, Box 279, Senatobia, MS 38668. *Contract carrier;* irregular routes; metal products, machinery and mercer commodities between on the one hand Shelby County, TN and on the other hand points in the US, under continuing contract with National Machines Works, Inc. of Memphis, TN. Supporting shipper: National Machine Works, Inc., 1586 E. Brooks Road, Memphis, TN 38116.

MC 157848 (Sub-3-2TA), filed May 18, 1982. Applicant: O.K.T., INC., 114 Raleigh St., Hamlet, NC 28345. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract: Irregular; canned and frozen foodstuffs* between Milton, DE on the one hand, and, on the other points in NC, SC, GA & FL under continuing contract with Draper-King Cole, Inc. of Milton, DE. Supporting shipper: Draper-King Cole, Inc., P.O. Box 218, Milton, DE 19968.

MC 126542 (Sub-3-8TA), filed May 18, 1982. Applicant: B.R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, P.O. Box 162, Mentone, AL 35984. *Contract Carrier,* Irregular Routes, *Materials, Parts, Equipment and Supplies used or utilized in the manufacture and shipping of Magnetic Tape* between points in the U.S. except AK and HI. under continuing contracts with Sony Magnetic Products of America, Inc. Supporting shipper: Sony

Magnetic Products of America, Inc., U.S. Highway 84–W, Dothan, AL 36301.

MC 118883 (Sub-3–1TA), filed May 18, 1982. Applicant: VAN E. HAMLETT, P.O. Box 8009, Nashville, TN 37207. Representative: Roland M. Lowell, 5th Floor—501 Union St., Nashville, TN 37219. *Contract carrier;* irregular routes; *Vermiculite,* between Nashville, TN and its commerical zone, on the one hand, and on the other, AL, AR, KY and MS, under a continuing contract(s) with W. R. Grace and Co. Supporting shipper: W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, MA 02140.

MC 147630 (Sub-3–1TA), filed May 18, 1982. Applicant: WILLIAM CHARLES REAK, d.b.a. NORTHWEST FLORIDA DRIVEAWAY, 201 Poinciana Drive, Post Office Box 777, Gulf Breeze, 32561. Representative: William Charles Reak (same address as applicant), *Motor vehicles, by driveaway and/or towbar service* between points in FL, AL, and MS, on the one hand, and on the other, points in the US, except Ak and HI. There are 7 support statements attached to the application which may be examined at the Regional Office, Interstate Commerce Commission, Atlanta, GA.

MC 153679 (Sub-3–6TA), filed May 18, 1982. Applicant: CUMBERLAND FREIGHT LINE, INC., 13th Street, Smyrna, TN 37167. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Contact,* irregular: *Such commodities as are dealt in or used by retail or wholesale groceries or grocery distribution warehouses,* between points in Davidson Co., TN, on the one hand, and points in the U.S. and on the other, (except AK and HI), under a continuing contract with C. B. Ragland Company, Nashville, TN. Supporting shipper: C. B. Ragland Company, 2720 Eugenia Avenue, Nashville, TN 37204.

MC 161911 (Sub-3–1TA), filed May 18, 1982. Applicant: NORDIC EXPRESS, INC., 3737 U.S. Alt 19 N., Holiday, FL 33590. Representative: M. Craig Massey, Attorney at Law, 211 East Lime Street, Post Office Drawer 1109, Lakeland, FL 33802. *Meat meat products, and meat by-products,* between points in IA, IL, WI, IN, and Omaha, NE, on the one hand, and on the other hand, points in AL, GA, FL, MS, SC, and LA. Supporting shipper: John Amiss Meats, Inc., 3009 West Tharpe St., Tallahassee, FL 32303.

MC 162089 (Sub-3–1TA), filed May 19, 1982. Applicant: BODWAY TRUCKING, INC., P.O. Box 9416, Jacksonville, FL. 32206. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract:* Irregular: *(1) Paper and paper products and, (2) Machinery,* (1) Between Jacksonville, FL on the one hand, and on the other, Gulfport, MS; Chattanooga, TN; Spartanburg and Florence, SC; Mobile and York, AL; Raleigh, NC and points in GA, (2) Between Jacksonville, FL on the one hand, and on the other, Elizabeth, NJ; Bethesda, OH; Kansas City, MO; Chicago, IL and Portland, IN. Supporting shipper: Four M Corporation, 7660 Gainesville Avenue, Jacksonville, FL 32208.

MC 155314 (Sub-3–6TA), filed May 21, 1982 Applicant: R.C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33852. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 180 N. Michigan Avenue, Suite 1700, Chicago, IL 60601. *Meats, meat products and meat by products,* between points in MI, on the one hand, and, on the other, points in FL, LA, GA, AL, MS, NC, SC, TN, TX, and KY. Supporting shipper: B. DeYoung & Company, P.O. Box 2136, Clearwater, FL 33517.

MC 148620 (Sub-3–10TA), filed May 21, 1982. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Building, 127 Peachtree Street, N.W., Altanta, GA 30303. *Contract* carrier, irregular *meats, meat products, meat by-products and articles and supplies used by meat packing houses, between points in in the U.S., under continuing contract(s) with Swift Independent Packing Company. Supporting shipper: Swift Independent Packing Company, 115 W. Jackson Blvd., 7th Floor, Chicago, IL 60604.*

MC 37896 (Sub-3–11TA), filed May 21, 1982. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Leonard S. Cassell (Same address as above). *General Commodities (except Classes A and B explosives, commodities in bulk and household goods, as defined by the Commission),* between Philadelphia, PA and points in Philadelphia Commercial Zone, and Baltimore, MD and points in the Baltimore Commerical Zone, on the one hand, and, on the other, points in the U.S., except AK and HI. Supporting shipper: N. P. Express, Inc., Douglassville, PA 19518.

MC 154861 (Sub-3–8TA), filed May 21, 1982. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, N.W., Washington, DC 20005. *Meat and meat products, and materials and supplies used in the manufacture and distribution thereof,* between the facilities of Dixie Packers, Inc., at points in Madison County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Dixie Packers, Inc., P.O. Box 622, Madison, FL 32340.

MC 162132 (Sub-3–1TA), filed May 21, 1982. Applicant: MARTHA D. WEEKS, d.b.a. M. D. WEEKS TRUCKING CO., P.O. Box 538, Hamilton, AL 35570. Representative: Norman T. Fowlkes III, 1919 Pennsylvania Ave., NW., Suite 500, Washington, DC 20006. *Metal products and machinery,* between points in Marion County, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Continental Conveyor and Equipment Co., Inc., 4th Ave., South Champion Street, Winfield, AL 35594.

MC 45656 (Sub-3–4TA), filed May 21, 1982. Applicant: ANDERSON TRUCK LINE, INC., P.O. Box 1196, Lenoir, NC 28645. Representative: Dan E. Anderson (same as above). *Furniture and fixtures,* between points in DE on the one hand, and, on the other, points in NC, SC, AL, GA, TN, VA, MD and DC. Supporting shippers: there are twenty-three (23) supporting statements attached to this application which may be examined at the Atlanta, GA regional office.

MC 162058 (Sub-3–1TA), filed May 24, 1982. Applicant: MIDNIGHT EXPRESS, INC., Rt. 1 Box 16 BD, Richmond, KY 40475. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *Malt beverages* between, KY, OH, MI, WI, IN, IL, MO, TN, TX, FL, WV, VA, NC, SC and GA. Supporting shipper(s): Schoenling Brewery Co., 1625 Central Parkway, Cincinnati, OH 45214; Mid State Distributing Co., 2425 Palumbo Drive, Lexington, KY 40509; Dixie Beer Dists., Inc., 4703 Allmond Ave., Louisville, KY 40209.

MC 159639 (Sub-3–3TA), filed May 25, 1982. Applicant: FLA-TEX, INC., 195 North Rifle Range Rd., Bartow, FL 33830. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Meat, Meat Products, or Meat By-Products* (1) between Laredo, TX on the one hand, and, on the other, points in FL, GA, NC, VA, TN, MS, KY, OH, PA, NY, MI, AL, IN, IL, IA, NE, MN, WI, KS and CA (2) between Lima, OH on the one hand, and, on the other, points in IL, IA, NE, KS; and (3) between Champlain, NY on the one hand, and, on the other, points in OH and TX. Restricted to shipments for the account of Mid-West Commodity Export Services of Fla., Inc. Supporting shipper: Mid-West Commodity Export Services of Fla., Inc., 3401 N. Tamiami Trail, Suite 208, Naples, FL 33940.

MC 154861 (Sub-3-9TA), filed May 24, 1982. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, N.W., Washington, DC 20005. *Contract* carrier, irregular *general commodities (except classes A & B explosives, household goods, and commodities in bulk),* between points in the U.S. (except AK and HI), under continuing contract(s) with United Freight, Inc., of Morrow, GA. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

The following applications were filed in region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 69024 (Sub-4-4TA), filed May 17, 1982. Applicant: H. B. RUSSELL TRUCK SERVICE, INC., 104 Orange Street, Red Bud, IL 62278. Representative: Floyd H. Stellhorn (same address as applicant), *Grain bins, cleaners, handling equipment, and agricultural machinery,* between points in Shelby County, MO and Marion County, KS, on the one hand, and on the other, points in AZ, AR, CA, CO, IL, IN, IA, LA, MN, MT, ND, OH, OK, NE, NM, PA, SD, MO, KS, TN, TX, WY, WI and KY. Supporting shipper(s): Golden Grain Corporation, P.O. Box 190, Clarence, MO 63437.

MC 74755 (Sub-4-3TA), filed May 14, 1982. Applicant: SUELZER MOVING & STORAGE, INC., 4325 Meyer Road, Fort Wayne, IN 46806. Representative: Richard A. Huser, One Indiana Square, Suite 2120, Indianapolis, IN 46204. Contract: Irregular; *Household goods (as defined by the Commission). Between points in the U.S.. Restricted to service performed under continuing contract(s) with General Electric Motor Business Group of Fort Wayne, Indiana.*

MC 99123 (Sub-4-9TA), filed May 5, 1982. Applicant: QUAST TRANSFER, INC., P.O. Box 7, Winsted, MN 55395. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Common; Regular *general commodities* (except household goods, commodities in bulk and classes A and B explosives), 1) Between Minneapolis and Browns Valley, MN, serving the off-route points of Donnelly, Hanover, Cyrus and Collis, from Minneapolis over MN Hwy 55 to junction MN Hwy 124, then over MN Hwy 124 to junction MN Hwy 23, then over MN Hwy 23 to junction MN Hwy 9, then over MN Hwy 9 to junction MN Hwy 28, then over MN Hwy 28 to Browns Valley, and return over the same route; 2) Between Litchfield, MN and Milbank, SD, over U.S. Hwy 12; 3) Between the junction of MN Hwy 22 and MN Hwy 7 and Ortonville, MN, over MN Hwy 7; 4) Between Stewart and Montevideo, MN, serving the off-route point of Cottonwood, over U.S. Hwy 212; 5) Between Buffalo and Norwood, MN, over MN Hwy 25; 6) Between Paynesville and Hector, MN, over MN Hwy 4; 7) Between Willmar, MN and the junction of U.S. Hwy 71 and U.S. Hwy 212, over U.S. Hwy 71; 8) Between Paynesville and Granite Falls, MN, over MN Hwy 23; 9) Between Benson and Montevideo, MN, over MN Hwy 29; 10) Between Morris and Appleton, MN, over U.S. Hwy 59; 11) Between Graceville and Ortonville, MN, over U.S. Hwy 75; 12) Between Willmar and Milan, MN, over MN Hwy 40; 13) Serving in connection with routes 1) through 12): all intermediate points and the off-route points in Hennepin, Meker, Kandiyohi, Chippewa, Swift and Big Stone Counties, MN, in Renville and Lac Qui Parle Counties, MN on and north of U.S. Hwy 212, in Wright County, MN south of MN Hwy 55, and in Stevens County, MN south of MN Hwy 9 and 28; 14) tacking and interline authorized. There are 9 supporting shippers. Corresponding 30 day ETA application filed simultaneously herewith.

MC 111310 (Sub-4-15TA), filed May 14, 1982. Applicant: MILLIS TRANSFER, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Split leather hides* between St. Joseph, MO, Red Wing, MN, Whitehall, MI, Gloversville, NY, and Manchester, NH, on the one hand, and, on the other, Milwaukee, WI An underlying ETA seeks 120 days authority. Supporting shipper: General Split Corporation, 5050 South Second St., P.O. Box 491, Milwaukee, WI 53201.

MC 133314 (Sub-4-5TA), filed May 17, 1982. Applicant: SILVAN TRUCKING COMPANY INC., [R.R. 2, Box 137, Pendleton, IN., 46064. Representative: Walter F. Jones, Jr., 1111 E. 54th Street, Indianapolis, IN., 46220, (317) 257-4066. *Contract irregular General Commodities* (except in bulk, household goods and Classes A and B explosives) between Peoria, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Federal Warehouse Company, 200 National Road, East Peoria, IL., 61611.

MC 138388 (Sub-4-4TA), filed May 18, 1982. Applicant: CHESTER CAINE, JR., d.b.a. CAINE TRANSFER, an Individual, Box 376, Lowell, WI 53557. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Fertilizer and fertilizer ingredients* between points in WI, on the one hand and, on the other hand, points within IA, IN, IL, MI, MN and OH. An uderlying ETA seeks 120 days authority. There are six supporting shippers.

MC 140290 (Sub-4-1), filed May 18, 1982. Applicant: KESSEL TRUCKING CO., INC., 615 North Main, Blue Earth, MN 56013. Representative: STEPHEN F. GRINNELL, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. *Contract Irregulars Pre-cast utility manholes and related products,* between Winnebago, MN on the one hand, and, on the other, points in AR, IA, IL, IN, KS, MI, MO, NE, ND, SD, WI and WY under continuing contract(s) with Winnebago Concrete. An underlying ETA seeks 120 days' authority. Supporting shipper: Winnebago Concrete, Winnebago, MN.

MC 150079 (Sub-4-3TA), filed May 14, 1982. Applicant: K.R.C. TRANSIT, INC., P.O. Box 572, Westmont, IL 60559. Representative: STEPHEN H. LOEB, Suite 4, 2777 Finley Road, Downers Grove, IL 60515. *Aluminum and Aluminum articles,* between the facilities of Kaiser Aluminum & Chemical Sales, Inc., at or near Wanatah, IN, on the one hand, and, on the other, points in MI, and OH. Supporting shipper: Kaiser Aluminum & Chemical Sales, Inc., 9700 S Harlem, Bridgeview, IL 60455.

MC 157516 (Sub-4-6TA), filed May 14, 1982. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Pallet racking, mezzanines, and parts and accessories therefor,* between the facilities of Prest Equipment Co. at or near Brookings, SD, on the one hand, and, on the other, points in the U.S. Supporting shipper: Prest Equipment Co., 500 Innsbrook Lane, Brookings, SD 57006.

MC 161830 (Sub-4-1TA), filed May 14, 1982. Applicant: ESCANABA OIL COMPANY, INC., 2501-14th Ave. So., Escanaba, MI 49829. Representative: Edward H. Schaus, Comptroller, 2501-14th Ave. So., Escanaba, MI 49829. *Transport instruments, documents, currency, receipts, data processing materials and correspondence,* between points in MI and WI. Supporting shipper: Walch Development Company, 2501-14th Ave. South, Escanaba, MI 49829.

MC 162013 (Sub-4-1TA), filed May 14, 1982. Applicant: P & S EXPRESS, INC., Box 685, Vincennes, IN 47591. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491. *Malt beverages,* from Evansville, IN to points in FL. Applicant has applied for corresponding emergency temporary authority seeking

120 days authority. Supporting shipper: G. Heileman Brewing Company, Inc., 100 Harborview Plaza, La Crosse, WI 54601.

MC 1-62029 (Sub-4-1TA), filed May 17, 1982. Applicant G.J.G. ENTERPRISES, INC., 109 Brookside Drive, O'Fallon, IL 62269. Representative: Robert L. Glock (same address as applicant). *Contract* 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 & HI), under continuing contracts with Switzer Candy Co. and Hollywood Brands, Inc. Supporting shipper(s): Switzer Candy Co., 1600 N. Broadway, St. Louis, MO 63102, and Hollywood Brands, Inc., 836 S. Chestnut, Centralia, IL 62801.

MC 162048 (Sub-4-1TA), filed May 17, 1982. Applicant: GALLATI CARTAGE OF MICHIGAN, INC., 6134 W. Jefferson Ave., Detroit, MI 48209. Representative: Raymond P. Keigher, Esquire, Suite 102, 401 E. Jefferson St., Rockville, MD 20850. *General commodities* (except those of unusual value, classes A and B explosives, those which because of size or weight require the use of special equipment, and hazardous waste), between Detroit, MI and points in its commercial zone, on the one hand, and, on the other, points in CT, DE, IL, IN, MD, MA, MI, MN, NJ, NY, OH, PA, VA and WV, for 270 days. An underlying ETA seeks 120 days authoirty. Supporting shipper: Trans Freight Line, 57 Claywood Rd., Willowdale, Ontario, CD M2N 2R3.

MC 162052 (Sub-4-1), filed May 17, 1982. Applicant: MPG TRANSPORT LTD., 21630 W. McNichols, Detroit, MI 48219. Representative: ALEX J. MILLER, 555 S. Woodward Avenue, Suite 512, Birmingham, MI 48011. *Contract irregular Such goods, materials and supplies as are used in the manufacture, maintenance, sale and installation of swimming pools* between points in NY, MI, OH, IL, IN, PA, TX, LA, OK, and KY, under continuing contract with Kayak Manufacturing Corp. Supporting shipper: Kayak Manufacturing Corp., 5460 Transit Rd., Depew, NY.

MC 15735 (Sub-4-18TA), filed May 20, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under continuing contract with Sperry Corporation. Supporting shipper: Sperry Corporation, Blue Bell, PA.

MC 143500 (Sub-4-10TA), filed May 17, 1982. Applicant: R.B. CARRIERS, INC., 305 S. Missouri Ave., P.O. Box 942, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Contract;* Irregular: (1) *plastic materials other than expanded group, flakes NOI, granular, lump, pellets, powder, or solid mass;* (2) *plastic materials, liquid, rubber material group, latex liquid;* and (3) *materials, equipment, and supplies used in the manufacture and distribution of plastic materials and rubber materials,* between Louisville, KY, and its commercial zone, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, under continuing contract with The B F Goodrich Company. Underlying ETA seeks 120 days authority. Supporting shipper: The B F Goodrich Company, 6100 Oak Tree Blvd., Cleveland, OH 44131.

MC 153063 (Sub-4-1TA), filed May 19, 1982. Applicant: KOHORST BEVERAGE COMPANY, INC., West Sinclair Lewis Avenue, Sauke Centre, MN 56378. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Fresh and frozen meat, meat products and meat by-products,* from the facilities of Long Prairie Packing, Inc. at or near Long Prairie, MN, to points in IA, IL, IN, OH and WI. Supporting shipper: Long Prairie Parking, Inc., P.O. Box 148-Hwy. 171 North, Long Prairie, MN 56347.

MC 154207 (Sub-4-4TA), filed May 17, 1982. Applicant: J. C. ELLIS TRANSPORTATION, INC., P.O. Box 1009, Washington, Park, IL 62204. Representative: John M. Hessel, One Mercantile Center, Thirty-Second Floor, St. Louis, MO 63101. *Contract;* Irregular *Bleach and soap products* from its origin points of St. Louis, MO and its commercial zone, Chicago, IL and its commercial zone and Omaha, NE and its commercial zone to points within MO, IL, IN, OH, MI, WI, MS, TX, AR, KY, LA, MN, OK, KS, NE, CO, IA, PA, NC, SC, GA, AL, TN. Supporting shipper: Purex Corporation, 6901 McKissock Avenue, St. Louis, MO 63147.

MC 156539 (Sub-4-5TA), filed May 19, 1982. Applicant: HOUSER TRANSPORT, INC., 3125 U.S. Rte. 30, West, Fort Wayne, IN 46808. Representative: James P. Kirkhope, for Transport Management Services, Inc., P.O. Box 15296, Fort Wayne, IN 46885. *Contract,* Irregular: *Iron and Steel Articles* between Chicago, IL, Houston, TX, Douglas and Milwaukee Counties, WI on the one hand, and, on the other, points in the U.S. (except AK and HI) when moving immediately prior to or subsequent to a movement by water, under continuing contract(s) with Intraha Shipping, Inc., of Houston, TX. Supporting shipper: Intraha Shipping, Inc., 11767 Katy Freeway, Houston, TX 77079. An underlying ETA seeks 120 days authority.

MC 160983 (Sub-4-1TA), filed May 20, 1982. Applicant: GIN'S TRANSPORTATION INC., 5000 Wyoming, No. 114, Dearborn, MI 48126. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Iron and Steel articles,* from (1) Detroit, MI to Alpharetta, GA and (2) from Detroit, Ecorse, Livonia, and Warren, MI to Morristown, TN. An underlying ETA seeks 120 days authority. Supporting shipper: (1) U.S.I. Business Co., P.O. Box 888347, Atlanta, GA 30338 and (2) Lear-Sigler, 325 Industrial Ave., Morristown, TN 37814.

MC 161139 (Sub-4-2TA), filed May 20, 1982. Applicant: REDER, LTD., 1817 Winter St., Superior, WI 54880. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705-0086, 608-238-3119. *Malt beverages, and related materials and supplies, and return of empty containers,* from Memphis, TN to (a) the facilities of Hudson Distributing Co. at or near Hudson, WI; (b) the facilities of Reinerio Beverages, Inc. at or near Ashland, WI; (c) the facilities of Rohlfing, Inc. at or near Duluth, MN; and (d) the facilities of Williamson Distributing, Inc. at or near Hayward, WI. Supporting shippers: Hudson Distributing Co., 1810 Webster Street, Hudson, WI 54016; Reinerio Beverages, Inc., 420 Ellis Avenue, Ashland, WI 54806; Rohlfing, Inc., 1 South 24th Avenue, W., Duluth, WI 55806; and Williamson Distributing, Inc., 511 Minnie Avenue, Box 374, Hayward, WI 54843.

MC 161561 (Sub-4-2TA), filed May 20, 1982. Applicant: KYGER TRANSPORT, INC., 2009 Ladoga Road, Crawfordsville, IN 47933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Anhydrous ammonia,* from Huntington and Walton, IN to points in MI. Supporting shipper: Triple T Chemicals, Inc., 9725 Mallery Drive, Noblesville, IN 46060.

MC 162090 (Sub-4-1TA), filed May 19, 1982. Applicant: HIRNING TRUCKING, INC., Route 4, Box 311, Dickinson, ND 58601. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502. (1) *Fertilizer* from points in MN to points in ND, (2) *lumber, lumber products, lumber mill products and forest products* from WA, OR, ID, MT, CA, CO, WY, UT and SD to ND, SDD, NB, KS, MO, IL, IN, MI, WI, IA and MN, (3) *general commodities* (except commodities in bulk, household goods and Classes A and B explosives) from

points in the U.S. (except AK and HI) to Stark County, ND *ETA seeks 120-day authority.* Application supported by seven shippers.

MC 162094 (Sub-4-1TA), filed May 19, 1982. Applicant: WILCZEK TRUCKING COMPANY, 4242 S. Knox, Chicago, IL 60632. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Road, Downers Grove, IL 60515. *Contract, Irregular: Liquid waste products, in bulk, in shipper owned trailers,* from points in IA, IN, KY, MI, MN, MO, OH, and WI to the facilities of Envirite Corporation at Harvey, IL. Supporting shipper: Envirite Corporation, 16435 S Center, Harvey, IL 60426.

MC 162095 (Sub-4-1TA), filed May 19, 1982. Applicant: TRI-LINE TRANSPORTATION, INC., 14 East 5th Street, Ada, MN 56510. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Contract;* Irregular. *Lumber and wood products, paper and paper products, insulation, doors, windows, packaging materials and sawmill machinery,* between points in the U.S. (except AK and HI) restricted to traffic originating at or destined to facilities of Louisiana-Pacific Corporation, under contract with Louisiana-Pacific Corporation. Supporting shipper: Louisiana-Pacific Corporation, 1300 S.W. Fifth Avenue, Portland, OR 97201.

MC 162126 (Sub-4-1TA), filed May 19, 1982. Applicant: ON THE ROAD TRANSPORTATION, INC., P.O. Box 183, 5713 Middaugh, Downers Grove, IL 60516. Representative: Stephen C. Herman, 20 North Wacker Drive, Suite 1760, Chicago, IL 60606. *Contract* irregular: *Passengers and their baggage* in 16-passenger vans between points in the U.S., under continuing contract with On The Road Tours, Inc., P.O. Box 183, 5713 Middaugh, Downers Grove, IL 60516.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 148045 (Sub-5-3TA), filed May 17, 1982. Applicant: QUAD CITY SPOTTING SERVICE, INC., P.O. Box 4168, Davenport, IA 52808. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Such commodities as are dealt in or used by wholesale and retail grocery and food business houses,* from Moorhead, Perham and Minneapolis, MN, Chicago and Elgin, IL, and Iowa City, IA, to the facilities of Copps Distributing Company at Stevens Point, WI. Supporting shipper: Copps Distributing Company, 2828 Wayne St., Stevens Point, WI 54481.

MC 153483 (Sub-5-4TA), filed May 18, 1982. Applicant: ANTWEILER TRUCKING CO., INC., Star Route, Montgomery City, MO 63361. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102. *General commodities in container trailers,* between Galveston Co., TX, on the one hand, and on the other hand, all points in the US except AK, AZ, CA, CT, ID, ME, MA, NV, NH, OR, RI, UT, VT, WA, and HI. Supporting shipper: Philippine Micronesia and Orient Navigation Company, 181 Fremont Street, San Francisco, CA.

MC 154461 (Sub-5-2TA), filed May 17, 1982. Applicant: VILLAGE CHARTERS, INC., Suite 404, Colorado Derby Bldg., 202 West 1st Street, Wichita, KS 67202. Representative: Michael D. Gragert, Attorney at Law, Suite 920, Century Plaza Bldg., 111 West Douglas, Wichita, KS 67202. *The transportation of passengers and their baggage in the same vehicle with the passengers in special charter operations,* between all points and places in KS and the counties of Kay, Grant, Noble, Garfield and Pawnee in the State of OK on the one hand, and, on the other, all points and places in the U.S. (excluding HI and AK). Supporting shippers: Donna L. Redwood, Blackwell Travel Agency, 123 N. Main Street, Blackwell, OK 74631; Donna Bartlett, Bartlett Tours, P.O. Box 2284, Onca City, OK 74602.

MC 154464 (Sub-5-1TA), filed May 17, 1982. Applicant: B-HI TRANSPORT, INC., P.O. Box 1227, Taylor Street, Searcy, AR 72143. Representative: Larry Bowen (same as applicant). *Food and Related Commodities (except in bulk)* between Searcy, AR, Hammond, IN, and Lansing, IL, on the one hand, and, on the other, pts in the U.S. (except AK and HI). Supporting shipper: Land O' Frost of Arkansas, Inc., Hastings Ave., Searcy, AR 72143.

MC 161013 (Sub-5-1TA), filed May 18, 1982. Applicant: OSCAR MELVIN EMFINGER, SR., and OSCAR MELVIN EMFINGER, JR., d.b.a. EMFINGER'S MOBILE HOME MOVERS, Rt. 4, Box 96, Shreveport, LA 71107. Representative: Ilene Emfinger, Rt. 4, Box 96, Shreveport, LA 71107. *New and secondary house trailers in towaway service* from LA to TX, AR, and MS. Supporting shipper: Harper's Holiday Homes, Bossier City, LA.

MC 161693 (Sub-5-1TA), filed May 18, 1982. Applicant: CLINTON LITSEY, d.b.a. STUCKY FEEDERS SUPPLY, R.R. 1, Box 99, Sedgwick, KS 67135. Representative: Clinton Litsey (same as applicant). *Open top roll off refuse containers* between points in Harvey County, KS, and points in AZ, AR, CO, IA, LA, MN, MO, NE, NM, ND, OK, SD, TX, UT, and WY. Supporting shipper: Marvin Heppner, d.b.a. Heppner's, Box 488, Hesston, KS 67062.

MC 162025 (Sub-5-1TA), filed May 17, 1982. Applicant: B. MASSEY and G. ODOM, d.b.a. COWBOY TRUCKING, Route 3, Box 1, Sulphur Springs, TX 75482. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Orange and grapefruit jucie concentrates, and corn syrup* (1) from Memphis, TN to Pts in FL, GA and AL and (2) from points in FL to Sulphur Springs, TX. Supporting shipper(s): Cargill, Inc., 2330 Buoy Street, Memphis, TN 38113 and Southland Corporation, 2828 N. Haskell Street, Dallas, TX 75221.

MC 162027 (Sub-5-1TA), filed May 17, 1982. Applicant: FERRIS CONSTRUCTION, INC., 2005 W. Chestnut, Enid, OK 73701. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Metal products,* between Major and Garfield Counties, OK on the one hand, and, on the other, points in TX. Supporting shippers: There are four (4) supporting shippers.

MC 67234 (Sub-5-25TA), filed May 21, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, irregular; *general commodities (except Classes A and B explosives and commodities in bulk)* between points and places in the US (including AK and HI), under continuing contract(s) with Intel Corporation. Supporting shipper: Intel Corporation, 3065 Bowers Avenue, Santa Clara, CA 95050.

MC 114028 (Sub-5-5TA), filed May 21, 1982. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 29 South LaSalle Street, Chicago, IL 60603. *Bananas* from Tampa, FL, to Dover and Wilmington, DE; Chicago, IL; Indianapolis and Terre Haute, IN; Des Moines, Dubuque and Waterloo, IA; Louisville, KY; Albert Lea and Hopkins, MN; Newark, NJ; Norfolk and Richmond, VA; and Madison and Milwaukee, WI. Supporting shipper: Turbana Banana Corp., 2701 LeJeune Road, Coral Gables, FL 33134.

MC 126421 (Sub-5-1TA), filed May 21, 1982. Applicant: GYPSUM TRANSPORT, INC., P.O. Drawer 2679, Abilene, TX 79604. Representative: Jerry E. Matthews (same as applicant).

Lumber, plywood, sheetrock, skids, beams, paneling, hard board and other building materials from AL, AR, LA and MS to TX. Supporting shipper: Morgan Building Corporation, Dallas, TX.

MC 133471 (Sub-5-2TA), filed May 19, 1982 Applicant: HOWARD TRUCKING CO., 203 West Main Street, New Iberia, LA 70560. Representative: Otto A. Girouard, Jr. (same as applicant).' *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 TX and LA, on the one hand, and points in FL, NC, NJ, GA, on the other. Supporting shipper: Shell Offshore, Inc., New Orleans, LA.

MC 139391 (Sub-5-1TA), filed May 21, 1982. Applicant: G & H TRANSPORTATION CO., INC., P.O. Box 157, Widener, AR 72394. Representative: Frank B. Hand, Jr., 523 S. Cameron St., Winchester, VA 22601. Contract, Irregular; *Chemicals, in containers,* from El Dorado, AR to points in CA, under contract with Great Lakes Chemical Corp., El Dorado, AR.

MC 140033 (Sub-5-17TA), filed May 21, 1982. Applicant: COX REFRIGERATED EXPRESS, INC., P.O. Box 20235, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Such Articles as are dealt in by manufacturers or distributors of Automotive Accessories* between facilities of A.R.A. Manufacturing Company at Grand Prairie, TX on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to facilities of A.R.A Manufacturing Company of Grand Prairie, TX. Supporting shipper: A.R.A. Manufacturing Company, P.O. Box 870, Grand Prairie, TX 75050.

MC 144510 (Sub-5-3TA), filed May 19, 1982. Applicant: JERRY J. KOBS, INC., 131 Bridge Court, Sergeant Bluff, IA 51054. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *Meats and packinghouse products,* from the facilities of Cornland Beef Industries, Lexington, NE to pts in CT, DE, IA, MD, MA, ME, NH, NJ, NY, PA, RI, VA, VT, and the DC. Supporting shipper: Cornland Beef Industries, P.O. Box 130, Lexington, NE 68850.

MC 145040 (Sub-5-2TA), filed May 21, 1982. Applicant: RAMSEY'S TRAILWAYS, INC., P.O. Box 667, Jonesboro, LA 71251. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Common regular: (A) *Passengers, mail, express newspapers and baggage.* (B) *Passengers and their baggage in special or charter operation.* (1) Between Pine Bluff, AR and Jct. U.S. Hwy 165 and U.S. Hwy 65, serving all intermediate points: From Pine Bluff over AR Hwy 15 to Warren, AR, then over AR Hwy 4 to its Jct. with AR Hwy 35, then over AR Hwy 35 to Jct. U.S. Hwy 165, then over U.S. Hwy 165 to its Jct. with U.S. Hwy 65, and return; (2) Between McGehee, AR and Greenville, MS, serving all intermediate points: From McGehee, AR over U.S. Hwy 65 to Jct. U.S. Hwy 82, then over U.S. Hwy 82 to Greenville, and return; (3) Between Lake Village, AR and Lake Providence, LA, serving all intermediate points: From Lake Village over U.S. Hwy 65 to Lake Providence, and return; (4) Between Lake Providence, LA and Monroe, LA, serving all intermediate points: From Lake Providence over U.S. Hwy 65 to its Jct. with LA Hwy 2, then over LA Hwy 2 to Bastrop, LA, then over U.S. Hwy 165 to Monroe, and return; (5) Between Lake Providence, LA and Clayton, LA, serving all intermediate points: From Lake Providence over U.S. Hwy 65 to Clayton, and return. B. Between points in (A) above and points in the U.S., except AK and HI. Supporting shipper: Arrow Coach Lines, Little Rock, AR.

MC 145096 (Sub-5-1TA), filed May 20, 1982. Applicant: LIBERTY WASTE CARRIERS, INC., P.O. Box 3370, Baytown, TX 77520. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. *Waste products for reuse and recycling and waste products for disposal* from Bayport, Deer Park and Port Arthur, TX to points in AR and LA. Supporting shipper: The Lubrizol Corp., Deer Park, TX.

MC 146055 (Sub-5-17TA), filed May 20, 1982. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Meats and packinghouse products,* from pts in CO, IL, IA, KS, MO, NE, OK, and TX to the facilities of E. A. Miller & Sons Packing Company of Hyrum, Utah. Supporting shipper: Union Packing Company of Omaha, 4501 So. 36th Street, Omaha, NE 68107.

MC 147067 (Sub-5-1TA), filed May 21, 1982. Applicant: MACMILLAN OIL COMPANY, INC., 4306 Second Avenue, Des Moines, IA 50306. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Alcohol, in bulk* from Cedar Rapids and Council Bluffs, IA to points in NE and MO. Supporting shipper: ADM Corn Sweeteners, Division of Archer Daniels Midland Company, Box 1445, Cedar Rapids, IA 52406.

MC 147196 (Sub-5-51TA), filed May 19, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10686, Jefferson, LA 70181-0686. Representative: Donald A. Larousse (same as applicant). *Plastic Materials* between the facilities of Valite Division of Valentine Sugars, Inc. located in Lockport, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Valite Division of Valentine Sugars, Inc., 1001 Charbonnet Street, New Orleans, LA 70117.

MC 148648 (Sub-5-3TA), filed May 20, 1982. Applicant: GREAT PLAINS TRANSPORTS, INC., P.O. Box 923, Clinton, OK 73601. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Oilwell drilling rigs,* between points in TX, on the one hand, and, on the other, points in ND. Supporting shipper: Crawford Drilling Co., P.O. Box E, Quanah, TX 79252.

MC 152959 (Sub-5-14TA), filed May 21, 1982. Applicant: MOBILE EXPRESS, INC., P.O. Box 8167, Longview, TX 75067. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular; *Trailers or Trailer Chassis and/or Parts Thereof* between points in the United States. Restricted to shipments for the accounts of The Budd Leasing Corp.; Trailmobile, Inc. and Utility Trailer Company. Supporting shippers: Utility Trailer Company, P.O. Box 17970, El Paso, TX 79917; Trailmobile, Inc., 200 E. Randolph Drive, Chicago, IL 60601; The Budd Leasing Corp., P.O. Box 501, Troy, MI 48099.

MC 156581 (Sub-5-4TA), filed May 19, 1982. Applicant: METROPLEX FREIGHT SERVICE, INC., 1804 Vantage St., Carrollton, TX 75006. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Such Articles as are dealt in by wholesale, retail, variety and discount stores and such materials, equipment and supplies necessary for the manufacture, sale and distribution of such articles* between Oklahoma City, OK on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IN, KS, KY, LA, MI, MO, NE, NM, MS, OH, OK, TN and TX. Restricted to shipments originating at or destined to facilities of Fox Meyer of Oklahoma City, OK. Supporting shipper: Fox Meyer, 4529 Enterprise Place, P.O. Box 24087, Oklahoma City, OK 73124.

MC 156834 (Sub-5-3TA), filed May 21, 1982. Applicant: NEBRASKALAND TRUCKING, INC., Route No. 3, Box 63,

Blair, NE 68008. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Building materials and supplies* from Lincoln and Fairbury, NE to Santa Clara, Sacramento, Santa Rosa and Livermore, CA, and from Rocklin, CA to Aurora, OR, Stayton, OR, Las Vegas, NV, Reno, NV, Yakima, WA, Tacoma, WA, Denver, CO, Colorado Springs, CO, Provo, UT, Sandy City, UT, Albuquerque, NM, Clarksville, TX, Temple, TX, Grand Island, NE, Lincoln, NE, Chicago, IL, Elkhart, IN, Troy, MI, Grandville, MI, and Dayton, OH. Supporting shippers: FibreForm Wood Products, P.O. Box 370, Rocklin, CA 95677 and Provenzano Bros, Inc., 1850 DeLaCruz Blvd., Santa Clara, CA 95050.

MC 158785 (Sub-5-2TA), filed May 21, 1982. Applicant: CORNPATCH EXPRESS, INC., Box 387, Ayrshire, IA 50515. Representative: Larry Rustan, Box 387, Aryshire, IA 50515. Contract, irregular; *Meat and packinghouse products,* from the facilities of Beef Specialists of Iowa, Inc. in Iowa to Los Angeles and San Francisco, CA, Miami, FL, Atlanta, GA, Chicago, IL, Minneapolis/St. Paul, MN, Omaha, NE, and points in NC and SC, under contract with Beef Specialists of Iowa, Inc. Supporting shipper: Beef Specialists of Iowa, Inc., Hartley, IA.

MC 160401 (Sub-5-2TA), filed May 21, 1982. Applicant: GLIDEWELL TRUCKING, INC., Rt. 1, Box 171, Ozark, MO 65721. Representative: Don Glidewell (same address as applicant). Contract, Irregular; *General commodities (except class A and B explosives, household goods, commodities in bulk, and hazardous materials)* between points in the U.S. under continuing contract(s) with General Electric Company of Ft. Wayne, IN. Supporting shipper: General Electric Company, Motor Technology Operation, 2000 Taylor St., Ft. Wayne, IN 46804.

MC 161899 (Sub-5-1TA), filed May 20, 1982. Applicant: HOWARD L. GAST, INC., Box 42, Nevada, MO 64772. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. (1) *Fertilizer* between all points in the U.S. (except AK and HI), and (2) *General commodities* (Except classes A and B explosives and household goods as defined by the Commission) between the facilities of Doane Products Company, at Joplin, MO, on the one hand, and, on the other, points in KS, NE, AR, TX and IL. Supporting shippers: Estech Chemical, E. Hickory, Nevada, MO 64772; Vistron Corporation, 905 E. Hickory, Nevada, MO 64772; MFA Plant Foods Division, Route 1, Nevada, MO 64772; and Doane Products Company, 20th & State Line, Joplin, MO 64802.

MC 162083 (Sub-5-1TA), filed May 19, 1982. Applicant: PRATER ENTERPRISES, INC., Route 2, Box 54, Canadian, TX 79014. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768-2207. *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 TX, OK, NM, KS, CO and WY. Supporting shippers: Diamond Shamrock Corporation, Route 1, Box 26, Canadian, TX 79014; E.T.S. Enterprises, Inc., Box 955, Canadian, TX 79014; NASCO, P.O. Box 845, Canadian, TX 79014; Oilfield Rental Service, Box 1229, Canadian, TX 79014; Petex Drilling Fluids, Ptrn, 210 West Park Avenue, Suite 1000, Oklahoma, City, OK 73102.

MC 162098 (Sub-5-1TA), filed May 20, 1982. Applicant: CMS SERVICES, INC., 800 Alsue, Fort Worth, TX 76140. Representative: Clayte Binion, 623 So. Henderson, 2nd Floor, Fort Worth, TX 76104. Contract; irregular. *Communication machinery and equipment* between points in the Fort Worth-Dallas commercial zone on the one hand, and, on the other, points in TX. Having an immediate prior movement in interstate commerce. Supporting shipper: Southwestern Bell Telephone Co., Ft. Worth, TX.

MC 162129 (Sub-5-1TA), filed May 21, 1982. Applicant: DON D. L. BUCHANAN TOURS, d.b.a. BUCHANAN TOURS, P.O. Box 18825, Wichita, KS 67218. Representative: Don D. L. Buchanan (same as applicant). *Passengers and baggage in special and charter operations* between points in KS, MO, OK, NE, AR. Supporting shippers: Les Amies Investment Club, Derby, KS; Wichita Art Association, Wichita, KS; Cherry Creek Village Nursing Center, Wichita, KS; Women's Networking Group, Derby, KS.

MC 162134 (Sub-5-1TA), filed May 21, 1982. Applicant: TABANI, LTD., P.O. Box 8391, Des Moines, IA 50301. Representative: Mark U. Abendroth, P.O. Box 2745, Des Moines, IA 50315. Contract; Irregular. *Beer on Palletts and Banded Cardboard,* between points in IA, MN, WI, IL, and MO. Supporting shipper: Hamm's Des Moines Co., Inc., 323 E. Locust, Des Moines, IA 50305.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 162097 (Sub-6-1TA), filed May 19, 1982. Applicant: THIEN NGUYEN, AND HUONG NGUYEN d.b.a. CHAMPION TOURS, 2672 Manda Dr., San Jose, CA 95124. Representative: Michael L. Pham, 111 West St. John—Ste. 222C, San Jose, CA 95113-1175. *Passengers and their baggage in charter operations,* from San Jose, CA to Reno, NV and return for 270 days. Supporting shippers: There are 5 supporting shippers. Their statements may be examined in the Regional Office listed above.

MC 138702 (Sub-6-1TA), filed May 20, 1982. Applicant: ECONOMY CARRIERS LTD., 4086 Ogden Rd., S.E., Calgary, AB, Canada T2G 4P7. Representative: John T. Wirth, 717-17th St., Ste. 2600, Denver, CO 80202-3357. *Anhydrous ammonia,* between ports of entry on the International Boundary line between the U.S. and Canada in MT on the one hand, and on the other, points in MT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Martrex, Inc., Ste 325, Wood Hill Plaza, Minnetonka, MN 55343.

MC 162130 (Sub-6-1TA), filed May 20, 1982. Applicant: W. S. EMERIAN TRUCKING, INC., 2693 So. Chestnut Ave., Fresno, CA 93725. Representative: Rick S. Emerian (same as applicant). *Contract Carrier,* Irregular routes: *Flat Glass,* between Fresno County, CA, on the one hand, and, on the other, points in Sacramento, San Joaquin, Los Angeles, Ventura, San Francisco, Marin, Contra Costa, Alameda, Santa Clara, San Mateo, and Solano counties, CA, having a prior or subsequent out of state movement for the account of Guardian Industries Corp., for 270 days. Supporting shipper: Guardian Industries Corp., 11555 E. Mountainview, Kingsburg, CA 93631.

MC 156697 (Sub-6-2TA), filed May 19, 1982. Applicant: DESERT ROUSTABOUT AND CONSTRUCTION COMPANY, INC., d.b.a. DRC HOTSHOT SERVICE, P.O.B. 1622, Evanston, WY 82930. Representative: Kevin M. Clark, 2417 Bank Dr., Ste. 8, Boise, ID 83705. *Mercer Commodities* (except complete drilling rigs), between points in ID, WY, OR, WA, MT, CA, NV, NM, OK, TX, LA, UT, CO, ND, and SD, for 270 days. An underlying ETA seeks identical authority for 120 days. Supporting shippers: Homeco, P.O.B. 250, Montpelier, ID 83254; Mitchell Energy and Development, 1719 Colo. Nat'l. Bldg., 950 17th St., Denver, CO 80202; Mid-Continent Supply Co., Hwy. 30, Montpelier, ID 83254; Northern

Rental Sales, 1101 E. Main, Ste. 1025, Evanston, WY 82930.

MC 162119 (Sub-6-1TA), filed May 20, 1982. Applicant: DALTON ENTERPRISES, INC., P.O. Box 7127, Long Beach, CA 90807. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract Carrier,* Irregular Route: *Sucker rods and accessories,* from Tulsa, OK to points in CA, for the account of Dover Corp/Norris Division, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dover Corp/Norris Division, 4801 W. 49th St., Tulsa, OK 74101.

MC 115067 (Sub-6-3TA), filed May 19, 1982. Applicant: INDEPENDENT MOTOR TRANSPORT, INC., P.O.B. 10243, Portland, OR 97210. Representative: James L. Kampstra (same as applicant). *Contract Carrier,* Irregular routes: (1) *Paper Products,* between the facilities of American Can Co. at Halsey, OR, on the one hand, and, on the other, points in CA, OR, and WA., (2) *Freight of all kinds,* between points in OR, and WA, for the account of National Piggyback Services Inc., for 270 days. Supporting shippers: American Can Co., 355 Gellert Blvd., Daley City, CA 94015; and National Piggyback Services Inc., 3601 N.W. Yeon, Suite 210, Portland, OR 97210.

MC 160378 (Sub-6-1TA), filed May 17, 1982. Applicant: KEN-MAC TRAILER TOWING LTD., 11147 Bridge St., Surrey B.C., Canada V3V 3V1. Representative: James W. McGaw, 11402 87A Ave., Delta B.C., Canada V4C 3A6. (1) *Mobile Homes* from manufacturers in WA requiring specialized running gear to port of entry Blaine, WA for furtherance to Point Roberts, WA via British Columbia. (2) *Mobile machinery* from port of entry Blaine, WA to Everret, WA and return, for 270 days. Supporting shippers: Gulf Aire Manufactured Housing, 1721 Benson Rd., Point Roberts, WA 98281; and P.R.M. Holdings Ltd., 5640 Abbey Dr., Delta, B.C., Canada.

MC 121759 (Sub-6-2TA), filed May 19, 1982. Applicant: KIMKRIS TRUCKING CO., INC., 1101 Wright Ave., Richmond, CA 94804. Representative: William D. Taylor, 100 Pine St., #2550, San Francisco, CA 94111. *Contract Carrier,* irregular routes: *video software, cartridges, games, programs and related materials and supplies; semi-conductor chips; plastic; printed materials, manuals and booklets,* between points in Los Angeles, Santa Clara, Alameda and Santa Cruz Counties, CA; Lake County, IL; El Paso County, TX and Maricopa County, AZ, under a continuing contract(s) with Atari, Inc., Sunnyvale, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Atari, Inc., 1265 Borregas Ave., Sunnyvale, CA 94086.

MC 162096 (Sub-6-1TA), filed May 19, 1982. Applicant: DEL EUGENE LILLEY, d.b.a. LILLEY TRANSPORTATION, 25293 Thistlebrook Ave., Sunnymead, CA 92388. Representative: (same as applicant). (1) *Liquid plastics, resin compounds, cement mix, paint,* between points in CA, on the one hand, and, on the other, ID, OR, NV, UT, WA, WY. (2) *Plastic carry cases* from Riverside County, CA, to points in NV, OR, WA. (3) *Petroleum products not in bulk* between Los Angeles County, CA, and Casper, WY. (4) *Petroleum lube oil, hydraulic fluids, rust preventatives, defoaming compounds, and grinding compounds,* between Los Angeles County, CA and WA. (5) *Frozen and chilled foodstuffs,* from Riverside County, CA on the one hand, and, on the other points in, AZ, ID, NV, UT and (6) *Plastic articles, salesmen's samples, Cutlery NOI, and housewares,* between points in CA on the one hand, and, on the other, points in AZ, ID, NV, UT, WY, for 270 days. Supporting shippers: There are 6 shippers. Their statements may be examined at the Regional Office listed above.

MC 162109 (Sub-6-1TA), filed May 20, 1982. Applicant: MAYPOLE PACKER SALES & RENTAL, INC., 1203 W. Dunnam, Hobbs, NM 88240. Representative: Alan W. Ralston (same as applicant). *Mercer commodities,* between OK, TX and NM for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Getty Oil Company, P.O.B. 730, Hobbs, NM 88240 and Shell Oil Co., Star Rt., H, Box 861, Hobbs, NM 88240.

MC 162118 (Sub-6-1TA), filed May 20, 1982. Applicant: NOEL McKEAN, d.b.a. McKEAN TRUCKING, Rt. 1, Box 40, Horseshoe Bend, ID 83629. Representative: Kevin M. Clark, 2417 Bank Dr., Ste. 8, Bosie, ID 83705. *Contract carrier,* irregular routes, *Travertine, Machinery, Equipment and Supplies used in the production of finished Travertine,* between points in the U.S. (except AK and HI), for 270 days, under continuing contract(s) with The Marble Shop, Inc., Knoxville, TN. An underlying ETA seeks authority for 120 days. Supporting shipper: The Marble Shop, Inc., P.O.B. 10127, Knoxville, TN 37919.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-14319 Filed 6-1-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82-12845 appearing on page 20390 in the issue of Wednesday, May 12, 1982, on page 20391, second column, insert the following above "MC 161588 * * *":

"Volume No. OP5-100

Decided: May 4, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell."

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

May 25, 1982.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, extension, or reinstatments. Each entry contains the following information:

(1) The name and telephones number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the agency clearance officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the agency clearance officer of your intent as early as possible.

DEPARTMENT OF JUSTICE

Agency Clearance Officer Larry E. Miesse—202-633-4312

New

- Immigration and Naturalization Service

Supplemental Qualifications Statement Immigration Inspector, SG-5
On occasion
Individuals or households
Non-status candidates for entry level inspector position: 10,000 responses; 10,000 hours; not applicable under 3504(h)
Andy Uscher—395-4814

Revision

- National Institute of Justice

Office of Justice Assistance, Research and Statistics
National Criminal Justice Reference Service/User Registration Forms
On occassion
Individuals or households
State or local government
Users of National Criminal Justice Reference Service: 41,000 responses; 1,353 hours; not applicable under 3504(h)
Andy Uscher—395-4814

Reinstatement

- Immigration and Naturalization Service

Guarantee of Payment
On occasion
Businesses or other institutions
Masters of vessels or aircraft: 1,000 responses; 83 hours; not applicable under 3504(h)
Andy Uscher—395-4814

- Immigration and Naturalization Service

Aircraft/Vessel Reporting
On occasion
Businesses or other institution
Carriers: 600,000 responses: 100,000 hours; not applicable under 3504(h)
Andy Uscher—395-4814

- Immigration and Naturalization Service

Assurance by U.S. Sponsor in behalf of an applicant for refugee status
Nonrecurring
Individuals or households
Refugee sponsors: 150,000 responses; 50,000 hours; not applicable under 3504(h)
Andy Uscher—395-4814

- Immigration and Naturalization Service

Application to pay off on discharge alien crewman
On occasion
Businesses or other institutions
Pilots, Masters or agents: 300,000 responses; 7,500 hours; not applicable under 3504(h)
Andy Uscher—395-4814

- Immigration and Naturalization Service

Child's personnel description form
Nonrecurring
Individuals or households
Applicants for naturalization: 17,000 responses; 1,417 hours; not applicable under 3504(h)
Andy Uscher—395-4814

- Immigration and Naturalization Service

Application for special certificate of Naturalization to obtain recognition as a citizen of the U.S. by a foreign state
Nonrecurring
Individuals or households
Naturalized citizens: 2,000 responses; 500 hours; not applicable under 3504(h)
Andy Uscher—395-4814

- Immigration and Naturalization Service

Request that applicant for naturalization appear for interview
Nonrecurring
Individuals or households
Applicants for naturalization; 200,000 responses; 16,660 hours; not applicable under 3504(h)
Andy Uscher—395-4814

Larry E. Miesse,
Department Clearance Officer, Systems Policy Staff, Justice Management Division.

[FR Doc. 82-14824 Filed 6-1-82; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 82-11]

Care Clinic, Inc., Detroit, Michigan; Hearing

Notice is hereby given that on March 12, 1982, the Drug Enforcement Administration, Department of Justice, issued to Care Clinic, Inc., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke DEA Certificate of Registration PC0166707 previously issued to Respondent as a narcotic treatment program under 21 U.S.C. 823(g), and why it should not deny Respondent's pending application(s) for renewal of such registration.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, June 15, 1982, in Courtroom 2-B, Macomb County Court Building, 40 North Gratiot Avenue, Mt. Clemens, Michigan.

Dated: May 26, 1982.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-14822 Filed 6-1-82; 8:45 am]
BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237, 50-249, 50-254, and 50-265]

Commonwealth Edison Co.; and Iowa-Illinois Gas & Electric Co., Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Provisional Operating License No. DPR-19, and Amendment No. 64 to Facility Operating License No. DPR-25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station Unit Nos. 2 and 3, located in Grundy County, Illinois. The Commission has also issued Amendment No. 77 to Facility Operating License No. DPR-29, and Amendment No. 71 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are to become effective 30 days after installation and testing of the equipment.

The amendments approve changes to the provisions of the Appendix A Technical Specifications pertaining to under voltage protection.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in

connection with issuance of these amendments.

For futher details with respect to this action, see (1) the application for amendments dated March 4, 1982, and supporting submittals dated July 27, 1977, June 26, 1980, October 1, 1980, October 28, 1981 and January 6, 1982; (2) Amendment No. 72 to License No. DPR-19, Amendment No. 64 to License No. DPR-25, Amendment No. 77 to License No. DPR-29 and Amendment No. 71 to License No. DPR-30; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois, for Dresden 2 and 3 and at the Moline Public Library, 504-17th Street, Moline, Illinois, for Quad Cities 1 and 2. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Cruthfield,

Chief, Operating Reactors Branch No. 5 Division of Licensing.

[FR Doc. 82-14883 Filed 6-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329 and 50-330]

Consumers Power Co. Midland Plant, Units 1 and 2; Issuance of Amendments to Construction Permits

Notice is hereby given that pursuant to a Memorandum and Order dated April 30, 1982, by the Atomic Safety and Licensing Board, the U.S. Nuclear Regulatory Commission has issued Amendment No. 3 to Construction Permit No. CPPR-81 and Amendment No. 3 to Construction Permit No. CPPR-82, which were issued to Consumers Power Company for construction of Midland Plant, Units 1 and 2, located in Midland County, Michigan.

The Board's Order, which imposes certain interim conditions on the construction permits pending issuance of a Partial Initial Decision, was issued in connection with ongoing proceedings with respect to an Order issued by the NRC modifying the construction permits for the facility. Notice of these proceedings was published in the **Federal Register** on March 20, 1980 (45 FR 19214). An amended notice was published in the **Federal Register** on May 28, 1980 (45 FR 35949).

The Commission has found that this action does not constitute an undue risk to the health and safety of the public, and is not inimical to the common defense and security. In addition, the issuance of these amendments will not result in any significant environmental impact; and pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

A copy of the Memorandum and Order, dated April 30, 1982, the contruction permits, the amendments and other related documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Grace Dow Memorial Library, 1710 W. St. Andrews Road, Midland, Michigan. Single copies of the amendments may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washingon, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of May 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-14884 Filed 6-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-272 and 50-311]

Public Service Electric & Gas Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-70 and Amendment No. 8 to Facility Operating License No. 75, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (the facilities) located in Salem County, New Jersey. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specification related to surveillance of the automatic isolation and interlock action of the RHR System from the Reactor Coolant System.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 17, 1982, (2) Amendment Nos. 44 and 8 to License Nos. DPR-70 and DPR-75, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md. this 25th day of May, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-14885 Filed 6-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas & Electric Corp.; Issuance of Amendments to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant (facility) located in Wayne County, New York. This amendments is effective as of its date of issuance.

The amendments approves provisions which update the containment isolation valve Table 3.6-1, to reflect plant system modifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendments was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendments.

For further details with respect to this action, see (1) the application for amendment notarized April 16, 1982 (transmitted by letter dated April 22, 1982) (2) Amendment No. 50 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of May, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-14886 Filed 6-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 84 to Facility Operating License No. DPR-33, Amendment No. 81 to Facility Operating License No. DPR-52, and Amendment No. 55 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units 1, 2, and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications to add additional requirements for inspection of snubbers and seismic restraints in response to our generic request of November 20, 1980 to All Power Reactor Licensees.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 28, 1981, as supplemented by letter dated March 9, 1982, (2) Amendment No. 84 to License No. DPR-33, Amendment No. 81 to License No. DPR-52, and Amendment No. 55 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of May 1982.

For The Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-14887 Filed 6-1-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on June 16 and 17, 1982, at the Westbank Hotel, 475 River Parkway, Idaho Falls, ID. The Subcommittee will discuss the General Electric Company's request for a change in 10 CFR 50.46 Appendix K required decay heat generation assumptions. The Subcommittee will also review the status of selected NRC LOCA/ECCS research programs.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Wednesday and Thursday, June 16 and 17, 1982—8:30 a.m. until the conclusion of business each day.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the

opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. EDT.

I have determined, in accordance with subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close sessions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: May 27 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-14882 Filed 6-1-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Operations and TMI-2 Action Plans; Cancelled Meeting

The ACRS Combined Subcommittees on Reactor Operations and TMI-2 Action Plans scheduled for June 2, 1982 has been cancelled indefinitely. Notice of this meeting was published May 17, 1982 (FR 47 21160).

Dated: May 27, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-14881 Filed 6-1-82; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

- (1) *Collection title:* Earnings and disability monitoring.
- (2) *Form(s) submitted:* G-19, G-254.
- (3) *Type of request:* Revision.
- (4) *Frequency of use:* Annually, on occasion.
- (5) *Respondents:* Railroad Retirement Act annuitants and employers.
- (6) *Annual responses:* 11,400.
- (7) *Annual reporting hours:* 1,231.
- (8) *Collection description:* The reports obtain information about an annuitant's employment and earnings. Under the RRA, an annuity can be reduced or not paid depending on the amount of earnings and type of work performed.

- (1) *Collection title:* Statement regarding adoption.
- (2) *Form(s) submitted:* G-118.
- (3) *Type of request:* Revision.
- (4) *Frequency of use:* On occasion.
- (5) *Respondents:* Individuals acting on behalf of child annuity applicant.
- (6) *Annual responses:* 600.
- (7) *Annual reporting hours:* 150.
- (8) *Collection description:* The Railroad Retirement Act provides for the payment of an insurance annuity to a child alleged to have been adopted by the deceased railroad employee if the child meets the dependency requirements under the act. The statements executed by the applicant filing on the child's behalf, or other person in support of the application, will be used for determining whether the child is entitled to benefits.

- (1) *Collection title:* Certification of relinquishment of rights.
- (2) *Form(s) submitted:* G-88.
- (3) *Type of request:* Extension.
- (4) *Frequency of use:* On occasion.
- (5) *Respondents:* Applicants for employee, spouse or divorced spouse annuities.
- (6) *Annual responses:* 3,900.
- (7) *Annual reporting hours:* 325.
- (8) *Collection description:* The report obtains evidence that an applicant for an employee, spouse or divorced spouse annuity under the RRA has relinquished rights to return to employer service, a requirement for receipt of annuity.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents can be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhaus (202-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 82-14840 Filed 6-1-82; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18758; File No. SR-Amex-82-6]

Self Regulatory Organizations; Filing of Proposed Rule Change by American Stock Exchange, Inc.

May 24, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 20, 1982, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend Amex Rule 400 to clarify the responsibilities of broker-dealers relative to the handling of customer accounts that are introduced by one broker-dealer to another under a fully disclosed carrying agreement. The proposed rule would require all such agreements to allocate between the parties the responsibility for each of the following functional areas: (1) Opening, approving, and monitoring of accounts; (2) extension of credit; (3) maintenance of books and records; (4) receipt and delivery of funds and securities, (5) safeguarding of funds and securities; (6) confirmations and statements; and (7) acceptance of orders and execution of transactions. The allocation of functions is intended to relieve a party to the agreement from duties and responsibilities allocated to the other party which, under the framework of exchange regulation, would otherwise be imposed upon both parties.[1] Furthermore, the amended rule would require written disclosure to customers regarding the allocation of customer-related functions, in an effort to assure customer nderstanding regarding the relationship between the introducer and the responsiblity each organization assumes with respect to the customer's accounts.

Under the proposed rule change, carrying agreements would be filed with the Amex for review and approval. However, under the current plan between the New York Stock Exchange ("NYSE") and Amex allocating regulatory responsibilities under SEC

[1] The Commission notes that no contractual arrangement for the allocation of functions between an introducing and carrying organization can operate to relieve either organization from its respective responsibilities under the federal securities laws.

Rule 17d-2, the NYSE will continue to have the responsibility for the receipt and approval of all dual-member carrying agreements.[2] There are currently no sole-Amex member firms with carrying relationships for which the Amex would have responsibility.

The Amex filing states that the proposed amendment is consistent with Section 6(b) of the Act in general, and furthers the objectives of Sections 6(b)(1) and 6(b)(5) of the Act in particular, in that it is designed to ensure member firm compliance with appropriate regulatory requirements, as well as the continued protection of customers with introduced accounts.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before June 23, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-82-6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-14892 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

[2] In this regard, the Amex proposal is designed to bring its carrying agreement rule, Rule 400, into conformity with the recently amended comparable NYSE rule, Rule 382. *See*, Securities Exchange Act Release No. 18497, (Feb. 19, 1982).

[Release No. 18756; File No. SR-MSTC-82-8]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Midwest Securities Trust Co.

May 24, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 8, 1982, the Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change establishes, pursuant to MSTC Rule 6 and with respect to mandatory reorganizations for cash, a cut-off date according to which MSTC will charge and credit the cash amount of the offer to its participants' accounts. With respect to value positions existing at the close of the cut-off date (the fifth business day after the effective date of the reorganization), MSTC will charge a participant's account for short value positions and will credit a participant's account for long value positions and for future settling trades that become free positions. MSTC will assess such charges and apply such credits to a participant's account on the sixth business day following the effective date of the reorganization. Whenever free positions exist on the effective date of the reorganization, MSTC shall make appropriate payment on the offer agent's first payment date if MSTC's Capital Structures Department can verify, before 11 a.m. CST on the payment date, that the agent will release payment. Previously, MSTC did not assess charges or apply credits to its participants' accounts until it received payment from the offer agent. A securities issue subject to mandatory reorganization for cash shall become ineligible for deposit at MSTC by its participants (except to cover short value positions or future short settling trades) when MSTC sends all physical shares of that issue to the offer agent.

MSTC believes that the proposed rule change is consistent with Section 17A(b)(3)(A) of the Act in that it provides for the administration and enforcement of the rules of the clearing agency. MSTC further believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act in that it assures the safeguarding of securities and funds in the custody of the clearing agency.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before June 23, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-MSTC-82-8.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-14894 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18755; File No. SR-MSE-82-4]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Midwest Stock Exchange, Inc.

May 24, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 10, 1982, the Midwest Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change described below. The Commission is

publishing this notice to solicit comments on the proposed rule change from interested persons.

The MSE proposes to amend its Article XX, Rule 36(b)(2)(vii) (dealing with the designation of certain ITS trading commitments), to incorporate Rule 10a-1 under the Act in its entirety. The MSE's current Rule 36(b)(2)(vii) appears to incorporate only paragraph (a) of Rule 10a-1 under the Act. In its filing the MSE has stated that the purpose of this proposed rule change is to clarify the original intent of the Exchange at the time its rule was adopted, which was to include all provisions of Rule 10a-1 rather than just paragraph (a) of Rule 10a-1. The MSE further indicates that Rule 36(b)(2)(vii) has always been interpreted to include all provisions of Rule 10a-1. The MSE asserts that the statutory basis of this proposed rule change is Section 6(b)(5) of the Act in that the incorporation of Rule 10a-1 in its entirety to MSE's ITS rule will prohibit manipulation and deceptive acts and in general will promote just and equitable principles of trade and protect investors and the public interest.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 unere the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before June 23, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-MSE-82-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-14893 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18759; File No. SR-MCC-82-6]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Midwest Clearing Corp.

May 24, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 30, 1982, the Midwest Clearing Corporation ("MCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change authorizes MCC to make cash dividends and bond interest payments available to MCC participants on payment day; participant accounts with long positions will be credited and participant accounts with short value positions will be debited on payment date for cash dividends and bond interest payments. Previously, the credits and debits for cash dividends and bond interest payments were made on the day after payment date. The proposed policy will make funds available one day earlier and should improve the utilization of funds for MCC participants and/or their customers. This rule change, however, is not applicable to stock dividends, stock splits and foreign dividends which require conversions to U.S. funds.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(B) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before June 23, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-MCC-82-6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-14900 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18757; File No. SR-MCC-82-4]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Midwest Securities Trust Co.

May 24, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 8, 1982, the Midwest Clearing Corporation ("MCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change establishes, pursuant to MCC Rule 11 and with respect to mandatory reorganizations for cash, a cut-off date according to which MCC will charge and credit the cash amount of the offer to its participants' accounts. With respect to value positions existing at the close of the cut-off date (the fifth business day after the effective date of the reorganization), MCC will charge a participant's account for short value positions and will credit a participant's account for long value positions and for future settling trades that become free

positions. MCC will assess such charges and apply such credits to a participant's account on the sixth business day following the effective date of the reorganization. Whenever free positions exist on the effective date of the reorganization, MCC shall make appropriate payment on the offer agent's first payment date if MCC's Capital Structures Department can verify, before 11 a.m. CST on the payment date, that the agent will release payment. Previously, MCC did not assess charges or apply credits to its participants' accounts until it received payment from the offer agent. A securities issue subject to mandatory reorganization for cash shall become ineligible for deposit at MCC by its participants (except to cover short value positions or future short settling trades) when MCC sends all physical shares of that issue to the offer agent.

MCC believes that the proposed rule change is consistent with Section 17A(b)(3)(A) of the Act in that it provides for the administration and enforcement of the rules of the clearing agency. MCC further believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act in that it assures the safeguarding of securities and funds in the custody of the clearing agency.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before June 23, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-MCC-82-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-14695 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12444; 812-5176]

Capitol Life Insurance Co. et al.; Application

May 24, 1982.

In the matter of The Capitol Life Insurance Company, Capitol Life Separate Account A, 1600 Sherman Street, Denver, Colorado 80203 and Security First Financial, Inc., 1800 Avenue of the Stars, Los Angeles, California 90067 (812-5176).

Notice is hereby given that The Capitol Life Insurance Company ("Capitol Life"), a stock life insurance company organized under the laws of the State of Colorado, Capitol Life Separate Account A ("Separate Account"), established by Capitol Life and registered as a unit investment trust under the Investment Company Act of 1940 ("Act"), and Security First Financial, Inc., a registered broker-dealer and the principal underwriter for the Separate Account (hereinafter collectively referred to as "Applicants"), filed an application on April 23, 1982 for an amended order pursuant to Section 11 of the Act, approving certain offers of exchange, and pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Sections 26(a) and 27(c)(2) of the Act. The requested order would supplement the previously granted exemptive relief (1) to the extent necessary pursuant to Section 11 of the Act to include the newly-established Series M, which will be invested solely in shares of an additional fund, Security First Money Market Fund, Inc., in the offer of exchange allowing accumulation units of one series of the Separate Account to be exchanged for those of other series, and to the extent necessary pursuant to Section 6(c) of the Act to include Series M in the exemptions from Sections 26(a) and 27(c)(2) of the Act, pertaining to the current safekeeping arrangement of the Separate Account. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Separate Account is registered as a series-type unit investment trust under the Act. The Separate Account presently consists of four series, each of which invests solely in the shares of one of the following open-end diversified management investment companies: Security First Legal Reserve Fund, Inc., Security First Variable Life Fund, Inc., T. Rowe Price Prime Reserve Fund, Inc. ("Reserve Fund") and T. Rowe Price Growth Stock Fund, Inc. (hereinafter collectively referred to as the "Funds").

Applicants state that following the issuance of Internal Revenue Service Revenue Ruling 81-225, investments in T. Rowe Price Growth Stock Fund, Inc. and Reserve Fund were restricted to individuals whose contracts were issued under certain tax-qualified plans.

Applicants represent that the two series investing in the T. Rowe Price Funds are available only to participants under group contract plans qualifying under Sections 401 and 457 of the Internal Revenue Code ("I.R.C.") and to those individuals who were participants on or before issuance of Revenue Ruling 81-225 on September 25, 1981 under programs described in I.R.C. Sections 403(a), 403(b) and 408(b). Applicants further represent that Series M and its underlying money market fund will be made available solely to participants who are not eligible for the existing series that invests in Reserve Fund, thereby, providing all participants with a money market fund investment alternative. Applicants represent that the principal investment objectives of both Reserve Fund and Security First Money Market Fund, Inc. are the preservation of capital, liquidity, and the realization of the highest possible current income consistent with these objectives.

Applicants describe the contracts as group single payment and flexible payment variable annuity contracts designed to provide annuity benefits to persons participating in various types of annuity plans or arrangements. Applicants assert that the contracts are designed to be used both in connection with retirement plans or individual retirement arrangements which qualify for special tax treatment under the I.R.C. and in connection with non-qualified plans. Applicants further state that the contracts issued by Capitol Life through the Separate Account will not be changed as a result of the addition of the newly-established Series M, except that an endorsement will be added to permit

eligible participants to transfer their contract amounts into that Series.

Applicants seek to amend and supplement the orders of September 13, 1974 (Release No. IC-8497), November 30, 1978 (Release No. IC-10502), July 23, 1980 (Release No. IC-11271), June 12, 1981 (Release No. IC-11814), and August 28, 1981 (Release No. IC-11923) only to the extent necessary to include Series M in the offers of exchange approved by such orders pursuant to Section 11, and to include Series M in the exemptions from Sections 26(a) and 27(c)(2) previously granted pursuant to Section 6(c).

Section 11

Section 11(a) makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides, in relevant part, that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

The order previously granted and amended approved the conversion or transfer of contract units from any one of the four Series of the Separate Account to any other Series of the Separate Account then in existence. Applicants propose that this conversion right be extended so as to encompass Series M, except as such right may be restricted as a result of Revenue Ruling 81-225.

Sections 27(c)(2) and 26(a)

Section 27(c)(2), in relevant part, prohibits the issuer of a periodic payment plan certificate and any depositor or underwriter for such issuer from selling such periodic payment plan certificate unless the proceeds of all payments (other than any sales load) are deposited with a qualified bank acting as trustee or custodian and held under an indenture or agreement containing specified provisions. Section 26(a) requires that such indenture or custodianship agreement must provide, *inter alia*, that the trustee or custodian (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B) and (C) of such section until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian itself. Section 6(c) authorizes the Commission to exempt any person, security or transaction, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Pursuant to previously granted and amended exemptions from the provisions of Sections 26(a) and 27(c)(2) of the Act, Capitol Life acts as custodian of the assets of the Separate Account. All such assets, however, are held for safekeeping pursuant to an agreement between Capitol Life and the State Street Bank and Trust Company of Boston, Massachusetts. Insofar as the contract amounts proposed to be funded in Series M are not included within the terms of these orders, Applicants request that the orders of exemption from Sections 26(a) and 27(c)(2) be amended to the extent necessary to include amounts invested in Series M in the relief previously granted.

Applicants have consented that the request for the foregoing exemptions may be made subject to the following conditions: (1) That the deductions for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and the Commission may reserve jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be determined to be exempted from regulation by the Commission by reason of the requested amended order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Notice is further given that any interested person may, not later than June 18, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following June 18, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-14899 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12446; 812-5091]

Hartford Fund, Inc., and Hartford Variable Annuity Life Insurance Co.; Application

May 24, 1982.

In the matter of Hartford Fund, Incorporated and Hartford Variable Annuity Life Insurance Company, Hartford Plaza, Hartford, CT 06115 (812-5091).

Notice is hereby given that Hartford Fund, Incorporated ("Fund"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management series investment company, and Hartford Variable Annuity Life Insurance Company ("HVA"), a stock life insurance company (hereafter collectively referred

to an "Applicants"), filed an application on January 28, 1982, and amendments thereto on March 22, 1982 and May 11, 1982, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Section 15(a) of the Act to the extent requested. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein which are summarized below.

HVA presently provides investment advisory services to the Fund pursuant to a written Investment Advisory Agreement ("Agreement") which was approved by the Fund's disinterested directors at a meeting held on October 10, 1981 and became effective November 1, 1981, but which has not been approved by the Fund shareholders.

Applicants state that the fee being charged the Fund by HVA pursuant to the terms of the Agreement is .325 of 1% annually of the Fund's average net assets up to $50,000,000; .275 of 1% on the next $100,000,000 and .225 of 1% on all sums in excess of $150,000,000, payable quarterly. The fee is the same as the investment advisory fee charged to the Fund under the prior advisory contract that had been approved by Fund shareholders. Applicants represent that the Fund's board of directors initially scheduled the annual meeting of the Fund shareholders for February 10, 1982. Among the matters to be considered by Fund shareholders at that meeting was approval of the Agreement. Subsequently, the Fund was advised by its independent accountants that audited financial statements for 1981 for inclusion in the Fund's 1981 Annual Report to shareholders would not be available until after that date.

Rule 20a-1 under Section 20(a) of the Act requires that proxy solicitations by a registered investment company must comply, *inter alia*, with the provisions of Rule 14a-3 under Section 14(a) of the Securities Exchange Act of 1934. Rule 14a-3(b) provides that if a proxy solicitation relates to an annual meeting of shareholders at which directors are to be elected, then the proxy material must include or be preceded by a current annual report. Applicants state that they could not print and mail the requisite proxy materials in time to hold a meeting on February 10, 1982.

In addition, Applicants state that Hartford and its related companies are presently studying the organizational question of centralizing all investment advisory services within a single corporate entity, Hartford Investment Management Company ("HIMCO"), which might result in requesting Board and shareholder approval of HIMCO as investment adviser or sub-adviser to the Fund. The Fund's management determined, therefore, that it should postpone the Fund shareholders meeting to a point in time when this organizational question has been resolved. The Fund's management has postponed the shareholders' meeting until no later than July 1, 1982.

Section 15(a)

Section 15(a) of the Act provides, in pertinent part, as follows:

> It shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company has been approved by the vote of a majority of the outstanding voting securities of such registered company * * *

Rule 15a-4, adopted under Section 15(a) of the Act, provides, *inter alia*, that a person may act as investment adviser for an investment company pursuant to a written contract which has not been approved by a majority of the outstanding voting securities of such company during the 120-day period after the termination of an investment advisory contract by an event described in paragraph 3 of Section 15(a) of the Act provided that (a) such contract has been approved by the investment company's board of directors, including a majority of the directors who are not interested persons thereof, and (b) the compensation to be received under that contract does not exceed the compensation which would have been received under the most recent investment advisory contract that had been approved by the vote of a majority of the outstanding voting securities of the investment company. Applicants represent that they were unable to hold the meeting prior to the expiration of the "safe-harbor" period provided by this rule.

Applicants request that the Commission enter an order exempting them from the provisions of Section 15(a) of the Act in order that HVA may continue to serve as investment adviser to the Fund, pursuant to the Agreement which became effective on November 8, 1981, until no later than July 1, 1982, the date set for the shareholders' meeting at which the existing Agreement or a new investment advisory agreement with HIMCO or the existing Agreement and a sub-investment advisory agreement between HVA and HIMCO will be presented to the Fund's shareholders for their approval.

Section 6(c)

Applicants state that it is necessary to seek exemptive relief under Section 6(c) of the Act from the provisions of Section 15(a) of the Act. Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from the provisions of the Act and rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that such an exemptive order is necessary and appropriate and that it is in the public interest and consistent with the protection of investors that the Agreement pursuant to which HVA is providing advisory services to the Fund be allowed to continue in effect uninterrupted. Applicants state that to interrupt the Agreement, which has been approved by the Fund's directors as being in the best interests of the Fund, would halt the provision of very important and necessary advisory services by HVA. Furthermore, Applicants assert that the nature of the Fund's portfolios for the several series demands a continuity of services. To interrupt the flow of such services, Applicants state, would be detrimental to the Fund.

For the above reasons, Applicants respectfully request the Commission to issue an order exempting them from the provisions of Section 15(a) of the Act until the holding of the annual shareholders' meeting, presently rescheduled for July 1, 1982, at which the Agreement will be submitted for approval. Applicants further request that the Commission order be entered on a *nunc pro tunc* basis as of February 28, 1982.

Notice is further given that any interested person may, not later than June 18, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated

under the Act, an order disposing of the application will be issued as of course following June 18, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion.

For the Commission, by he Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-14896 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12445; 811-1573]

Hartford Variable Annuity Life Insurance Company Separate Account; Application

May 24, 1982.

In the matter of Hartford Variable Annuity Life Insurance Company Separate Account, Hartford Plaza, Hartford, CT 06115 (811-1573).

Notice is hereby given that Hartford Variable Annuity Life Insurance Company Separate Account ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on March 25, 1982, pursuant to Section 8(f) of the Act and Rule 8f-1 thereunder, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on December 12, 1967, it registered under the Act, and that on the same date it filed a registration statement pursuant to the Security Act of 1933 with respect to $10,000,000 in value of variable annuity contracts. Applicant further states that the registration statement was declared effective by the Commission on June 28, 1968 and that it commenced a public offering of the contracts on the same day.

According to the application, the owners of the contracts issued by Applicant approved the dissolution of Applicant at an annual meeting held on December 16, 1981. In connection therewith, the contractowners also approved the merger with Hartford Variable Annuity Life Insurance Company QP Variable Account ("HVA-QP-VA"), Hartford Variable Annuity Life Insurance Company DC Variable Accounts I and II ("HVA-DC-VA-I" and "HVA-DC-VA-II") and Hartford Variable Annuity Life Insurance Company NQ Variable Account ("HVA-NQ-VA").

Applicant states that under the terms of the Agreement and Plan of Reorganization ("Plan"), Applicant and Hartford Fund, Inc. ("Hartford"), an open-end, diversified, management investment company registered under the Act, agreed that Applicant would sell all of its portfolio assets and would assign and transfer those liabilities relating to its portfolio transactions existing at the time of the transfer to Hartford in exchange for shares of the Hartford Stock Series.

The number of Hartford Fund Stock Series to be issued would be determined by dividing the difference between (1) the value of Applicant's portfolio assets transferred to Hartford (such value to be determined as of the close of business of the New York Stock Exchange on the date that the Plan would be implemented) and (2) the amount of those liabilities relating to Applicant's portfolio transactions assumed by Hartford, by (3) the net asset value of a Hartford Fund Stock Series share determined as of the close of business on the date that the Plan would be implemented. Applicant would then transfer the Hartford Fund Stock Series shares that it received upon the exchange and the liabilities relating to the outstanding contract obligations to HVA-QP-VA, HVA-NQ-VA, HVA-DC-VA-I and HVA-DC-VA-II (collectively "Unit Trust Separate Accounts").

The transfer of the Hartford Fund Stock Series shares to each of the unit Trust Separate Accounts would be in proportion to the Applicant's contract reserves and liabilities transferred to each of the Unit Trust Separate Accounts: in making such allocations, reserves and other liabilities were to be identified with specific outstanding contracts issued with respect to Applicant and such identified reserves and liabilities would be transferred to the appropriate Unit Trust Separate Accounts.

The contractowners would continue to hold their existing contracts, the only change therein being that the units of interest credited to the contractowners' accounts would no longer be units of interest issued with respect to Applicant but rather would be units of interest issued with respect to HVA-QP-VA, HVA-DC-VA-I, HVA-DC-VA-II or HVA-NQ-VA, depending upon whether he contract was non-tax qualified or tax qualified and whether the contract had been issued in connection with a deferred compensation plan or other tax qualified pension or profit sharing plan.

Applicant states that an order was entered by the Commission on January 20, 1982 pursuant to Section 17(b) exempting Applicants from the provisions of Section 17(a) in connection with the above described merger. The application further states that the Insurance Department of the State of Connecticut was notified of the dissolution and that no other state approval is required to terminate the existence of Applicant.

Applicant also represents that there are no remaining securityholders, retained assets or outstanding liabilities, or pending litigation or administrative proceedings involving Applicant.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested party may, not later than June 18, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following June 18, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-14898 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12447; 812-5156]

Working Capital Trust; Application

May 26, 1982.

In the matter of Working Capital Trust, 200 Berkeley Street, Boston, Massachusetts 02116 (812-5156).

Notice is hereby given that Working Capital Trust ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on April 5, 1982, and an amendment thereto on April 23, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necesary to permit Applicant to calculate its net asset value per share using the amortized cost method of valuation for its existing portfolio and any future series of shares representing investment exclusively in money market securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant is a Massachusetts business trust whose shares will be purchased only through the Working Capital Account Program offered by Crocker National Bank ("Bank") whereby cash that is in a checking account maintained by the Bank or in a securities brokerage margin account with Bradford Brokerage Settlement, Inc., will automatically be invested in shares of the Applicant. Applicant represents that the Bank also serves as its investment adviser, and that Massachusetts Financial Services Company provides personnel to administer the general business affairs of the Applicant. Applicant states that its investment objective is to seek as high a level of current income as is considered consistent with the preservation of capital and liquidity through investment in a variety of short-term money market securities (except those issued by the Bank) and repurchase agreements collateralized by such securities.

Applicant further states that the Declaration of Trust permits it to issue shares of separate series. While the Applicant now has only one portfolio, Applicant states it is possible that it may in the future issue shares of separate series representing interests in separate portfolios of securities. The exemptive relief requested by the Applicant in this application will pertain only to the existing portfolio and any future series of shares representing investment exclusively in money market securities ("Money Market Portfolios").

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expresssed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit the securities in the existing and future Money Market Portfolios of the Applicant to be valued by means of the amortized cost method of valuation.

Section 6(c) of the Act provides, in pertient part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptive relief requested, Applicant asserts that many of its investors require an investment vehicle that offers a constant net asset value per share and a relatively smooth stream of investment income. Applicant further asserts that use of the amortized cost method of valuation permits it to provide investment vehicles with those features. In addition, Applicant represents that its board of trustees has determined that, absent unusual circumstances, amortized cost represents the fair value of its portfolio securities.

The Applicant further proposes the following conditions upon it use of amortized cost valuation, each to apply only to existing and future Money Market Portfolios.

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share for each Money Market Portfolio, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share of each Money Market Portfolio, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of one percent, a requirement that the trustees will promptly consider what actions, if any, should be initiated.

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the trustees in the exercise of their discretion to be appropriate indicators of value which may include, inter alia, (1) quotations or estimates of market value of individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(c) Where the board of trustees believes the extent if any deviation from the $1.00 amortized cost price per share for each Money Market Portfolio may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include; redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity for each Money Market Portfolio appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted averaged portfolio maturity in excess of 120 days.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1, above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its porfolio investments in each Money Market Portfolio, including repurchase agreements, to those United States dollar denominated instruments which the trustees determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or in the case of any instrument that is not rated, of comparable quality as determined by the trustee.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 21, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-14897 Filed 6-1-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5406]

Credi-I-F.A.C., Inc.; License Termination

Notice is hereby given that Credi-I-F.A.C., Inc., Banco Cooperativo Plaza Building, 623 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00917 has officially dissolved and ceased existence as a business entity effective August 31, 1981. Credi-I-F.A.C., Inc., was licensed by the Small Business Administration on September 11, 1980.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the license to operate as a small business investment company is hereby terminated, and accordingly, all rights, privileges, and franchises derived therefrom also have been terminated as of the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: May 25, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-14874 Filed 6-1-82; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 05/05-0169]

Michigan Tech Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of Michigan Tech Capital Corp., Academic Office Building, Michigan Technological University, Houghton, Michigan 49931, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name, Address, Title, and Relationship

Edward J. Koepel, 288 M-26, Lake Linden, Michigan 49945—President and Director

Clark L. Pellegrini, 1023 Mine Street, Calumet, Michigan 49913—Vice President, Treasurer and Director

Richard E. Tieder, Rt. 1, Box 80, Houghton, Michigan 49931—Secretary, Vice President and Director

Richard D. McLellan, 800 Michigan National Tower, Lansing, Michigan 48933—Assistant Secretary and Treasurer

Walter R. Sauer, Fisherman's Road, Calumet, Michigan 49913—Director

Martin J. Caserio, 15801 Providence Drive, Southfield, Michigan 48075—Director

Michigan Tech Ventures, Inc., P.O. Box 364, Houghton, Michigan 49931—100 percent Shareholder

Michigan Technological University, Academic Office Building, Houghton, Michigan 49931—100 percent Shareholder of Michigan Tech Ventures, Inc.

Michigan Technological University is a State of Michigan institution.

The Applicant will begin operations with $600,000 of private capital derived from the sale of 60,000 shares to Michigan Tech Ventures, Inc. (MTV). MTV will purchase the Applicant's

shares with funds derived through the sale of its stock to Michigan Technological University (MTU). Private funds from MTU's endowment fund will be used to purchase the stock of MTV.

The Applicant will conduct it operations in the State of Michigan.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accord with the Act and Regulations.

Notice is hereby given that any person may (not later than 15 days from the publication of this Notice) submit written comments on the proposed company to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Houghton, Michigan.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Date: May 26, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-14875 Filed 6-1-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disater Loan Area No. 2041]

Massachusetts; Declaration of Disaster Loan Area

The area of Notre Dame Street, Choate Street, St. Joseph Street, Bedard Street and Pleasant Street in the City of Fall River, Bristol County, Massachusetts, constitutes a disaster area because of damage resulting from a fire which occurred on May 11, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 18, 1982, and for economic injury until the close of business on February 18, 1983, at: U.S. Small Business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Massachusetts 02114, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	15⅝
Homeowners without credit available elsewhere	7⅝
Businesses with credit available elsewhere	16½
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8
Other (non-profit organizations including charitable and religious organizations)	11½

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: May 18, 1982.

Donald Templeman,

Acting Administrator.

[FR Doc. 82-14876 Filed 6-1-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 808]

Determination To Authorize Continuation of Certain Assistance, Credits and Guarantees to Haiti

Pursuant to section 721(b) of the International Security and Development Cooperation Act of 1981, and the authority vested in me by Presidential delegation, I hereby:

(1) Determine that the Government of Haiti is cooperating with the United States in halting illegal emigration from Haiti;

(2) Determine that the Government of Haiti is not aiding, abetting, or otherwise supporting illegal emigration from Haiti;

(3) Determine that the Government of Haiti has provided assurances that it will cooperate fully in implementing United States development assistance programs in Haiti (including programs for prior fiscal years);

(4) Determine that the Government of Haiti is not engaged in a consistent pattern of gross violations of internationally recognized human rights; and

(5) Authorize the expenditure of funds available for fiscal year 1982 for Haiti to carry out chapter 1 of part 1 or chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961, as amended, and the extension of credits and guaranties for the fiscal year 1982 for Haiti under the Arms Export Control Act.

This determination together with the justification therefor shall be reported to the Congress immediately. This determination shall be published in the **Federal Register.**

Alexander Haig, Jr.,

Secretary of State.

April 5, 1982.

[FR Doc. 82-14850 Filed 6-1-82; 8:45 am]

BILLING CODE 4710-10-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Amendment of Systems and Revised Systems of Records

Notice is hereby given that the Veterans Administration is considering changing two systems of records entitled, "Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA and Federal Laws, Regulations, Programs, Etc.—VA" (11VA51), and "Missing Veterans File—VA" (19VA53), respectively set forth on pages 666 and 669 of the Privacy Act Issuances, 1980 Compilation, Volume 5. These two systems are being completely revised as part of an overall agency effort to administratively update its Privacy Act system of records. The notices of systems of records are being rewritten in a clearer, more concise manner, in order to better identify to the public the types of individuals covered by the systems of records, the types of records being maintained by the VA, and the types of routine use disclosures currently being made from the systems. The routine use statements are being separated and/or rewritten in order to be more concise and to conform with the requirements of the VA confidentiality statutes. Also, for the purpose of easier usage and understandability of the systems, the sequence of listing the routine use statements is being changed.

In VA system of records 11VA51, current routine use numbers 4, 5, 6, and 8 are being deleted. In the revised system notice proposed routine use numbers 8, 9, and 10 are being added. Routine use number 8 concerns the release of information in order for the VA to respond to and comply with the issuance of a Federal subpoena. Routine use number 9 concerns the release of information in order for the VA to respond to and comply with the issuance of a State or municipal subpoena. Routine use number 10 concerns the release of information to the Office of Special Counsel when required for that office's review of a

complainant's allegations of prohibited personnel practices.

The Administrator of Veterans Affairs has exempted this system of records from certain provisions of the Privacy Act of 1974, as permitted by 5 U.S.C. 552a(j)(2) and 5 U.S.C. 552a(k)(2).

In VA system of records 19VA53, current routine use numbers 3 and 5 are being deleted. In the revised system notice, proposed routine use numbers 2, 3 and 7 are being added. Routine use number 2 concerns the release of information to a Federal agency as relevant and necessary to that agency's decision regarding: the hiring, retention or transfer of an employee; the issuance of a security clearance; the letting of a contract; or the issuance or continuance of a license, grant or other benefit given by that agency. Routine use number 3 concerns the release of information to a State or local agency as relevant and necessary to that agency's decision regarding: the hiring, retention or transfer of an employee; the issuance of a security clearance; the letting of a contract; or the issuance or continuance of a license, grant or other benefit given by that agency. Routine use number 7 concerns the release of information to the Federal Bureau of Investigation (FBI) and U.S. Passport Office, as necessary, to obtain status and location of a missing veteran to assist the VA's decision concerning benefits for dependents.

In accordance with 5 U.S.C. 552a(b)(3), the Veterans Administration has adopted and published routine uses for its systems of records. A routine use allows the agency to disclose Privacy Act records/information without the written consent of the individual to whom the record pertains. Within the VA, routine uses are principally used to permit disclosure of information from a Privacy Act system of records to a third party to enable the VA to carry out its programs in the most expeditious manner possible. Generally, a routine use identified in a VA system of records will either specifically identify information, or in the alternative, the general subject matter (i.e., a major group of information such as "identifying information" and "medical information") which is being disclosed. In those instances where a routine use identifies disclosure of a general subject matter, the general subject matter will be specifically described in the "Categories of records in the system" section of the system of records. Routine uses may be used in conjunction with one another. Each VA system of records contains the routine uses which are applicable for that system.

For purposes of these VA systems of records, the subsequent definitional terms or concepts are used as follows:

1. Veteran—a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable and whose name and address and other information is maintained by the VA by virtue of the administration of veterans benefits under title 38, United States Code. For purposes of those system notices (unless specifically stated otherwise in the "categories of individuals covered by this system" section of a system of records) the term veteran will also include the dependents of a veteran and any other individual who has been granted veteran status by virtue of a specific statutory authority. The name, address and other information regarding a veteran is protected by 38 U.S.C. 3301 and 4132 in addition to the Privacy Act. Accordingly, any disclosures of information concerning a veteran made from a Privacy Act systems of records under a routine use or other Privacy Act authority shall be consistent with the provisions of 38 U.S.C. 3301 and 4132.

2. Claimant—Any individual making a claim for a benefit under title 38, United States Code, e.g., veteran, nonveteran life insurance beneficiaries.

3. Record—Any item, collection or grouping of information about an individual that is maintained by the agency. It is noted that the term "record" may be used with regard to as little as one descriptive item about an individual.

4. Information v. Data—"Information" is individually identifiable (e.g., record includes an individual's name or address or other identifying information) whereas "data" is not individually identifiable.

5. Disclosures made "At the Request of the Veteran"—In a few routine use notices, for purposes of section 3301 of title 38, United States Code the VA has identified situations when the disclosure of a veteran's name and address by the VA to a third party is being made "at the request of the veteran." In these instances, an express or implied consent to disclose a veteran's name or address may be inferred by the VA when a veteran has submitted a claim for VA benefits, inquired into benefits provided by the VA, or has sought assistance from the VA in obtaining any other benefits (e.g., employment, State or local agency benefits programs) to which the veteran might be entitled and referral of the name and address of the veteran by the VA to a third party will reasonably be required for the VA to act on the request of the veteran for assistance.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed system of records to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All relevant material received before July 2, 1982 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8:00 a.m. and 4:30 p.m. Monday througb Friday (except holidays) until July 19, 1982. Any person visting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in Room 132. Visitors to any VA field station will be informed that the records are available only in Central Office and furnished the address and room number.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the revised systems of records statements are effective June 2, 1982.

Approved: May 26, 1982.

By direction of the Administrator:

Charles T. Hagel,

Deputy Administrator.

Notice of Systems of Records

1. The system identified as 11VA51, "Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA and Federal Laws, Regulations, Programs, Etc.—VA" appearing at 42 FR 49733, is revised as follows:

11VA51

SYSTEM NAME:

Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA and Federal Laws, Regulations, Etc.—VA (11VA51).

SYSTEM LOCATION:

Inspector General, Office of Investigations (51), Washington, D.C. 20420.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals will be covered by the system: (1) Employees, (2) veterans and, (3) third parties such as contractors, who conduct official business with the VA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records (or information contained in records) in this system include reports of investigation of the Office of Inspector General. These reports may include (1) a narrative summary or synopsis; (2) exhibits; (3) internal documentation and memoranda, and (4) affidavits. The name of the subject of an investigation, station at which an investigation took place, Inspector General's investigation number, time period investigation took place, and the Inspector General's recommended action are maintained on a file card. A summary of the report of investigation is also maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, U.S.C. 210(c)(1); title 5, U.S.C., Appendix 1, section 7(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the records on behalf of and at the request of that individual.

2. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding: The hiring, retention or transfer of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of veterans will only be made with the veteran's prior written consent.

3. Any information in this system may be disclosed to a State or local agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision on: The hiring, transfer or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit by the agency; PROVIDED, that if the information pertains to a veteran, the name and address of the veteran will not be disclosed unless the name and address is provided first by the requesting State or local agency.

4. Any information in this system, except the name and address of a veteran may be disclosed to a Federal, State or local agency maintaining civil or criminal violation records, or other pertinent information such as prior employment history, prior Federal employment background investigations, and/or personal or educational background in order for the VA to obtain information relevant to the hiring, transfer or retention of an employee, the letting of a contract, the granting of a security clearance, or the issuance of a grant or other benefit. The name and address of a veteran may be disclosed to a Federal agency under this routine use if this information has been requested by the Federal agency in order to respond to the VA inquiry.

5. Any information in this system, except the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto.

6. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

7. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

8. Any information in this system may be disclosed to a Federal grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

9. Any information in this system may be disclosed to a State or municipal grand jury, a State or municipal court or party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena; PROVIDED, that any disclosure of claimant information concerning a veteran-claimant made under this routine use must comply with the provisions of 38 CFR 1.511.

10. Any information in this system may be disclosed to the Office of Special Counsel, upon its official request, when required for the Special Counsel's review of the complainant's allegations of prohibited personnel practices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in individual file folders and on file cards.

RETRIEVABILITY:

File cards may be indexed by the last name of the subject(s) of an investigation. File folders containing reports of investigation and summaries of the reports are individually retrievable by means of a cross indexing with the file cards.

SAFEGUARDS:

Access to the file folders and file cards (which are kept in cabinets) is restricted to authorized personnel on a need-to-know basis. The file room and cabinets are locked after duty hours, and the building is protected from unauthorized access by a protective service.

RETENTION AND DISPOSAL:

Investigation reports are maintained by the Office of Inspector General until final action is taken. Once final action has been taken, the report is to the VACO Records Management Section where it is maintained for 5 years. It is then forwarded to the Federal Records Center where it is maintained for 25 years and then destroyed by shredding. File cards and summaries of all investigations are maintained by the Office of Inspector General for 30 years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations (51), VA Central Office, Washington, D.C. 20420.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained by the Assistant Inspector General for Investigations under his or her name in this system or wishes to determine the contents of such records should submit a written request or apply in person to the Assistant Inspector General for Investigations (51). However, a majority of records in this system are exempt from the notification requirement under 5 U.S.C. 552a (j) and (k). To the extent that records in this system of records are not subject to exemption, they are subject to notification. A determination as to whether an exemption applies shall be made at the time a request for notification is received.

RECORD ACCESS PROCEDURES:

An individual who seeks access to or wishes to contest records maintained under his or her name in this system may write, call or visit the Assistant Inspector General for Investigations (51). However, a majority of records in this system are exempt from the record access and contesting requirements under 5 U.S.C. 552a (j) and (k). To the extent that records in this system of records are not subject to exemption, they are subject to access and contest. A determination as to whether an exemption applies shall be made at the time a request for access or contest is received.

CONTESTING RECORD PROCEDURES:

(See Record access procedures above.)

RECORD SOURCE CATEGORIES:

Information is obtained from third-party organizations such as schools and financial institutions, VA employees, veterans and VA records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under 5 U.S.C. 552a(j)(2), the head of any agency may exempt any system of records within the agency from certain provisions of the Privacy Act, if the agency or component that maintains the system performs as its principal function any activities pertaining to the enforcement of criminal laws. The Inspector General Act of 1978, Pub. L. 95–452, mandates the Inspector General to recommend policies for, and to conduct, supervise and coordinate activities in the Veterans Administration and between the Veterans Administration and other Federal, State and local governmental agencies with respect to all matters relating to the prevention and detection of fraud programs and operations administered or financed by the Veterans Administration and to the identification and prosecution of participants in such fraud. Under the Act, whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law, the Inspector General must report the matter expeditiously to the Attorney General.

This system of records has been created in major part to support the criminal law-related activities assigned by the Inspector General to the Office of Investigations. These activities constitute the principal function of this staff.

In addition to principal functions pertaining to the enforcement of criminal laws, the Inspector General may receive and investigate complaints or information from various sources concerning the possible existence of actvities constituting noncriminal violations of law, rules or regulations, or mismanagement, gross waste of funds, abuses of authority or substantial and specific danger to the public and safety. This system of records also exists to support inquiries by the Assistant Inspector General for Investigations into these noncriminal violation types of activities.

Based upon the foregoing, the Administrator of Veterans Affairs has exempted this system of records, to the extent that it encompasses information pertaining to criminal law-related activities, from the following provisions of the Privacy Act of 1974, as permitted by 5 U.S.C. 552a(j)(2):

5 U.S.C. 552a(c) (3) and (4);
5 U.S.C. 552a(d);
5 U.S.C. 552a(e) (1), (2) and (3);
5 U.S.C. 552a(e)(4) (G), (H) and (I);
5 U.S.C. 552a(e) (5) and (8);
5 U.S.C. 552a(f);
5 U.S.C. 552a(g).

The Administrator of Veterans Affairs has exempted this system of records, to the extent that it does not encompass information pertaining to criminal law-related activities under 5 U.S.C. 552a(j)(2), from the following provisions of the Privacy Act of 1974, as permitted by 5 U.S.C. 552a(k)(2):

5 U.S.C. 552a(c)(3);
5 U.S.C. 552a(d);
5 U.S.C. 552a(e)(1);
5 U.S.C. 552a(e)(4) (G), (H) and (I);
5 U.S.C. 552a(f).

Reasons for exemptions: The exemption of information and material in this system of records is necessary in order to accomplish the law enforcement functions of the Office of Inspector General, to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information and to avoid endangering these sources and law enforcement personnel.

2. The system identified as 19VA53, "Missing Veterans File—VA", appearing at 42 FR 49736, is revised as follows:

19VA53

SYSTEM NAME:

Missing Veterans File—VA (19VA53).

SYSTEM LOCATION:

Inspector General, Office of Policy, Planning and Resources (53) Washington, D.C. 20420.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals will be covered by the system: Veterans (not including dependents) who cannot be located after a reasonable effort by the VA, but whose status must be determined in order for dependents to receive benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records (or information contained in records) in this system may include: (1) The standard missing veteran letter, issued monthly by the Inspector General's office to all VA facilities, which contains the name of a veteran who cannot be located by a Regional Office; (2) correspondence between the Regional Office and the Inspector General regarding Federal Bureau of Investigation (FBI) and U.S. Passport Office information concerning the status (alive or dead) and location of the veteran; (3) similar correspondence between the Inspector General and the FBI and U.S. Passport Office. Information in these records may include the veteran's name, birth date, claims folder number, social security number and last known address. Identifying information and a history of the case are maintained on a file card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, U.S.C. 210(c)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or

staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding: the hiring, retention or transfer of an employee; the issuance of a security clearance, the letting of a contract, or issuance or continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of veterans will only be made with the veteran's prior written consent.

3. Any information in this system may be disclosed to a State or local agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision on: the hiring, transfer or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit by that agency; PROVIDED, that if the information pertains to a veteran, the name and address of the veteran will not be disclosed unless the name and address is provided first by the requesting State or local agency.

4. Any information in this system, except the name and address of a veteran which is relevant to a suspected violation or reasonably imminent violation of law whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

5. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

6. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

7. Identifying information of a missing veteran may be disclosed to the FBI and U.S. Passport Office, upon their official request, as necessary to obtain status (alive or dead) and location to assist in the VA's decision concerning benefits for dependents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records (or information from those records) are maintained in individual file folders and on file cards.

RETRIEVABILITY:

Records are indexed by the veteran's last name.

SAFEGUARDS:

Access to the records and file cards is restricted to authorized personnel on a need-to-know basis. The file room and cabinets are locked after duty hours and the building is protected from unauthorized access by a protective Service.

RETENTION AND DISPOSAL:

File folders are maintained by the Office of the Inspector General for six months after the veteran is located or declared dead. Folders for those veterans declared missing for seven or more years are maintained for one year following such a declaration. The folders are then forwarded to the VACO Records Management Section where they are maintained for five years and then destroyed by shredding. File cards are maintained by the Inspector General for 15 years.

SYSTEM MANAGERS AND ADDRESS:

Assistant Inspector General for Policy, Planning and Resources (53) VA Central Office, Washington, D.C. 20420.

NOTIFICATION PROCEDURES:

An individual who wishes to determine whether a record is being maintained by the Assistant Inspector General for Policy, Planning and Resources (53) under his or her name in the system or wishes to determine the contents of such records should submit written request or apply in person to the Assistant Inspector General for Policy, Planning and Resources (53).

RECORDS ACCESS PROCEDURES:

An individual who seeks access to or wishes to contest records maintained under his or her name in his system may write, call or visit the Assistant Inspector General for Policy, Planning and Resources (53).

CONTESTING RECORD PROCEDURES:

(See Records access procedures above.)

RECORD SOURCE CATEGORIES:

Information is obtained from the Federal Bureau of Investigation, U.S. Passport Office, and VA records.

[FR Doc. 82-14836 Filed 6-1-82; 8:45 am]
BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on June 29, 1982, at 10:00 a.m., the Muskogee Station Committee on Educational Allowances shall meet at Room 2A20, 125 South Main Street, Muskogee, Oklahoma, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Universal Aviation, P.O. Box 1310, Stillwater, Oklahoma, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: May 24, 1982.

Ray E. Smith,

Director, VA Regional Office, 125 South Main Street, Muskogee, OK 74401.

[FR Doc. 82-14831 Filed 6-1-82; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 106
Wednesday, June 2, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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CIVIL AERONAUTICS BOARD

[M-355, May 27, 1982]

TIME AND DATE: 10 a.m., June 3, 1982.

PLACE: Room 1027 (open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 13795, *Supplemental Air Service Proceeding;* Docket 40254, *Complaint of California Air Charter, Inc., et al.;* (OGC)
3. Docket 36815, *Alaskan Carriers Fitness Investigation;* Docket 37020, *Alaska Bush Points Show Cause Proceeding;* Docket 34275, *Application of Klondike Air, Inc.,* (Memo 1315, OGC)
4. Docket 35918, *Deutsche Lufthansa Aktiengesellschaft Enforcement Proceeding,* review on board initiative of Chief ALJ's granting BCCP motion to dismiss complaint in Part 250 denied-boarding notice proceeding. (Memo 1320, OGC)
5. Docket 39932, Denied boarding compensation. (OGC, BDA, OC, OEA, BIA, OCCCA)
6. Comments on a bill to amend the Federal Aviation Act to continue a uniform mandatory joint fare system for six years. (OGC)
7. Docket 40213, Petition of Davis Agency to expand applicability of Overseas Military Personnel Charters; and application for *pendente lite* waiver of Part 372. (OGC, BIA, BDA)
8. Revision of the "33 percent notice" in Part 323 to reflect the limits on the Board's statutory authority established by the D.C. Circuit Court in the Delta case. (OGC, BDA, OCCCA)
9. Docket 38904, A 2-year review for fitness determinations for non-operating carriers. (Memo 1130-A, OGC, BDA)
10. Commuter carrier fitness determination of Great Lakes Aviation, Ltd. (BDA)
11. Commuter carrier fitness determination of Omniflight Airways, Inc. d.b.a. Chesapeake & Potomac Airways, Inc. (BDA)
12. Dockets 40612, 40631 and EAS-631, Air U.S. 30-day notice and request for exemption to reduce service below essential between Sheridan, Wyoming, and Denver, Colorado, on short notice. (BDA)
13. Dockets 40555, 40656, and 40657, Notices and exemption request of Pioneer Airways regarding the provision of essential air service at Sidney, Alliance and Chadron, Nebraska. (BDA, OCCCA)
14. Docket 40625, Application of Jeffrey D. Haddock and Ronald A. Watson, d.b.a. Valdez Airlines, under expedited procedures, for a section 401 certificate. (Memo 1319, BDA)
15. Docket 40294, Final order in the *United States-Latin America All-Cargo Show Cause Proceeding.* (Memo 960-A, BIA)
16. Dockets 32660 and 38623, IATA Petition for Partial Reconsideration of Orders 81-7-96 and 81-8-82 concerning constructions rules for international passenger fares. (Memo 1317, BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-823-82 Filed 5-2-82; 3:29 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, June 8, 1982.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Financial Rule Enforcement Review.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-819-82 Filed 5-20-82; 2:44 pm]

BILLING CODE 6351-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 22447, May 24, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 26, 1982.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAP-40. Project No. 6087-000, Western Hydro Electric, Inc.

Kenneth F. Plumb,
Secretary.

[S-815-82 Filed 5-28-82; 10:22 am]

BILLING CODE 6717-02-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 26, 1982.

TIME AND DATE: 10 a.m., Wednesday, June 2, 1982.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Monterey Coal Company, Docket Nos. LAKE 80-413-R and LAKE 81-59. (Issues include whether the judge erred in vacating a citation alleging a violation of 30 CFR 77.216(c), dealing with impoundments.)

* * * * *

TIME AND DATE: 11 a.m., Wednesday, June 2, 1982.

PLACE: Same as above.

STATUS: Closed (pursuant to 5 U.S.C. 552(c)(10).

MATTERS TO BE CONSIDERED: 2. Monterey Coal Company—same as above.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

[S-817-82 Filed 5-28-82; 12:50 pm]

BILLING CODE 6735-01-M

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NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-14]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 22631, May 25, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, June 1, 1982.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote

that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: The first three items will be open to the public; the fourth will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report.* Eastern Airlines Flight 935, Lockheed L-1011-385, N309EA, near Colts Neck, New Jersey, September 22, 1981.
2. *Letter* to Federal Aviation Administration regarding Petition for Rulemaking, "National Association of Flight Instructors; Student Recreational, Recreational, Student other than Recreational and Private Pilot Certificates," Dkt. No. 22692, Petition Notice PR 82-3.
3. *Recommendation* to Federal Highway Administration and the American Trucking Association, Inc., concerning the improper installation of wheel bearings in commercial vehicle aluminum wheels.
4. *Opinion and Order:* Petition of Parker, Dkt. SM-2828; disposition of the Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382-6525.

May 27, 1982.

[S-814-82 Filed 5-28-82; 9:16 am]

BILLING CODE 4910-58-M

6

NUCLEAR REGULATORY COMMISSION

DATE: Week of May 31, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, June 1:*

10:00 a.m.:
Briefing on Mid Year Resource and Program Review (Public Meeting)
2:00 p.m.:
Briefing on Environmental Qualification of Electrical Equipment—Final Rule (Public Meeting)

Wednesday, June 2:

10:00 a.m.:
Discussion of Response to Court Decision in NRDC v. NRC (S-3 Rule) (Closed—Exemption 10)
2:30 p.m.:
Analysis of Licensing Board Decision on San Onofre Units 2 and 3 (Emergency Planning) (Closed—Exemption 10)

Thursday, June 3:

10:00.:
Briefing on Efforts to Improve IAEA Safeguards (Closed—Exemption 1)
2:00 p.m.:
Affirmation/Discussion Session (Public Meeting)
Affirmation and/or Discussion and Vote:
a. SECY-82-185—Final Amendment to 10 CFR Part 50 and to Appendix E: Modification to Emergency Preparedness Regulations Relating to Low Power Operation (Postponed from May 27)

Friday, June 4:

2:00 p.m.:
Meeting with ACRS (Public Meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

May 25, 1982.

Walter Magee,

Office of the Secretary.

[S-813-82 Filed 5-27-82; 4:04 pm]

BILLING CODE 7590-01-M

7

NUCLEAR REGULATORY COMMISSION

DATE: Week of May 24, 1982 (Changes).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: *Friday, May 28* (Additional Item):

11:00 a.m.:
Affirmation/Discussion Session (Public Meeting)
Affirmation and/or Discussion and Vote:
a. Approval under Section 145 b. of the Atomic Energy Act of 1954, as amended, for the employment of Ms. Saundra R. Frager as a secretary to Commissioner James K. Asselstine and for access to national security information and restricted data.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Dated: May 28, 1982.

Walter Magee,

Office of the Secretary.

[S-824-82 Filed 5-28-82; 3:23 pm]

BILLING CODE 7590-01-M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on June 10, 1982.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: May 28, 1982.

[S-820-82 Filed 5-28-82; 3:28 pm]

BILLING CODE 7600-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on June 17, 1982.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: May 28, 1982.

[S-821-82 Filed 5-28-82; 3:28 pm]

BILLING CODE 7600-01-M

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on June 24, 1982.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634-4015

Dated: May 28, 1982.

[S-822-82 Filed 5-28-82; 3:28 pm]

BILLING CODE 7600-01-M

11

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power Planning Council)

TIME AND DATE: 9 a.m., June 2, 1982; 9 a.m., June 3, 1982.

PLACE: Holiday Inn, 3300 Vista Avenue, Boise, Idaho.

MATTERS TO BE CONSIDERED:

1. Staff briefing on draft contractor report on model conservation standards.

2. Staff briefing on the Department of Energy's proposed appliance efficiency standards.
3. Conservation and its Treatment in the Bonneville Power Administration Rate Case.
4. Council's Fiscal Year 1984 and Revised Fiscal Year 1983 Budgets.
5. Briefing: "Electronic Industry Growth Trends in the Northwest."
6. Council Business.

CONTACT PERSON FOR MORE INFORMATION: Ms. Bess Wong (503) 222–5161.

Edward Sheets,

Executive Director.

[S-818-82 Filed 5-28-82; 2:24 pm]

BILLING CODE 0000-00-M

12

POSTAL SERVICE

(Board of Governors)

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9:00 a.m. on Tuesday, June 8, 1982, in the Benjamin Franklin Room, 11th Floor, 475 L'Enfant Plaza SW, Washington, D.C. The meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

Agenda

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. he might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item. As part of his remarks, the Postmaster General will brief the Board on USPS organization and an overview of progress under the Postal Reorganization Act.)
3. Report on Operations Group Programs.
   (Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will provide a report on Operations Group programs.)
4. Report of the Chief Postal Inspector.
   (Mr. Fletcher, Chief Postal Inspector, will provide a report on the Inspection Service.)
5. Implementation of Board Resolution 81–9.
   (The Board will resume its consideration of the implementation of this Resolution during the remainder of fiscal year 1982, discussion of this agenda item not having been completed at the Board's previous meetings.)
6. Report of the Regional Postmaster General.
   (Mr. Daws, Regional Postmaster General, will report on postal conditions in the Eastern Region.)
7. Capital Investment Projects:
   a. Real Estate Purchase for Chicago Main Post Office.
      (Mr. Carlin, Regional Postmaster General, Central Region, will present a proposal for acquisition of land for Chicago Main Post Office.)
   b. Mail Processing Facility for Suffolk County, Long Island, New York.
      (Mr. Mulligan, Regional Postmaster General, Northeast Region, will present a proposal for a new Mid-Island Mail Processing Facility.)
8. Planning Assumptions and Areas of Emphasis for USPS Strategic Business (1983–1987).
   (The Board will consider approval of a paper that sets forth and explains these planning assumptions in some detail.)

Louis A. Cox,

Secretary.

[S-816-82 Filed 5-28-82; 10:42 am]

BILLING CODE 7710-12-M

federal register

Wednesday
June 2, 1982

Part II

Consumer Product Safety Commission

Regulatory Flexibility Act; Semiannual Regulatory Flexibility Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility Agenda

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Regulatory Flexibility Act requires each federal agency to publish twice each year a regulatory flexibility agenda listing rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. In this document the Commission publishes its third semiannual regulatory flexibility agenda.

DATE: The Commission welcomes comments from small entities, including small businesses, small organizations, and small governmental units, upon each subject area of the agenda. Written comments concerning the agenda should be received in the Office of the Secretary by August 2, 1982.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Douglas Noble, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6554. All inquiries from the press and broadcast media should be directed to Lou Brott, Office of Public Affairs, Consumer Product Safety Commission, Washington, D.C. 20207, (202) 634-7780. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "contact" for that particular item.

SUPPLEMENTARY INFORMATION: The recently enacted Regulatory Flexibility Act (5 U.S.C. 601 et seq.), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of any rule expected to be proposed or promulgated which will likely have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the objectives and legal basis for each agenda item and a schedule for acting on each item as well as the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations issued or expected to be issued, and further states that such an agenda may be incorporated with an agenda published under the Regulatory Flexibility Act. While the Commission, as an independent agency, is not required to follow E.O. 12291, the Commission plans to comply voluntarily with those provisions concerning publication of a regulatory agenda.

In the **Federal Register** of November 19, 1981 (46 FR 56811), the Commission published its second agenda under the Regulatory Flexibility Act. In this notice, the Commission publishes its third semi-annual agenda.

The agenda published below has seven new entries which did not appear on the previous agenda. They are:

1. Consideration of a final amendment to labeling regulations issued under the Federal Hazardous Substances Act to establish specific requirements for type size and conspicuousness related to package size. This amendment of the labeling regulations was proposed on December 13, 1978 (43 FR 58195).

2. Possible proposal of policy statements regarding the applicability of the children's sleepwear standards to set forth factors to be considered in determining whether certain "borderline" garments are items of children's sleepwear subject to those standards. A decision of the United States Court of Appeals for the Fourth Circuit in the case of *National Knitwear Manufacturers Association v. CPSC* (No. 81-1002, December 11, 1981) set aside policy statements on the same subject issued by the Commission on November 6, 1980.

3. Proposal of amendments to the regulations implementing the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) to reduce testing and recordkeeping burdens on manufacturers issuing guaranties under that standard.

4. Consideration of final amendments to regulations implementing the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) and the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) to resolve questions about the applicability of these two standards to various products, including multi-layer fabrics with an outer layer of film or coated fabric, such as those used for disposable diapers.

5. Possible proposal of a rule under the Federal Hazardous Substances Act to address risks of strangulation associated with falling toy chest lids. The Commission published an advance notice of proposed rulemaking on this subject in the **Federal Register** of April 14, 1982 (47 FR 16041).

6. Possible proposal of amendments of regulations defining the terms "extremely flammable," "flammable," and "combustible" for purposes of labeling household substances under the Federal Hazardous Substances Act. The proposed amendment under development would specify a closed-cup apparatus and procedure for classifying flammability characteristics of household substances. Such a test would be similar to the method used by other Federal agencies for flammability testing.

7. Possible revocation of those parts of the Safety Standard for Architectural Glazing Materials (16 CFR Part 1201) which prescribe a modulus of elasticity test, a hardness test, and an indoor aging test, all applicable to plastic glazing materials. The Commission proposed this partial revocation in the **Federal Register** of December 14, 1981 (46 FR 60830) after it preliminarily determined that these tests may not be reasonably necessary to reduce or eliminate any unreasonable risk of injury associated with plastic glazing materials.

Five entries listed in the previous agenda do not appear in the current agenda, published below.

One entry concerned proposal of a negative labeling rule for children's thermal underwear to state that such garments do not meet the requirements of the children's sleepwear flammability standard and are not intended for use as sleepwear. This project was terminated when a proposed regulation was submitted to the Commission for approval and did not receive three affirmative votes.

A second entry, concerned a ban on urea-formaldehyde foam insulation for installation in residences and schools which was published in the **Federal**

Register of April 2, 1982 (47 FR 14366), to become effective August 10, 1982.

Three other entries have been deleted because all rulemaking activities associated with those entries have been completed. Those entries concerned partial revocation of the ban on unstable refuse bins; issuance of an exemption from requirements for child-resistant packaging of potassium supplements dispensed in unit dose form; and a consumer product safety rule requiring oxygen depletion sensors on unvented gas space heaters.

The Commission received three comments on its previous regulatory agenda. All were from small mattress manufacturers, and all urged amendment of the mattress flammability standard to eliminate or reduce requirements for testing and recordkeeping which that standard imposes on mattress manufacturers. The agenda published below includes an entry headed "Mattress Flammability Standard Amendment" which indicates that in the near future, the Commission may publish an advance notice of proposed rulemaking to initiate a proceeding for amendment of the mattress standard to reduce or eliminate requirements for production testing of mattresses by manufacturers. The Commission is also considering the possibility of making certain technical changes to the standard to improve its clarity and simplify the wording of some provisions.

The third semi-annual regulatory flexibility agenda, published below lists anticipated regulatory activities under development or review; a brief description and summary of each regulatory activity (including objectives and legal basis for each); an approximate schedule of target dates (subject to revision) for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

Dated: May 27, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

SEMIANNUAL REGULATORY FLEXIBILITY AGENDA ENTRIES

Anticipated regulatory activities	Legal basis	Brief description and summary	Approximate schedule for development or completion	Contact
Upholstered furniture cigarette flammability standard.	FFA	A finding of possible need for a flammability standard to decrease injuries and deaths associated with cigarette ignited upholstered furniture fires was published on Nov. 29, 1972 (37 FR 25239). In October, 1981 the Commission voted to defer indefinitely regulatory action in order to work with manufacturers participating in a voluntary action program of the Upholstered Furniture Action Council that may eliminate the need for a mandatory standard. This action followed a series of tests to evaluate the effectiveness of the voluntary program. Second evaluation of the industry's voluntary program will be made by the Commission staff in late 1982.	September-October 1982, second evaluation of effectiveness of program.	James Hoebel, Office of Program Management (301) 492-6554.
Coal and wood burning stoves labeling requirements.	CPSA	On June 6, 1979 the Commission granted a petition that requested that manufacturers be required to label and provide instructions on the minimum clearance to combustibles and the chimney type required for these stoves. Hazard data shows injuries and deaths associated with these stoves, some of which may be prevented by this rule. On Nov. 17, 1980 (45 FR 76016) labeling requirements were proposed. In July, 1981 the Commission decided to defer a decision on a final rule pending staff review of current changes in voluntary standards and industry conformance to those standards.	Schedule to be determined	Do.
Flammability classification regulations.	FHSA	The Federal Hazardous Substances Act, as amended, authorizes the Commission to issue regulations to define the terms "extremely flammable," "flammable," and "combustible" for purposes of labeling household substances which may present a flammability hazard. The Commission is developing proposed regulations to change from an open-cup to a closed-cup apparatus, and to specify an appropriate procedure for classifying flammability characteristics of household substances. If issued on a final basis, the proposed regulations would make the apparatus and procedures used by the Commission compatible with flammability tests used by other Federal agencies.	August-September 1982, publication of proposal for public comment.	Do.
Mattress flammability standard amendment.	FFA	As part of a statutory review of the mattress standard, the standard may be amended to reduce the testing requirements for mattresses, thereby, reducing the sampling and recordkeeping costs to manufacturers while maintaining the level of protection the standard affords consumers. In addition, the standard may be amended to provide technical clarifications and wording simplification.	April-May 1982, Commission decision on advance notice of proposed rulemaking.	Do.
Clothing textiles and vinyl plastic film flammability standards amendment.	FFA	Clarifying amendments were proposed in 1981 to resolve questions which had arisen about interpretation of the standards and their applicability to various products, including multilayer fabrics with an outer layer of film or coated fabric, such as those used for disposable diapers. On Feb. 24, 1982, the Commission published a final amendment to the regulation to exempt vinyl film used as the outer layer of a disposable diaper from any requirement for separate testing if a full thickness of the assembled article passes the test in the applicable standard. The period for comment on all remaining issues raised by the proposed amendments was extended to May 25, 1982.	Commission decision on final amendments, schedule to be determined.	Do.
Regulatory review of clothing textiles standard.	FFA	In March 1982, the Commission considered a review of the clothing textiles standard which the staff undertook to determine if any testing and recordkeeping burden imposed by the standard and implementing regulations could be eliminated or reduced. In response to directions from the Commission the staff will prepare drafts of proposed amendments to the regulations at 16 CFR 1610.37 and 1610.38 to allow manufacturers to design and implement their own programs of reasonable and representative tests to support guaranties. To exempt certain fabrics from requirements for further testing to support guaranties; and to reduce the period for retention of test records from three years to one year.	June-July 1982, Commission decision to proposed amendments.	Do.
Antenna standards	CPSA	On Apr. 12, 1979 the Commission decided to proceed on internal development of a safety standard for omnidirectional CB base-station antennas to address the hazard of electrocution and other electrical injuries when putting up or taking down these antennas. Notice of proceeding to develop the standard was issued Sept. 14, 1979 (44 FR 53676). On Aug. 14, 1981 the Commission proposed the standard and a nonmandatory test method (46 FR 41082).	May 1982 Commission decision on the final standard and certification rule.	Carl Blechschmidt, Office of Program Management (301) 492-6554.

SEMIANNUAL REGULATORY FLEXIBILITY AGENDA ENTRIES—Continued

Anticipated regulatory activities	Legal basis	Brief description and summary	Approximate schedule for development or completion	Contact
Chain saws	CPSA	Efforts in 1979 and 1980 to develop a voluntary chain saw standard were deemed unsuccessful. Subsequently, the Commission decided that a mandatory standard was needed to reduce kickback and other injuries and that it should be developed by Commission staff. On May 11, 1981 the Commission published (46 FR 26262) a notice of proceeding to develop a safety standard. The Commission approved issuance of an advance notice of proposed rulemaking on Apr. 14, 1982.	April-May 1982 publication of ANPR in FEDERAL REGISTER. Comments on advance notice of proposed rulemaking will be received through June 1982.	Do.
Lawn mowers	CPSA	On May 5, 1977 (42 FR 23052) a lawn mower standard was proposed, which contained requirements for blade contact, thrown objects, fuel ignition, electrically powered mowers, and riding mowers. On Feb. 15, 1979, the Commission finalized a standard on walk behind power mowers addressing blade contact only. The Commission has decided to proposed to withdraw the portions of its May 5, 1977 proposal relating to thrown object, fuel ignition, riding mowers, and electrically powered mowers. On Nov. 5, 1981 (46 FR 54932) the Commission amended the lawn mower standard to allow manual restart after engine-kill blade stop, as directed by Congress.	Commission decision on proposed withdrawal, July 1982.	Do.
Architectural glazing standard, partial revocation.	CPSA	In the FEDERAL REGISTER of Dec. 14, 1981 (46 FR 60830) the Commission proposed a partial revocation of the Safety Standard for Architectural Glazing Materials to eliminate a modulus of elasticity test, a hardness test, and an indoor aging test, all applicable to plastic glazing materials. The Commission proposed this partial revocation of the standard after it preliminarily determined that these tests may not be reasonably necessary to reduce or eliminate any unreasonable risk of injury associated with plastic glazing materials. The staff is evaluating comments received in response to this proposal.	May-June 1982, Commission decision on issuance of partial revocation on a final basis.	Ronald Medford, Office of Program Management (301) 492-6554.
Petition CP 82-2, power mower standard.	CPSA	In correspondence dated Mar. 19, 1982, the Toro Company petitioned the Commission for a 1-year extension of the effective date of the power mower standard. If granted, the delay would have to be accomplished by rulemaking procedures.	May 7, 1982, Commission voted to deny petition.	Douglas L. Noble, Office of Program Management (301) 492-6554.
Crib amendment	FHSA	In December 1978 the Commission directed staff to prepare an amendment to the full size crib regulation after identifying neck and head entrapment hazards associated with certain cutout designs on cribs. The amendment under consideration would apply also to nonfull size cribs and would prohibit hazardous configurations by adding to the crib requirements a performance test to simulate the entrapment hazard pattern.	June 1982, Commission decision on final amendment.	Terri Rogers, Office of Program Management (301) 492-6554.
Infant strangulations	FHSA	Hazard information identified a risk of strangulation presented by some infant toy products. This project may result in a proposed regulation that will address the generic problems associated with these toys.	May 1982, Commission decision on alternatives.	Do.
Toys chests	FHSA	Hazard information shows injuries and deaths associated with toy chests. On Apr. 7, 1982, the Commission approved initiation of rulemaking proceedings to address the strangulation risk caused by falling toy chest lids by issuing an Advance Notice of Proposed Rulemaking (ANPR).	Schedule to be determined. Apr. 14, 1982, publication of ANPR in FEDERAL REGISTER. Comments to be received through June 14, 1982.	Do.
Abestos regulation	CPSA	Hazard information shows that asbestos presents a risk of cancer and respiratory disease. On Oct. 17 1979, the Commission issued an advance notice of proposed rulemaking (44 FR 60057) on asbestos in consumer products. On Mar. 4, 1982, the Commission decided to convene a Chronic Hazards Advisory Panel on Asbestos in Consumer Products.	Fall, 1982, Report of Chronic Hazard Advisory Panel. Based upon the findings of the panel, an Advance Notice of Proposed Rulemaking on selected asbestos products may be issued in Winter, 1982.	Sandra Eberle, Directorate for Health Sciences (301) 492-6957.
Physician drugs samples policy statement.	PPPA	The Commission proposed on Mar. 23, 1978 (43 FR 12029) a policy to require safety packaging on drug samples dispensed by physicians to be consistent with its policy for pharmacists which states that manufacturers are responsible for placing a drug in child resistant packaging when the package is intended to be dispensed to consumers.	April-May 1982, Commission decision on final policy statement.	Virginia White, Directorate for Health Sciences (301) 492-6957.
Prednisone tablets exemption.	PPPA	On June 5, 1981, Maynond Pharmaceutical Company petitioned the Commission to exempt certain prednisone tablets from child prednisone tablets from child resistant packaging requirements. On Mar. 10, 1982 (47 FR 10235) the Commission proposed to exempt this drug when dispensed in packages containing not more than 105 mg. of prednisone.	July 1982, Commission decision on final rule.	Virginia White, Directorate for Health Sciences (301) 492-6957.
Benzidine congener dyes ban.	CPSA	Hazard information shows that benzidine congener dyes may present a carcinogenic health hazard. Consumer exposure to the dyes occurs usually from dye products for home dyeing application or those sold as arts and crafts materials. The Commission has granted a petition to propose a ban on consumer dye product containing benzidine congener dyes.	Summer, 1982, Commission decision on whether to initiate a regulatory proceeding.	Abbie Gerber, Directorate for Health Sciences, (301) 492-6994.
Final order amending FHSA label conspicuousness requirements.	FHSA	On Dec. 13, 1978 (43 FR 58195) the Commission proposed to amend the existing general requirements at 16 CFR 1500.121. The amendment would establish specific type size and conspicuousness requirements related to the size of the package.	July 1982, Commission decision on final rule.	Wade Anderson, Directorate for Compliance and Administrative Litigation (301) 492-6400.
Proposed replacement enforcement policy statements on applicability of the children's sleepwear standards.	FFA	The Dec. 11, 1981 Fourth Circuit, U.S. Court of Appeals decision in *National Knitwear Manufacturers Association v. CPSC* (No. 81-1002), set aside the Commission's statements of policy on the applicability of the children's sleepwear standards for procedural reasons. Since these enforcement policy statements serve a useful purpose both for industry and the agency, this commission is considering replacement enforcement policy statements.	June 1982, Commission decision on proposed statements of policy.	Elizabeth Gomilla, Directorate for Compliance and Administrative Litigation (301) 492-6400.

[FR Doc. 82-14837 Filed 6-1-82; 8:45 am]

BILLING CODE 6355-01-M

federal register

Wednesday
June 2, 1982

Part III

Department of Education

National Institute of Handicapped Research Funding Priorities for Fiscal 1982 and Research and Training Center Grants

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research; Funding Priorities for Fiscal 1982

AGENCY: Department of Education.

ACTION: Final funding priorities for the National Institute of Handicapped research for fiscal year 1982.

SUMMARY: The Secretary announces final priorities for research to be supported by the National Institute of Handicapped Research (NIHR) in fiscal year 1982. NIHR program regulations authorize the Secretary to establish priorities by reserving funds to support particular research activities. Department administrative regulations require that if priorities are not already established within program regulations that they first be proposed for public comment before they are finalized and announced. Proposed priorities were published in the **Federal Register** earlier this fiscal year. These final priorities inform potential grant applicants and others of the research areas in which NIHR intends to hold grant competitions during the remainder of fiscal year 1982.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these priorities will take effect 45 days after publication in the **Federal Register.** If you want to know the effective date of these priorities, call or write the Department of Education contact person. At a later date the Secretary will publish a notice in the **Federal Register** stating the effective date of these priorities.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute of Handicapped Research, 400 Maryland Avenue, S.W., Washington D.C. 20202, Telephone: (202) 472-6651, TTY for deaf individuals (202) 472-4217.

SUPPLEMENTARY INFORMATION: A total of 17 priorities were proposed in the **Federal Register** on January 21, 1982 (47 FR 3028) for public comment. In that notice, it was made clear that the number of priorities to be funded would depend on the availability of funds at the time of the Application Notice. Since the publication of the proposed priorities, it has been determined that approximately $500,000–$600,000 will be available to fund two Research and Training Center grants.

However, the Secretary is reproposing in fiscal year 1983 all of those priorities for which there is public support but which are not being selected for funding this fiscal year. Because most of the Institute's current grants will expire in fiscal year 1982, it is anticipated that funds will be available for a substantial portion of the proposed 1983 priorities. Interested parties are urged to comment on the 1983 proposed priorities that were published in the **Federal Register** on May 19, 1982 at 47 FR 21567–21576.

The Secretary announces that the final funding priorities for fiscal year 1982 for NIHR are: (1) A Rehabilitation Research and Training Center on the unique rehabilitation needs and service delivery problems of handicapped residents of the Pacific Basin; and (2) A Rehabilitation Research and Training Center on methods to meet the unique rehabilitation needs of Native Americans taking into consideration cultural aspirations and the unique service delivery problems of this population.

The Congress has shown continuing interest in the establishment of Research and Training Centers for both the Pacific Basin and Native Americans. This interest has been demonstrated particularly by language included in committee and conference reports accompanying the Supplemental Appropriations and Rescission Act of 1981.

With respect to the Pacific Basin, the Conferees states that "NIHR shall give serious attention to addressing the pressing needs of the Pacific Basin under their Research and Training Authority." For administrative reasons, this priority could not be funded in fiscal year 1981 and thus is being addressed this year. Congressional concern stems from the high incidence of impairment in this geographic area, with a unique mix of handicapping conditions, lack of rehabilitative care, and lack of knowledge about rehabilitation of unusual conditions or delivery of rehabilitation services to a culturally and geographically dispersed population.

In providing additional funds to NIHR in fiscal year 1981, the Chairman of the Senate Labor—HHS—Education Subcommittee stated, "Serious attention should be given to addressing the needs of Native Americans with neurosensory disabilities under the Institute's Research and Training Center authority." (On the basis of comments and other input, the Secretary has decided not to limit this priority to a neurosensory focus, but to permit applicants to assess needs and design research to meet those needs.) NIHR has cofunded a feasibility study on establishing a Research and Training Center for Native Americans, and the findings have supported the establishment of a such Center, based on the high incidence and prevalence of impairments among this population and the lack of knowledge on how to provide effective rehabilitation services.

The Secretary shares Congressional concern about establishing Centers for the Pacific Basin and Native Americans. Thus, with very limited funds available, the Secretary has determined that the funding of these two initiatives is the highest priority for this fiscal year.

Summary of Comments and Responses

Summaries of the public comments received and the Secretary's response to these comments are printed below. The comments and responses appear in the same order in which the referenced priorities appeared in the Notice of Proposed Priorities.

Comment: Many commenters discussed priority one on vocational rehabilitation research and supported it. Commenters stressed the importance of research on client assessment, client-job matching, and linking services to jobs through interagency cooperation.

Response: A change has been made in this priority. This area is being proposed for more substantial funding in 1983 through the support of several Centers and projects. There are not sufficient monies to fund a project in this area in fiscal year 1982.

Comment: Several commenters addressed priority two on increasing public-private sector collaboration. Commenters supported the priority and suggested research on incentives/disincentives and transfer of research knowledge into production.

Response: A change has been made in this priority. The Secretary intends to propose funding a Rehabilitation Engineering Center in this area in fiscal year 1983, since there are insufficient resources to fund this priority area this year.

Comment: A number of comments were received on the third priority, research on measurement of function. Commenters emphasized development and implementation of new assessment tools.

Response: Some changes have been made in this priority. Because of the importance of this research area, the Secretary will propose establishing a Rehabilitation Engineering Center in this area in 1983. There are insufficient funds to fund research in this area this year.

Comment: Several commenters discussed priority four, research on private sector rehabilitation activities. There was both support for and objection to this priority. Supporters suggested that successful elements of private sector rehabilitation could be incorporated into public programs. Opponents believe public funds should

not be used for inquiry outside the public system.

Response: No change has been made in this priority. The Secretary believes that particularly in an era of reduced resources, it is essential to learn of exemplary private sector practices. There are insufficient funds to announce this priority in fiscal year 1982, but it will be reproposed in 1983.

Comment: Many commenters supported priority five on the vocational rehabilitation needs of learning disabled individuals. Many also commented on the need for research in additional areas not specified in the Notice.

Response: A change has been made. Because of the high volume of support and information provided by commenters, the Secretary has expanded the scope of this priority for fiscal year 1983 and intends to fund both a Research and Training Center and a Research and Demonstration Project in this area. There are insufficient funds to announce this priority for 1982.

Comment: A few comments were received supporting priority number six, research on arthritis, mostly from service providers and public service organizations. One commenter noted that rural manual laborers with arthritis are a particularly underserved group.

Response: A change has been made in this priority. The Secretary is proposing a Research and Training Center in this area for fiscal year 1983. No special emphasis will be placed by NIHR on rural laborers, although prospective grantees may decide to include this target population in their research. The commenter mentioned above cited service needs of this group, but did not present evidence that research was needed in this area. There are not sufficient funds to announce this priority this year.

Comment: Several commenters discussed priority seven on orthopedic footwear. One suggested that it be combined with research on orthoses and prostheses.

Response: A change has been made in this priority. The Secretary will propose in fiscal year 1983 that research on orthopedic footwear be conducted in a Rehabilitation Engineering Center along with research on prostheses, orthoses, and functional electrical stimulation. There are not sufficient funds to announce this priority in 1983.

Comment: There were a number of comments supporting priority eight, research on communication aids for persons unable to speak.

Response: A change has been made in this priority. The Secretary is proposing that a Rehabilitation Engineering Center in this area be a priority in 1983. There are insufficient funds to undertake a project in this area this year.

Comment: Several commenters supported number nine, a system for dissemination of exemplary research findings as a priority, although many stated that they gave it a relatively low priority. Comments suggested that components of such a system are already operational and that what is needed is a more cohesive organizational network.

Response: No change has been made in this priority. There are not sufficient funds to announce a priority in this area this year.

Comment: Several commenters mentioned the tenth priority, on research on rural outreach. Many of these were from organizations which provide various services in rural areas. Commenters stressed personal assistance, mobility, medical care and communication to be among the principal unmet needs of this population.

Response: No change has been made in this priority. This priority will be proposed again for fiscal year 1983 since there are insufficient funds to announce a priority in this area this year.

Comment: Many commenters supported priority 11, research to aid burn-injured individuals. Most of the comments were identical letters from families and friends of burn-injured persons, and stressed the seriousness of the problem, implying the need for expanded services as much as research. One commenter, a burn care center, suggested areas of research such as studies of recovery in children and adults and longitudinal studies of the adjustment process.

Response: A change has been made in this priority. The Secretary will propose this priority for 1983, incorporating some of the comments made. There are insufficient funds to announce a priority in this area this year.

Comment: There was a large number of comments on priority 12, severe head trauma. The overwhelming majority of the comments were from individuals, usually relatives and friends of persons with severe head injuries. These letters, often duplicate, stressed the seriousness of the impairment and the need for treatment. Many stressed the need for long-term care, and support for families of head trauma victims.

Response: A change has been made in this priority. Because of its significance, the Secretary will propose that additional resources be devoted to research in this area and will propose a funding priority for a Research and Training Center in 1983. The Secretary also notes the difference between the need for care and the need for research and notes that NIHR must concentrate on researchable issues. There are insufficient funds to announce a priority in this area this year.

Comment: There were very few comments on number 13, development of portable communication devices for deaf-blind persons. Support appeared to come from specialists involved in communication disorders.

Response: A change has been made in this priority. This priority will not appear as a separate priority in fiscal year 1983, although such devices could be developed within some of the proposed Rehabilitation Engineering Centers, along with other projects.

Comment: A few commenters supported number 14, research on maintenance of gains in the deinstitutionalization process.

Response: A change has been made in this priority. The Secretary proposed that research in this area be incorporated into a proposed Research and Training Center for fiscal year 1983 on community services for mentally retarded persons. A strong emphasis was placed on this area by the National Council on the Handicapped and by representatives of the Administration on Developmental Disabilities.

Comment: Several commenters discussed priority 15, a Research and Training Center to investigate the rehabilitation needs of the Pacific Basin. There was a little opposition to this priority on the grounds that geographic area should not be a factor.

Response: No change has been made in this priority. The Secretary notes the specific requirement in section 204(b)(1) of the Act that Research and Training Centers address problems based on needs in their specific geographic areas. The Secretary also notes that the Federal Government has special responsibility for residents of this area under current treaty obligations. Congressional guidance on fiscal year 1982 appropriations requested that the Institute give serious attention to the many pressing needs of residents of the Pacific Basin under the legislative authority establishing Research and Training Centers. The Secretary has selected this priority for funding in fiscal year 1982.

Comment: A number of commenters supported number 16, research on rehabilitation needs of Native Americans, as a priority. They noted the high incidence of handicapping conditions and serious needs for improved rehabilitation service delivery to Native Americans. Some commenters suggested that the focus of the research

be limited to a specific type of handicap, such as neurosensory or renal impairment. There were also several commenters who questioned the desirability of focusing research on a specific population or ethnic group.

Response: No change has been made in this priority. The Secretary concurs with the comments that emphasis must be placed on this population group in order to address the unique cultural and geographic barriers to services. Native Americans have a higher than average incidence of impairments, including such disabling conditions as neurosensory impairments, end-stage renal disease, diabetes, and many orthopedic conditions. NIHR has supported feasibility and planning studies in this area in anticipation of funding a Research and Training Center. Congressional guidance included in deliberations on appropriations, indicates an intention that NIHR move to address these problems through support of a research center in this area. The Secretary has decided not to limit this priority to specific types of handicaps because of the large number of rehabilitation needs of this population. The Secretary has selected this priority for funding in fiscal year 1982.

Comment: A number of commenters supported priority 17 for research on the rehabilitation needs of minority populations. A few questioned this priority on the grounds that improved rehabilitation services generally would have a universal impact and therefore there should not be any focus on special populations. One commenter suggested that youth be added as a minority and another suggested the inclusion of women.

Response: No change has been made in this priority. The Secretary concurs with the recommendations of the National Council on the Handicapped and with the comments that ethnic minority groups experience both high rates of disability and low utilization of rehabilitation services. Both aspects need further investigation. Youth is not added as a minority category at this time because the Secretary is proposing a Research and Training Center devoted to research on children and youth and one devoted to learning disabilities which focuses on this age group. The Secretary has not stressed women as a specific minority in this priority at this time, since women were not mentioned as a separate target group in the NIHR Long Range Plan from which the priorities are drawn. However, minority women are a prime target population for this priority. This priority will be proposed again in fiscal year 1983 since there are insufficient funds to announce it as a priority this year.

(Catalog of Federal Domestic Assistance No. 84.133—National Institute of Handicapped Research)

Dated: May 26, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-14877 Filed 6-1-82; 8:45 am]

BILLING CODE 4000-01-M

National Institute of Handicapped Research—Research and Training Center Grants

AGENCY: Department of Education.

ACTION: Application notice for fiscal year 1982.

Applications are invited for new Research and Training Center Grants for Fiscal Year 1982.

Authority for this program is contained in section 204(b)(1) of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602. (29 U.S.C. 762(b)(1)).

Closing Date for Transmittal of Applications

Applications for grant awards must be mailed or hand delivered by 23 July 1982.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.133, Washington, D.C. 20202.

An applicant must show proof of mailing, consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered. Amendments received after the closing date also will not be considered in the review of the application.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

Awards are made under this program to States and public or private agencies and organizations including institutions of higher education. The purpose of this program is the establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of (A) providing training (including graduate training), (B) providing coordinated and advanced programs of research in rehabilitation, and (C) providing training (including graduate training) for rehabilitation research and other rehabilitation personnel.

Available Funds:

Utilizing the remainder of Fiscal Year 1982 funds the National Institute of Handicapped Research expects to have approximately $500,000–$600,000 available for funding the following: (1) a Rehabilitation Research and Training Center on the unique rehabilitation needs and service delivery problems of handicapped residents of the Pacific Basin; and (2) a Rehailitation Research and Training Center on methods to meet the unique rehabilitation needs of Native Americans, taking into consideration cultural aspirations and the unique service delivery problems of this population. One grant will be awarded in each area under this announcement. Average funding for each center ranges from $250,000 to $300,000. Each will be funded up to a maximum of 60 months.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless the amount is otherwise specified by statute or regulations.

Application Forms

Application forms and further information may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building, Room 3511, 400 Maryland Avenue, SW., Washington, D.C. 20202. (Attention: Peer Review Unit). Telephone: (202) 245-0565.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. Applicants are urged not to submit information that is not requested.

Applicable Regulations

The following regulations are applicable to this program:

(a) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78);

(b) National Institute of Handicapped Research Regulations (34 CFR Parts 350 and 352); and

(c) The Final Funding Priorities for the National Institute of Handicapped Research for Fiscal Year 1982 which are published in this issue of the **Federal Register.**

Applicants for Fiscal Year 1982 grants should base their applications on Section 204(b)(1) of the Act, applicable NIHR regulations, and EDGAR.

FOR FURTHER INFORMATION CONTACT: Ms. Edythe Glazer, National Institute of Handicapped Research, U.S. Department of Educatin, Switzer Office Building, Room 3511, 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: (202) 245-0565; TTY for Deaf Individuals (202) 472-4216.

(29 U.S.C. 760-762)

(Catalog of Federal Domestic Assistance No. 84.113, National Institute of Handicapped Research)

Dated: May 26, 1982.

Darld J. Long,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 82-14878 Filed 6-1-82; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
June 2, 1982

Part IV

Nuclear Regulatory Commission

Notice of Request for Comments on Proposed Legislation; Nuclear Standardization Act of 1982

NUCLEAR REGULATORY COMMISSION

Notice of Request for Comments on Proposed Legislation; Nuclear Standardization Act of 1982

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of request for comments on proposed legislation; Nuclear Standardization Act of 1982.

SUMMARY: The Nuclear Regulatory Commission proposes to submit the "Nuclear Standardization Act of 1982" to Congress for legislative consideration. The proposal provides for design approval and stability of design for standardized nuclear power plants, one-step licensing, and early site approval. The proposed legislation is being issued to inform the public and to provide an opportunity for public comment. The Commission expects that further revisions may be needed and is, accordingly, requesting comments on the proposed "Nuclear Standardization Act of 1982."

Commissioners Ahearne, Gilinsky and Roberts have filed separate comments on the proposed legislation. Those comments are incorporated as a part of this notice for public information and comment. Differing opinions of members of the Regulatory Reform Task Force are also included, and public comment is invited on these opinions as well. Public comments on these separate views will be considered by the Commission.

The Regulatory Reform Task Force is also considering presentation of further legislative proposals for Commission approval. Such proposals may include but are not necessarily limited to: (1) Amendment of § 189 a. of the Atomic Energy Act of 1954, as amended, to clarify the scope of the Commission's discretion in selecting hearing formats; (2) elimination of mandatory requirement for construction permit hearings; (3) a stability of design amendment to apply to all nuclear power plants; and (4) amendment of § 201(a)(1) of the Energy Reorganization Act of 1974, 42 U.S.C. 5841(a)(1) to eliminate the "present" requirement in the quorum rule. A brief description of these further legislative proposals follows.

Four alternatives for amending 189 a. are currently being considered. The first alternative would incorporate the Shelly amendment and add a new subsection 189 c. to provide for a hybrid hearing process.

The second alternative is the same as the first except it would delete the mandatory requirement for construction permit hearings and require 30 days notice prior to granting applications for construction or operation of nuclear power plants or testing facilities.

Alternative three is the same as two except it would give the Commission broad discretion in selection of a hearing format. Alternative four would be a variation on three with the primary thrust being to give the Commission maximum discretion in selecting the type of hearing to be held.

The stability of design proposal would read essentially the same as § 196 of the "Nuclear Standardization Act of 1982" except it would apply to all nuclear plants rather than to just standardized nuclear plants.

The proposed change in section 201(a)(1) of the Energy Reorganization Act of 1974 would permit the Commissioners to waive the requirement that a quorum be "present" in order to vote. This amendment would permit the Commission to take decisional action in writing without the necessity of holding a formal meeting where Commissioners would be physically present.

Public comment is also invited on these legislative proposals. It is conceivable that other proposals will be suggested through public comment. The Commission will consider such proposals in making its ultimate determination on the content of the legislative package to be sent to Congress.

DATE: Comments are due on or before July 16, 1982.

ADDRESSES: All interested persons who desire to submit written comments or suggestions for consideration in connection with this proposed legislation should send them to: Chairman, Regulatory Reform Task Force, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of public comments on this proposed legislation may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: The Regulatory Reform Task Force, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Telephone: 202-634-3258.

Dated at Washington, D.C., this 27th day of May 1982.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Background and Section by Section Analysis

I. Background

A. The Present Licensing Process

The Atomic Energy Act of 1954 in its present form provides for a two-stage facility licensing process. First, a construction permit must be obtained from the Commission authorizing construction of the proposed facility at the site where it will be operated. This stage of review has focused on the preliminary design of the facility and the suitability of the proposed site. A public hearing must be held by the Commission prior to the issuance of any construction permit for a facility for industrial or commercial purposes, such as a nuclear power plant, or for a testing facility.

The second stage of the process concerns operating licenses. No person may operate a facility without first obtaining an operating license from the Commission. This second stage of review is focused on the final design of the facility, and a public hearing must be held before issuance of an operating license if one is requested by any person whose interest may be affected. The Commission is also authorized by the Act to issue a license to manufacture one or more facilities. Thus, in some situations the first step in the facility licensing process may be issuance of a license to manufacture, followed by issuance of a construction permit and operating license authorizing installation and operation of the facility on-site. It may be noted that no manufacturing licenses have been issued although provisions for issuance of such licenses is made in the Commission's regulations and a proceeding is in progress.

In addition, the Advisory Committee on Reactor Safeguards, a statutory committee of independent experts on nuclear facility safety, is required by the Act to review each application for a construction permit or an operating license for a nuclear facility for industrial or commercial purposes, such as a nuclear power plant, or for a testing facility, and submit a public report to the Commission.

The overall lead-time involved for this two-stage licensing process covers approximately a 12 year period consisting of three basic phases:

1. Utility Planning Phase,

2. Construction Permit Review and Hearing Phase, and

3. Construction and Preoperational Testing Phase.

The utility planning phase begins at the time the utility decides to add power to its system and continues until an application consisting of a Preliminary Safety Analysis Report (PSAR) and an Environmental Report (ER) is submitted to the NRC by the applicant and docketed for review. The construction permit review and hearing phase begins at the docketing of the application and continues until a decision is made regarding the issuance of a construction permit. This phase consists of a plant safety review, a safeguards review, an environmental review, an antitrust review by the NRC staff and public hearings on the construction permit application.

Normally, the applicant's Preliminary Safety Analysis Report and Environmental Report are tendered at about the same time and proceed on parallel review paths, beginning with a review for completeness. If the application is reasonably complete, it is docketed. The docketing of an application launches the safety review by the Commission's technical branches, issuance of the NRC staff's Safety Evaluation Report, consideration by the Advisory Committee on Reactor Safeguards (ACRS), and issuance of supplemental Safety Evaluation Reports by the NRC staff, as required, to address any issues raised by the ACRS or any other appropriate issues. In addition, an environmental review is conducted by NRC technical specialist branches and by special teams from national laboratories, and draft and final environmental statements are published and widely distributed to municipal, State, and Federal agencies, and the general public.

Following the conclusion of the safety and environmental reviews and issuance of appropriate supplements to the Safety Evaluation Report and the Final Environmental Statement, a public hearing takes place. Under the Atomic Energy Act, hearings are mandatory for all power reactor construction permit applications. At the conclusion of these hearings a decision is made whether or not to issue the construction permit.

A Limited Work Authorization (LWA) may be granted by the Director of Nuclear Reactor Regulation for limited construction work to be carried out prior to a decision on the construction permit. Two types of LWA's are granted. One type authorizes site preparation work, installation of temporary construction support facilities, excavation, construction of service facilities and certain other construction not subject to quality assurance requirements. The second type of LWA authorizes the installation of structural foundations.

An LWA may be granted only after the licensing board has made all of the required NEPA findings and has determined that there is reasonable assurance that the proposed site is a suitable location for a nuclear power reactor from a radiological health and safety standpoint. The second type of LWA may be granted if, in addition to the findings described above, the board determines that there are no unresolved safety issues relating to the work to be authorized.

The antitrust review and hearing process proceeds in a parallel path with the safety and environmental reviews and the hearing process, except that a hearing on antitrust matters is required only: (1) When requested by the Attorney General; (2) when any person whose interest may be affected files a timely petition requesting a hearing; or (3) when the Commission determines on its own initiative that a hearing should be held.

The construction phase continues until the plant is built, preoperationally tested, and is ready for fuel loading. While the plant is being constructed, typically when construction is about 50% completed, the applicant submits a Final Safety Analysis Report and an Environmental Report-OL Stage. Then, the NRC staff prepares its Safety Evaluation Report and updates its prior environmental review and analysis. Public hearings on the operating license are offered. If hearings are conducted, findings are made by a licensing board subject to Commission review. If no hearing is requested, findings are made by the Director of Nuclear Reactor Regulation, also subject to Commission review. If a favorable decision is ultimately rendered, the operating license is issued.

B. One-step vs. Two-step Licensing

The two-step licensing process was a prudent course to follow when the nuclear power industry process was in its early conceptual and developmental years. In the early years there were many first-time nuclear plant applicants, designers and constructors and many unproven design concepts. The concern about the ability of a new industry to meet construction permit stage commitments for the final design was justified, as was the reevaluation for this purpose at the operating license stage.

The situation, however, has been altered substantially in the intervening 28 years since the enactment of the Atomic Energy Act of 1954. Final designs for most plants could be described at the construction permit stage. Even though preliminary designs may be proposed for valid reasons, experience obtained in designing and licensing nuclear plants provides a sound basis for moving from the existing two-step licensing process to a one-step process.

Experience has demonstrated that the two-step process exacerbates construction scheduling problems because design of the plant, regulatory design review and the hearing process occur during construction. The one-step process would place design, design review and hearing before construction begins thereby making construction scheduling more certain. Experience also suggests that the two-step process has a negative effect on the creditability of the process, i.e., the granting of a construction permit has been interpreted by some as being so conclusive as to render the issuance of an operating license pro forma. Under a one-step process construction and operation will be considered concomitantly.

Moreover, the two-step licensing process was put in place years before the enactment of environmental laws such as NEPA. The objectives of these laws could be better served by a one-step licensing process which encourages earlier identification and resolution of licensing issues, particularly regarding the siting of a nuclear power plant. Such a process would also accommodate participation by states on matters in which they have both an interest and responsibility.

The problems created by the two-step licensing process can best be resolved by a one-step process. The concept of a combined CP–OL reflects the fact that in a more mature technology, applicants for a license to construct and operate a commercial nuclear power plant should be able to submit the final design information at the outset. This would significantly change the principal purpose to be served by the NRC review prior to the commencement of operation. The rationale is that if the Commission can make a one-step determination on site suitability and the final design of a plant early in the licensing process, it should do so and should not be required to perform the same exercise a second time.

Early site reviews, standardized plant approvals, stability of plant design and one-step licensing go to the very heart of the proposed legislation.

II. Section-by-Section Analysis

Section 101. Construction Permits and Operating Licenses

This amends section 185 by deleting language providing that a construction permit must specify the earliest and latest dates for completion and that failure to complete a facility by the stated date shall result in forfeiture of the permit, absent good cause shown. This section also adds two new subsections to section 185.

Subsection a. of section 185 authorizes the NRC to grant a construction permit for a production or utilization facility and, upon additional findings and absent any good cause shown to the Commission to the contrary, to grant an operating license. This subsection is also amended by deleting the requirement for specification of the earliest and latest completion dates for construction permits. This provision is not useful and tends to produce unnecessary paperwork and expenditure of resources. Presumably, the intent of such a provision is to see that construction is diligently pursued once a construction permit is granted. In fact, the large investment required to construct nuclear plants is a more substantial driving force in that same direction. By eliminating the requirement, the impetus for diligence in construction is not lost and the need to process applications for extensions of time, along with all the attendant administrative problems, is obviated.

A new subsection b. of section 185 authorizes the Commission to rely upon certification of need for power made by the Federal Energy Regulatory Commission. The importance of subsection b. is that it eliminates the necessity of the Commission to duplicate need for power studies wherever need for power is a determining factor in reaching a licensing decision.

Subsection c. of section 185 permits issuance of a combined construction permit and operating license for a standardized nuclear power plant. This, in effect is one-step licensing for standardized nuclear power plant designs. A combined construction permit and operating license could be issued only if the application contains sufficient information to support the issuance of both the construction permit and operating license. Inshort, the application must include an essentially complete final design for a whole nuclear power plant usable at multiple sites.

Subsection c., like subsections 193d.(1) and 194d.(1), provides an opportunity for public hearing. In all three instances the hearing provision was inserted to assure flexibility of the hearing process for standardized plants. Section 189a. has various interpretations. Some suggest that it requires very formal adjudicatory procedures while others urge that nothing in section 189a. precludes a more flexibile approach to establishing hearing procedures. In order to avoid unfavorable consequences which could result by reason of the uncertain meaning of section 189a., independent opportunities for hearing are spelled out in sections 185, 193 and 194. This is done with a view toward establishing hearing procedures which are flexible enough to optomize the balance among public participation, accuracy of decisionmaking and efficiency of process. Unencumbered by the confusion surrounding the interpretation of section 189a., the Commission is free to establish rules and regulations on hearings for standardized plants considering only the applicability of the Administrative Procedure Act and established case law. In this circumstance, the Commission has a range of options to adopt rules which could establish a hearing process as simple as requiring only written submission of the entire case or as complex as the formalzied hearing process now used by the Commission pursuant to section 189a. By separately providing the opportunity for hearing under sections 185, 193 and 194, use of the formal procedures currently employed by the Commission under 189a. is not required, but, on the other hand, is not precluded. Thus, under this proposal, the advantage of flexibility is gained and the potential for use of procedures pursuant to 189a. are not lost. This type of flexibility is necessary to assure that procedures can be developed commensurate with the evolution of standardization.

The new subsection c. also provides that after issuance of a combined construction permit and operating license for a standardized nuclear power plant, the Commission shall assure through inspections and tests that construction and operation are conducted in conformity with the combined construction permit and operating license. The principal purpose of this provision is to guarantee that the conceptual design submitted is the one that is actually put in place for operation. It is anticipated that the NRC will conduct its inspections and test during both construction and preoperational testing. Additionally, prior to full power ascension, pursuant to appropriate rules and regulations, the utility would certify to the Commission that the plant had been constructed and would operate in conformity with the combined construction permit and operating license.

Section 102. Early Site Approval

This is a new section 193 which authorizes the approval of one or more sites for nuclear power generation facilities prior to the filing of any application to construct or operate such facility or facilities. The purpose of this authorization is to permit the resolution of site-specific questions at an early stage in the licensing process. This would serve to focus public participation on a crucial aspect of the overall facility planning and construction process at an early point in time when public participation can be most effective. This provision is an integral part of the effort to promote the early, effective and efficient resolution of issues in the licensing process.

Subsection a. of section 193 provides that an applicaton for early site approval may be filed by any Federal, State, regional or local governmental agency, or a utility, and the NRC is authorized to issue a site permit even though no application for a construction permit or a combined construction permit and operating license has been filed. This provision permits an early and specific focus on the suitability of a site for nuclear power plant construction without requiring the devlopment of custom design.

Subsection b. of section 193 provides for the waiving of fees for an application for a site permit, an amendment, or a renewal of a site permit under section 193 and provides that the Commission is authorized to allocate the costs among applicants which later propose to use the approved site. The early development of sites is essential to the overall standardization program and can materially enhance the use of time and resources of the Commission.

Subsection c. of section 193 provides that each application under subsection a. shall contain such information as is required by the Commission in its rules and regulations to determine the suitability of the site for its intended use. It is currently envisioned that the application would set forth an envelope of plant parameters including: (1) The number, type or types and thermal power level of the facilities with respect to which the application for site approval is made; (2) the boundaries of the site; (3) the proposed general location of each facility on the site; (4) the proposed maximum levels of radiological and thermal effluents that each such facility will produce; (5) the

type or types of cooling systems, intake and outflow, that may be employed by each facility; (6) the seismic, meteorological, hydrologic, and geologic characteristics of the proposed site as well as population density of the surrounding area; and (7) such other information as the Commission may by rule or regulation require. By describing the site in such a way, the Commission could determine the site suitability for one or several generic designs that may be developed prusuant to section 194, the provision for standardized plant designs.

Subsection d.(1) of section 193 authorizes the Commission to approve an application and issue a site permit with appropriate conditions if, after considering all the information in the application and providing an opportunity for a public hearing, the NRC finds that the proposed site is suitable for the construction and operation of the type of facility described in the application consistent with the public health and safety. The opportunity for hearing and the hearing, if held, would be in accordance with the rules and regulations of the Commission,the appropriate provisions of the Administrative Procedure Act and applicable case law.

Subsection d.(2) of section 193 provides that any final determination of the Commission on an application filed under this section shall be a final order of the Commission for the purposes of judicial review. This provision specifies the point of time in the administrative process when review by the courts is appropriate.

Subsection e.(1) of section 193 provides that a site permit shall be valid for a facility to be constructed on the site if an application has been filed within a period of ten years from the date of issuance of the site permit. The effect of this provision is that the rights accruing under a site permit are effectively exercised upon the filing of either a construction permit or a combined CP/OL application. In such a case, a request for renewal would be unnecessary to continue the effectiveness of the site permit.

Subsection e.(2)(A) of section 193 authorizes the Commission to renew a site permit for not less than five or more than ten years from the date of renewal. Renewal would be based only upon the application of a permit holder. The minimum period of five years is set to assure that the resources used to review a renewal request are directed toward meaningful results. For example, allowing repeated renewals for only six months or a year could cumulatively tax the resources of the agency and industry alike. Moreover, it is contemplated that information necessary to form a sound basis for the decision to renew for periods of five to ten years will be readily available and well within the state-of-the-art.

Subsection e.(2)(B) of section 193 sets out the criteria the Commission shall apply in deciding whether to renew a site permit. In the absence of significant new information relevant to the site, and in the absence of a showing that the site will not comply with this Act or NRC regulations, it is mandatory that the Commission renew the site permit.

Subsection f. of section 193 assures that a site aproved under this section may be used for any other purpose.

Subsection g. of section 193 provides for a request to the Commission for a determination with respect to limited aspects of the suitability of a site for its intended purpose. This provision assures that the Act will not be construed as eliminating the effect of current Commission rules and regulations concerning limited site suitability, 10 CFR 2.600 *et seq.*

Section 103. Approval of Standardized Facility Designs

This is a new section 194, which provides for approval of standardized nuclear power plant designs. As with early site approvals, this section is intended to facilitate early resolution of design related issues with full opportunity for participation by interested persons. Although the NRC currently has procedures for approving standardized designs, this section gives explicit statutory support to the standardization concept and establishes requirements for NRC approval of standardized facility design. This section will encourage the development and use of standardized designs, will enhance safety, and will contribute to a better utilization of time and resources. A key incentive is the provision allowing the NRC initial waiver of application and issuance fees and allocation of those fees to users.

Because of the dynamic state of the technology and the variety of circumstances in which the standardization concept may be applied, a technical definition and explication of standardization in the Bill would be inappropriate. The flexibility to deal with this problem could be better accommodated in the Commission's rules and regulations. For the purposes of this section and this Bill, however, it is generally contemplated that a standardized design will be an essentially complete final design for a whole nuclear power plant usable at multiple sites. The final design should be described in such a way as to provide a reciprocal envelope of parameters for sites selected pursuant to section 193 to assure that the plant could be constructed on a site of given general characteristics. Typically, a final design should be described in such a manner that it could be used at most sites with a minimum of adaptions because of specific site characteristics. The Commission contemplates and encourages development and use of whole plant standardized designs as an effective means of improving both efficiency and the public health and safety.

The application requirements for approval of a standardized design will be set out in the Commission's rules and regulations. If, after NRC review of the information in the application, and after providing the opportunity for a public hearing, the Commission determines that the design is suitable for construction and operation, it will issue an approval and the design may be banked for future use. Regarding the combination of a pre-approved standardized design with a pre-approved site, it is contemplated that there may be a hearing if there are outstanding issues, i.e., issues raised by the matching of the site with the design or by significant new information which has come to light since either the site or design hearings. However, issues would not trigger new opportunities for hearing at the time the site and design are matched unless it could be demonstrated that, through the exercise of diligence, the basis for such issues was not and could not have been known at the time when site hearings or design hearings were appropriate.

Subsection a. of section 194 authorizes the NRC to approve standardized designs even though no application for a construction permit or combined construction permit and operating license has been filed by an applicant. This provision permits design applications and approvals to be made before initiation of construction of a nuclear plant. It is a key feature in removing design review and approval from the construction schedule phase.

Subsection b. of section 194 provides that notwithstanding section 161w. of the AEA or the Independent Officers Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for approval or for an amendment or renewal of an approval of a complete standardized facility. The NRC is authorized to allocate the costs ordinarily defrayed by fees collected among future applicants for permits or

licenses which propose to use the approved standardized design. This provision is added as an incentive to vendors and architect-engineer firms to develop and seek approval for standardized designs. However, if fees cannot be defrayed because a design is not used during the initial ten year approval, the applicant must pay the full amount plus accrued interest.

Subsection c. of section 194 provides that applications for standardized design approval shall be in writing and shall contain information necessary to enable the Commission to determine the suitability of the design for its intended purpose. The information should constitute an essentially complete final design for a whole nuclear power plant useable at multiple sites.

Subsection d.(1) of section 194 authorizes the Commission to approve an application and issue a standardized design approval with appropriate conditions if, after considering all the information in the application and providing an opportunity for a public hearing, the NRC finds that the design is suitable for the construction and operation of the type of facility described in the application consistent with the public health and safety. The opportunity for hearing and the hearing, if held, would be in accordance with the rules and regulations of the Commission, the appropriate provisions of the Administrative Procedure Act and applicable case law.

Subsection d.(2) of section 194 provides that any final determination of the Commission on an application filed under this section shall be a final order of the Commission for the purposes of judicial review. This provision specifies the point of time in the administrative process when review by the courts is appropriate.

Subsection e.(1) of section 194 provides that a design approval shall be valid for a facility to be constructed on the site if an application has been filed within a period of ten years from the date of issuance of the design approval. The effect of this provision is that the rights accruing under a design approval are effectively exercised upon the filing of either a construction permit or a combined CP/OL application. In such a case, a request for renewal would be unnecessary to continue the effectiveness of the design approval.

Subsection e.(2)(A) of section 194 authorizes the Commission to renew a design approval for not less than five or more than ten years from the date of renewal. Renewal would be based upon the application of a permit holder. The minimum period of five years is set to assure that the resources used to review renewal requests are directed toward meaningful results. For example, allowing renewals for only six months or a year could cumulatively tax the resources of the agency and industry alike. Moreover, it is contemplated that information necesssary to form a sound basis for the decision to renew for periods of five to ten years will be readily available and well within the state-of-the-art.

Subsection e.(2)(B) of section 194 sets out the criteria the Commission shall apply in deciding whether to renew a design approval. Renewal shall be granted unless it can be demonstrated that the design will not comply with the Atomic Energy Act or the Commission's applicable regulations in existence at the time that renewal is requested or that without a change to the design the overall risk of plant operation to the public health and safety, or common defense and security, will be substantially greater than that estimated to exist at the time of the initial issuance of the approval for which renewal is applied and the design change is necessary to bring the plant within acceptable levels of risk. This provision allows for updating designs at the time a request for renewal of an approval is made.

Section 104. Stability of Standardized Plant Design

Section 196 establishes a standard for providing stability of standardized plant designs once those designs have been approved. The standards set forth in section 196 are essentially the same as the standards set forth for renewals under section 194 except that the application of the standard is to plants which have already been approved and are not being considered for renewal, or are under construction or in operation. Section 196 also permits the licensee to make voluntary design changes subject to appropriate Commission review for the purpose of improving plant safety or operations. This provision would allow changes to be made as appropriate and necessary to conform with emerging codes and technological improvements. The key element of this section is the emphasis on overall risk of plant operation as the standard for safety.

This section provides protection from unnecessary piecemeal changes for standardized designs giving finality to design approvals and, therefore, greater certainty in the stability of the review process. This section should serve as an incentive for the development and use of standardized designs.

BILLING CODE 7590-01-M

DRAFT BILL

To amend the Atomic Energy Act of 1954, as amended, to improve the nuclear siting and licensing process, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Standardization Act of 1982."

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FINDINGS AND PURPOSES

SEC. 2. (a) The Congress, recognizing that a clear and coordinated energy policy consistent with public health and safety must include an effective and efficient licensing process for siting, construction, and operation of nuclear power reactors which meet applicable criteria, finds and declares that:

(1) standardization of nuclear power plant designs can enhance the public health and safety;

(2) the licensing and construction of nuclear power plants should be facilitated by the use of previously approved standardized plant designs which reduce the need for individual plant licensing reviews;

(3) the national interest requires improved planning for future energy supply and demand;

(4) interstate commerce is substantially affected by the siting, construction, and operation of nuclear power reactors;

(5) the national interest requires an opportunity for public participation in siting and licensing of nuclear power reactors;

(6) it is efficient and in the public interest for the Nuclear Regulatory Commission to rely upon determinations respecting the need for new electric generating facilities made by competent Federal, State or regional authorities;

(7) it is in the national interest that planning for energy facility siting and need for power determinations be made consistent with national and regional energy needs;

(8) the licensing process should produce greater stability in licensing standards and criteria for standardized plants;

(9) licensing decisions should be rendered in a timely manner in order to assure an adequate and reliable source of electricity consistent with public health and safety;

(10) it is appropriate and in the public interest for the Commission to consider the economic consequences of its regulatory practices;

(11) licensing decisions should be made final at the earliest feasible phase of the licensing process and should not be subject to duplicative adjudication in the absence of a showing that without a change to the design, the overall risk of plant operation to the public health and safety, or the common defense and security will be substantially greater than that estimated to exist at the time of the initial issuance of the design approval and the design change is necessary to bring the plant within acceptable levels of risk;

(12) procedures should be adopted to permit site selection and approval at the earliest practicable time in advance of a commitment to a specific facility design and in advance of an application for a construction permit;

(13) the Nuclear Regulatory Commission should continue to exercise its independent statutory responsibilities to protect the public health and safety and the common defense and security, taking into account that perfect safety is an unattainable goal for any energy source and that the cost of safety requirements should

be given consideration consistent with the public health and safety.

(b) The purposes of this Act are:

(1) to improve the effectiveness and efficiency of the nuclear power reactor licensing process, through encouraging the use of standardization of designs for nuclear power plants, consistent with sound public health and safety principles;

(2) to provide for early site selection and approval;

(3) to improve the stability of licensing standards and criteria for standardized plants; and

(4) to improve the quality of public participation in the nuclear power plant licensing process.

TITLE I - PLANNING, SITING, AND LICENSING

CONSTRUCTION PERMITS AND OPERATING LICENSES

SEC. 101. Section 185 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 185. CONSTRUCTION PERMITS AND OPERATING LICENSES. --

"a. All applicants for licenses to construct or modify production or utilization facilities shall, if the application is otherwise acceptable to the Commission, be initially granted a construction permit. Upon the completion of the construction or modification of the facility, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of this Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of an operating license would not be in accordance with the provisions of this Act, the Commission shall thereupon issue an operating license to the applicant. For all other purposes of this Act, a construction permit is deemed to be a 'license'.

"b. In making a determination on the issuance of any permit or license, the Commission is authorized to rely upon the certification of need for power made by the Federal Energy Regulatory Commission or its successor. If the Commission declares its reliance upon such certification, it shall constitute a definitive determination of need for the

power to be provided by the facility for the purposes of any other provision of Federal law administered by the Commission.

"c. Notwithstanding any other provision of this section, the Commission shall issue to the applicant a combined construction permit and operating license for a standardized nuclear power plant after providing an opportunity for public hearing, if the application contains sufficient information to support the issuance of both a construction permit and operating license in accordance with the rules and regulations of the Commission and to enable the Commission to make the determinations relating to the common defense and security and the public health and safety required by sections 103 and 182. After issuance of a combined construction permit and operating license for a standardized nuclear power plant, the Commission shall assure through inspections and tests that construction and operation is conducted in conformity with the application and the combined construction permit and operating license consistent with the rules and regulations of the Commission. Prior to the commencement of operation, the Commission shall find that the facility has been constructed and will operate in conformity with the combined construction permit and operating license, the provisions of this Act, and the rules and regulations of the Commission".

EARLY SITE APPROVAL

SEC. 102. The Atomic Energy Act of 1954, as amended, is amended by adding a new section 193 to read as follows:

"SEC. 193. EARLY SITE APPROVAL. --

"a. The Commission is authorized to issue a site permit approving use of a site or sites for one or more utilization or production facilities upon the application of any Federal, regional, State or local governmental agency, or a utility, notwithstanding the fact that no application for a construction permit or a combined construction permit and operating license for such facility or facilities has been filed. For all other purposes of this Act, a site permit is a 'license'.

"b. Notwithstanding section 161 w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for a site permit, an amendment, or a renewal of a site permit under this section.
The Commission is authorized to allocate the costs that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses which propose to use the approved site. If no application for construction of a nuclear power plant is filed within the initial ten year approval period, the fee shall become immediately due and payable by the applicant for the site permit.

"c. Each application under subsection a. shall be in writing and shall contain information required by the Commission in its rules and regulations to determine the suitability of the site for its intended purpose.

"d. (1) If, after considering all information submitted in the application, and after providing an opportunity for public hearing, the Commission determines that the proposed site is suitable for the construction and operation of the facility or facilities described in the application consistent with public health and safety, it shall approve the application and issue a site permit with appropriate conditions as necessary.

"(2) Any final determination of the Commission on an application filed pursuant to this section shall be a final order of the Commission for purposes of judicial review.

"e. (1) A site permit issued by the Commission under this section shall be valid with respect to an application for a construction permit or a combined construction permit and operating license which meets the conditions of the site permit and is filed within a period of ten years from the date of issuance of the site permit.

"(2) (A) No less than twelve or more than thirty-six months prior to the expiration of the ten year period, the holder of the site permit may apply for a renewal of the site permit. Upon review by the Commission, the Commission may renew for good cause shown a site permit for an additional period of time of not less than five or more than ten years from the date of renewal, pursuant to appropriate Commission rules and regulations.

"(B) Upon application for renewal of a site permit pursuant to subparagraph (A), the Commission shall renew the site permit unless it finds that significant new information relevant to the site has become available and it is likely that the site will not comply with this Act or the Commission's rules and regulations for protection of the public health and safety or the common defense and security.

"f. Approval of a site under this section shall not preclude its use as a site for an alternate or modified type of energy facility or for any other purpose. Other uses may, however, affect the validity of the site permit or the conditions of its use for nuclear power plant siting as the Commission may determine.

"g. Nothing in this section shall preclude the Commission from inviting a request for a determination with respect to limited aspects of the suitability of the site for its intended purpose".

APPROVAL OF STANDARDIZED PLANT DESIGNS

SEC. 103. The Atomic Energy Act of 1954, as amended, is amended by adding a new section 194 to read as follows:

"SEC. 194. APPROVAL OF STANDARDIZED PLANT DESIGNS. --

"a. The Commission is authorized and directed to estabish procedures permitting the approval of standardized nuclear power plant designs, notwithstanding the fact that no application for a construction permit or combined construction permit and operating license for such facility has been filed.

"b. Notwithstanding section 161 w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance

fees shall be required for an application for a design approval, an amendment, or a renewal of an approval of a complete standardized plant design under this section. The Commission is authorized to allocate the costs that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses which propose to use the approved standardized plant design. If no application for construction of a nuclear power plant is filed within the initial ten year approval period, the fee shall become immediately due and payable by the applicant for the design approval.

"c. Each application for an approval under subsection a. shall be in writing and shall contain information required by the Commission in its rules and regulations to determine the suitability of the design for its intended purpose.

"d. (1) If, after considering all information submitted in the application, and after providing an opportunity for public hearing, the Commission determines that the proposed standardized plant design is suitable for the construction and operation of the facility or facilities described in the application consistent with public health and safety, it shall approve the application and issue an approval with appropriate conditions as necessary.

"(2) Any final determination of the Commission on an application filed pursuant to this section shall be a final order of the Commission for purposes of judicial review.

"e. (1) Any approval issued by the Commission under this section shall be valid with respect to an application for a construction permit or a combined construction permit and operating license which meets the

conditions of the approval and is filed within a period of ten years from the date of approval.

"(2) (A) No less than twelve or more than thirty-six months prior to the expiration of the ten year period provided under paragraph (1), the entity to whom the approval was issued may apply for renewal of the approval. Upon review by the Commission, the Commission may renew the approval for an additional period of time of not less than five or more than ten years from the date of renewal pursuant to such rules and regulations as the Commission may deem appropriate.

"(B) Upon application for renewal of an approval issued pursuant to subsection a., the Commission shall renew the approval unless it finds that significant new information relevant to the design has become available subsequent to its approval and that as a result it is likely that: (1) the design will not comply with this Act or the Commission's applicable regulations; or (2) without a change to the design, the overall risk of plant operation to the public health and safety, or the common defense and security will be substantially greater than that estimated to exist at the time of the initial issuance of the approval for which renewal is applied and the design change is necessary to bring the plant within acceptable levels of risk".

STABILITY OF STANDARDIZED PLANT DESIGNS

SEC. 104. The Atomic Energy Act of 1954, as amended, is amended by adding a new section 196 to read as follows:

"SEC. 196. STABILITY OF STANDARDIZED PLANT DESIGNS. --

"No licensee of, or license applicant for a production or utilization facility shall be required to change an approved final standardized plant design unless it can be demonstrated that without a change to the design, the overall risk of plant operation to the public health and safety, or the common defense and security will be substantially greater than that estimated to exist at the time of the initial issuance of the approval and the design change is necessary to bring the plant within acceptable levels of risk. This provision shall not preclude the imposition of design change requirements for renewal of and approval of a design nor shall it preclude a licensee from making voluntary design changes subject to appropriate Commission review for the purpose of improving plant safety or operations".

TITLE II -- CONFORMING AMENDMENTS

ANTITRUST PROVISIONS

SEC. 201. Section 105 c. of the Atomic Energy Act of 1954, as amended, is amended in the first sentence of paragraph (2) by inserting "and/" after the word "construct".

GENERAL PROVISIONS

SEC. 202. Section 161 o. of the Atomic Energy Act of 1954, as amended, is amended by inserting the words "or approvals authorized by sections 193 and 194" after the number "104".

REVOCATION

SEC. 203. Section 186 a. of the Atomic Energy Act of 1954, as amended, is amended by inserting the words "or section 193" after the words "section 182".

TITLE III -- EFFECTIVE DATES

SEC. 301. All sections of this Act shall take effect as of the date of enactment, and shall apply to all proceedings pending as of the date of enactment or commenced on or after the date of enactment.

COMPARATIVE DRAFT BILL

ATOMIC ENERGY ACT OF 1954, AS AMENDED

"SEC. 105. ANTITRUST PROVISIONS. -

* * *

"c. ***

"(2) Paragraph (1) of ~~this~~ subsection shall apply to an application for a license to construct and/ or operate a utilization or production facility under section 103: Provided, however, That paragraph (1) shall not apply to an application for a license to operate a utilization or production facility for which a construction permit was issued under section 103 unless the Commission determines such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and the Commission under this subsection in connection with the construction permit for the facility".

SEC. 161. GENERAL PROVISIONS. - In the performance of its functions the Commission is authorized to -

* * *

"o. Require by rule, regulation, or order, such reports, and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in section 31 and of activities under licenses issued pursuant to sections 53, 63, 81, 103, and 104, or approvals authorized by sections 193 and 194, as may be

necessary to effectuate the purposes of this Act, including section 105; and"

"SEC. 185. CONSTRUCTION PERMITS AND OPERATING LICENSES. --

"a. All applicants for licenses to construct or modify production or utilization facilities shall, if the application is otherwise acceptable to the Commission, be initially granted a construction permit. [The construction permit shall state the earliest and latest dates for the completion of the construction or modification. Unless, the construction or modification of the facility is completed by the completion date, the construction permit shall expire, and all rights thereunder be forfeited, unless upon good cause shown, the Commission extends the completion date.] Upon the completion of the construction or modification of the facility, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of this Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of [a] an operating license would not be in accordance with the provisions of this Act, the Commission shall thereupon issue [a] an operating license to the applicant. For all other purposes of this Act, a construction permit is deemed to be a 'license'.

"b. In making a determination on the issuance of any permit or license, the Commission is authorized to rely upon the certification of

need for power made by the Federal Energy Regulatory Commission or its successor. If the Commission declares its reliance upon such certification, it shall constitute a definitive determination of need for the power to be provided by the facility for the purposes of any other provision of Federal law administered by the Commission.

"c. Notwithstanding any other provision of this section, the Commission shall issue to the applicant a combined construction permit and operating license for a standardized nuclear power plant after providing an opportunity for public hearing, if the application contains sufficient information to support the issuance of both a construction permit and operating license in accordance with the rules and regulations of the Commission and to enable the Commission to make the determinations relating to the common defense and security and the public health and safety required by sections 103 and 182. After issuance of a combined construction permit and operating license for a standardized nuclear power plant, the Commission shall assure through inspections and tests that construction and operation is conducted in conformity with the application and the combined construction permit and operating license consistent with the rules and regulations of the Commission. Prior to the commencement of operation, the Commission shall find that the facility has been constructed and will operate in conformity with the combined construction permit and operating license, the provisions of this Act, and the rules and regulations of the Commission".

"SEC. 186. REVOCATION. -

"a. Any license may be revoked for any material false statement in the application or any statement of fact required under section 182 or section 193, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for failure to construct or operate a facility in accordance with the terms of the construction permit or license or the technical specifications in the application, or for violation of, or failure to observe any of the terms and provisions of this Act or of any regulation of the Commission".

"SEC. 193. EARLY SITE APPROVAL. --

"a. The Commission is authorized to issue a site permit approving use of a site or sites for one or more utilization or production facilities upon the application of any Federal, regional, State or local governmental agency, or a utility, notwithstanding the fact that no application for a construction permit or a combined construction permit and operating license for such facility or facilities has been filed. For all other purposes of this Act, a site permit is a 'license'.

"b. Notwithstanding section 161 w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for a site permit, an amendment, or a renewal of a site permit under this section.

The Commission is authorized to allocate the costs that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses which propose to use the approved site. If no application for construction of a nuclear power plant is filed within the initial ten year approval period, the fee shall become immediately due and payable by the applicant for the site permit.

"c. Each application under subsection a. shall be in writing and shall contain information required by the Commission in its rules and regulations to determine the suitability of the site for its intended purpose.

"d. (1) If, after considering all information submitted in the application, and after providing an opportunity for public hearing, the Commission determines that the proposed site is suitable for the construction and operation of the facility or facilities described in the application consistent with public health and safety, it shall approve the application and issue a site permit with appropriate conditions as necessary.

"(2) Any final determination of the Commission on an application filed pursuant to this section shall be a final order of the Commission for purposes of judicial review.

"e. (1) A site permit issued by the Commission under this section shall be valid with respect to an application for a construction permit or a combined construction permit and operating license which meets the conditions of the site permit and is filed within a period of ten years from the date of issuance of the site permit.

"(2) (A) No less than twelve or more than thirty-six months prior to the expiration of the ten year period, the holder of the site permit may apply for a renewal of the site permit. Upon review by the Commission, the Commission may extend for good cause shown or renew a site permit for an additional period of time of not less than five or more than ten years from the date of renewal, pursuant to appropriate Commission rules and regulations.

"(B) Upon application for renewal of a site permit pursuant to subparagraph (A), the Commission shall renew the site permit unless it finds that significant new information relevant to the site has become available and it is likely that the site will not comply with this Act or the Commission's rules and regulations for protection of the public health and safety or the common defense and security.

"f. Approval of a site under this section shall not preclude its use as a site for an alternate or modified type of energy facility or for any other purpose. Other uses may, however, affect the validity of the site permit or the conditions of its use for nuclear power plant siting as the Commission may determine.

"g. Nothing in this section shall preclude the Commission from inviting a request for a determination with respect to limited aspects of the suitability of the site for its intended purpose".

"SEC. 194. APPROVAL OF STANDARDIZED PLANT DESIGNS. --

"a. The Commission is authorized and directed to estabish procedures permitting the approval of standardized nuclear power plant

designs, notwithstanding the fact that no application for a construction permit or combined construction permit and operating license for such facility has been filed.

"b. Notwithstanding section 161 w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for a design approval, an amendment, or a renewal of an approval of a complete standardized plant design under this section. The Commission is authorized to allocate the costs that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses which propose to use the approved standardized plant design. If no application for construction of a nuclear power plant is filed within the initial ten year approval period the fee shall become immediately due and payable by the applicant for the design approval.

"c. Each application for an approval under subsection a. shall be in writing and shall contain information required by the Commission in its rules and regulations to determine the suitability of the design for its intended purpose.

"d. (1) If, after considering all information submitted in the application, and after providing an opportunity for public hearing, the Commission determines that the proposed standardized plant design is suitable for the construction and operation of the facility or facilities described in the application consistent with public health and safety, it shall approve the application and issue an approval with appropriate conditions as necessary.

"(2) Any final determination of the Commission on an application filed pursuant to this section shall be a final order of the Commission for purposes of judicial review.

"e. (1) Any approval issued by the Commission under this section shall be valid with respect to an application for a construction permit or a combined construction permit and operating license which meets the conditions of the approval and is filed within a period of ten years from the date of approval.

"(2) (A) No less than twelve or more than thirty-six months prior to the expiration of the ten year period provided under paragraph (1), the entity to whom the approval was issued may apply for renewal of the approval. Upon review by the Commission, the Commission may renew the approval for an additional period of time of not less than five or more than ten years from the date of renewal pursuant to such rules and regulations as the Commission may deem appropriate.

"(B) Upon application for renewal of an approval issued pursuant to subsection a., the Commission shall renew the approval unless it finds that significant new information relevant to the design has become available subsequent to its approval and that as a result it is likely that: (1) the design will not comply with this Act or the Commission's applicable regulations; or (2) without a change to the design, the overall risk of plant operation to the public health and safety, or the common defense and security will be substantially greater than that estimated to exist at the time of the initial issuance of the approval for which renewal is applied and the design change is necessary to bring the plant within acceptable levels of risk".

"SEC. 196. STABILITY OF STANDARDIZED PLANT DESIGNS. --

"No licensee of, or license applicant for a production or utilization facility shall be required to change an approved final standardized plant design unless it can be demonstrated that without a change to the design, the overall risk of plant operation to the public health and safety, or the common defense and security will be substantially greater than that estimated to exist at the time of the initial issuance of the approval and the design change is necessary to bring the plant within acceptable levels of risk. This provision shall not preclude the imposition of design change requirements for renewal of and approval of a design nor shall it preclude a licensee from making voluntary design changes subject to appropriate Commission review for the purpose of improving plant safety or operations".

COMMISSIONER ROBERTS' SEPARATE VIEWS
REGARDING THE PROPOSED NUCLEAR STANDARDIZATION ACT OF 1982

Administrative agencies generally should strive for three goals in their decisionmaking process: efficiency, accuracy, and acceptability. I believe that this proposed legislation will admirably assist the NRC in achieving these goals. The procedures outlined in the proposed Act enable the agency (1) to undertake early site reviews and issue early site permits if the sites are found satisfactory, (2) to combine the construction permit and operating license reviews, and (3) to review and approve, if satisfactory, standardized plant designs. The agency's efficiency will obviously be increased with no concomitant adverse effect on the high level of accuracy already existent in the agency's decisions or on the acceptability of the agency's decisions. Moreover, like Commissioner Ahearne, I believe that the proposed Act will enhance safety through its provisions for plant standardization. Enhanced safety should flow from the greater familiarity of both licensees and the NRC with fewer plant designs. Thus, I conclude that the proposed Act furthers both the general administrative and specific safety goals of the NRC.

As noted by Commissioner Ahearne, any licensing reform legislation inevitably touches upon the NRC hearing process. This proposed legislation is no different. I believe that the proposed Act's provision for more flexible hearing procedures will greatly enhance the efficiency and acceptability of the agency's decisions without adversely affecting their accuracy. It is my observation that the agency's present highly-formalized, court-room procedures frustrate those members of the public who genuinely want to learn about the health and

environmental effects of generating electricity by nuclear reactors and assist those who wish to delay the licensing of these reactors. More flexible hearing procedures should enable members of the public to explore their concerns without the present interference of traditional trial-type procedures.

Due to my interest in extending informal hearing procedures to situations not covered in the proposed legislation, I would like to receive comments on what types of hearing procedures Section 189a of the Atomic Energy Act (AEC) does require. In my mind, the assertion in the proposed legislation that the section's interpretation is encumbered with confusion is an understatement. Since coming to the Commission, I have understood from various sources (1) that Section 189a does not, on its face, require adjudicatory hearings, (2) that the legislative history of this section does not indicate that Congress intended NRC hearings to be adjudicatory, (3) that while the legislative history of the first sentence in Section 189a does not suggest adjudicatory hearings, the legislative history of the second and third sentences do suggest Congress intended adjudicatory hearings, (4) that inaction by the Joint Committee on Atomic Energy demonstrates that Congress intended NRC hearings to be adjudicatory, and (5) that the Joint Committee on Atomic Energy concluded that the Atomic Energy Act (AEA) did not require adjudicatory hearings and thus that the AEC (the NRC's predecessor) did not need legislation to change the AEA in order to hold informal hearings. I am thus interested in the views of the commenters on these interpretations and on what precisely Section 189a requires. Beyond that, I am interested in the views of the commenters on whether legislation is needed to protect the Commission from court challenges if the Commission changes its rules to permit informal hearings.

Separate Views, and Request for Comments, by Commissioner Ahearne

In addressing a legislative proposal, the major question should be what does the proposal accomplish -- in this case, what could be done if this proposal were law that cannot be done now.

The present proposal would make the following changes:

(1) Modify the fee schedule.

(2) Rely on the Federal Energy Regulatory Commission for need-for-power determinations.

(3) Provide for a one-stop construction and operating license.

(4) Provide for a standard plant approval.

(5) Provide for an early site permit.

(6) Allow modification of the hearing procedures now in use.

The NRC can almost do (3) to (6) by appropriate rule changes. However, I believe the current proposal can have two significant benefits: it can give strong emphasis to standardized plants and could serve to improve the hearing process.

The concept of standardization of plants has been under discussion for at least fifteen years. During this time, there has been continuing expressions of support from the AEC and the NRC and, at various times, industry interest. As the once thought large market for nuclear plants evaporated, the interest on the part of the industry similarly declined. During the last several years, several licensing reform bills have been proposed, some including support for standardization. More recently, the Office of Technology Assessment produced a study supporting standardization. It is difficult to analytically demonstrate that standardization will improve safety. I personally have reached the conclusion it will. I believe that safety improvement will come from having a few types of plants built and operated, manufacturers, construction managers, and operators becoming more familiar with those plants, and allowing NRC staff review to focus upon more critical questions rather than, for the sake of completeness, going through extensive reviews of lesser important items. Consequently, I have concluded that for purposes of safety it is appropriate for the NRC to

strongly support moving towards requiring standardization. This is particularly true at a time when a decreasing potential market and increasing financial pressures make taking shortcuts in maintenance and operation more likely.

Improving the hearing process is a goal long sought after. Therefore, licensing reform legislation always addresses the NRC hearing process. Section 181 of the Atomic Energy Act requires that "the provisions of the Administrative Procedure Act shall apply to all agency actions taken under this act . . . ." Section 189a of the Atomic Energy Act requires "[i]n any proceeding under this Act for the granting, suspending, revoking, or amending of any license or construction permit . . . the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding. . . . The Commission shall hold a hearing after thirty days notice and publication once in the Federal Register, on each application under Section 103 or 104b for a construction permit for a facility . . . . In cases where such construction permit has been issued following the holding of such a hearing, the Commission may, in the absence of a request therefore by any person whose interest may be affected, issue an operating license without. . . a hearing but upon thirty days notice and publication once in the Federal Register of its intent to do so." Section 189a has been interpreted by many within and without the NRC to require a formal adjudicatory hearing for granting of construction permits and operating licenses for nuclear power reactors. Substantial debate has focused on whether the statute or the legislative history developed prior to passage of the Act and its amendments support such a requirement. Nevertheless, for several decades both the NRC and its predecessor, the AEC, have supported the position through the actual practice of its boards and in a brief filed with the Court of Appeals that 189a does require a formal on-the-record adjudicatory hearing for the licensing of power reactors. Consequently, a modification of this practice is a substantial policy issue and one which I believe now requires a change in the Atomic Energy Act to assure that any modification will withstand legal challenge.

Consequently, I believe any final package that the Commission would propose supporting standardization should include an explicit discussion and description of the revised licensing hearing process, including a proposed amendment to the Atomic Energy Act to amend 189a. I would be interested in receiving public comment on the hybrid

hearing that has been discussed in the Senate: initial filings are based upon the information available and are done in writing; subsequent issues may be handled in writing or by oral argument; and cross-examination may be allowed, depending upon the type of issue that is being examined.

In addition, I have several modifications to the proposal which, although not accepted by the Commission, I believe should be considered:

(1) Since this bill would strongly support standardized plants, it seems odd not to include a definition of standardization. I would accept Commissioner Gilinsky's proposed definition:

> An essentially complete final design for a whole nuclear power plant, intended for use at multiple sites.

I would be interested in comments on this definition or suggestions of another.

(2) Even if the pre-approved site and standardized design approaches were accepted, the NRC must have procedures for use when a non-standardized plant is proposed for use on a pre-approved site, and for when a standardized plant is proposed for use on a site that has not been reviewed. These procedures should be outlined. I would also outline revised procedures for a non-standardized plant used at a site that has not been reviewed since I believe the entire formal hearing process should be modified and legislation would help avoid extended legal battles.

(3) I would modify Subsection e.(2)(B) of Section 194, the associated section-by-section analysis, and (10) of the Findings and Purposes as follows:

> "(B) Upon application for extension or renewal of an approval issued pursuant to subsection a., the Commission shall extend or renew the approval unless it finds that significant new information relevant to the design has become available subsequent to its approval and that as a result it is likely that: (1) the design will not comply with this Act or the Commission's applicable regulations; or (2) ~~without a change to the design, the overall risk of plant operation to the public health and safety~~,

~~or-the-common-defense-and-security-will-be substantially-greater-than-that-estimated-to exist-at-the-time-of-the-initial-issuance-of the-approval-for-which-renewal-is-applied-and~~ the design change is necessary to bring the plant within acceptable levels of risk."

This deletion is appropriate because the struck section adds nothing. This result follows from the form of the requirement: renewal will be granted unless "(2) without . . . is applied and the design change . . . risk." (emphasis added) According to the proposed provision, both factors are necessary for renewal not to be granted. Thus, if the NRC does not find such change is necessary to bring the plant within an acceptable level of risk, then renewal will be granted, even if without a change the overall risk will be substantially greater than originally thought. However, under the general requirements of the Atomic Energy Act the NRC cannot grant approval if we find that the plant is not within acceptable levels of risk. Thus if "the design change is necessary to bring the plant within acceptable levels of risk," renewal will not be granted whether or not the overall risk is substantially greater. Therefore, the struck phrase is irrelevant at best and probably misleading.

COMMISSIONER GILINSKY'S SEPARATE VIEWS REGARDING THE PROPOSED NUCLEAR STANDARDIZATION ACT OF 1982

I agree with the proposal to broaden the basis upon which early site approvals can be obtained, by authorizing entities other than the utility which will build a reactor, such as the Federal, State, or local governments, to seek approval of a site well in advance of the time when the utility would generally apply for such approval. However, it is not clear to me that the other provisions of the proposed bill are necessary. Indeed, it seems that the only objective of this legislation, apart from broadening early site approvals, is to undermine the Commission's hearing procedures. If that is so, this bill is mistitled.

As far as I can determine, the Atomic Energy Act presently authorizes the Commission to take virtually all the actions which would be authorized by the proposed Nuclear Standardization Act of 1982.[1] It is not the Commission's lack of legal authority which is holding back standardization. Indeed, several reactor vendors and

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1 The only exception is the proposal to postpone payment of application fees for early site approval reviews and standardized plant design reviews until the site or design is actually used or until NRC approval lapses. This modest encouragement to applicants hardly justifies enactment of such an extensive bill.

architect-engineering firms have already asked the Commission to approve various standardized designs. It seems to me that the Commission could make better use of its time by reviewing its regulations and the staff's practices than by developing legislation.

Going beyond this, I would note that the Commission could, by amending its regulations, go much further than the proposed bill and require that all applicants, and not just those using a standardized design, submit an essentially complete plant design as part of the construction permit application. The Operating License hearing could then be limited to issues which were not covered in the Construction Permit proceeding or which relate to the construction of the plant. This approach would, for all practical purposes, be the equivalent of one-step licensing.

I would be interested in comments which discuss whether the objectives of the proposed bill could be more satisfactorily achieved by revising the Commission's regulations and the staff's procedures. I would also be interested in views which address the issue of restructuring the present construction permit and operating license hearings by requiring an essentially complete design to be submitted with the application for a construction permit.

Assuming that some version of the proposed bill will be submitted to Congress, I would be interested in comments on several aspects of, and modifications to, the bill drafted by the Commission's task force:[2]

(1) The background statement asserts that the type of hearing required by Section 189a of the Atomic Energy Act is uncertain and that, in order to avoid this uncertainty, the Commission should have the discretion to prescribe any type of hearing it wishes for standardized plant design applications, subject only to the limitations of the Administrative Procedure Act.

The statement's remarks on the interpretation of section 189a as it relates to power reactor initial licensings are, at best, disingenuous. As a number of members of the Regulatory Reform Task Force have noted, the Commission has for 28 years consistently interpreted section 189a to require adjudicatory hearings in power reactor initial licensing cases. Throughout this period, the

[2] The exact language of the modifications to sections 2, 102, 103 and 104, is shown in the mark-up of those sections which follows.

Congress, and most particularly the Joint Committee on Atomic Energy, was aware of this agency's practice. It would take an act of Congress to overturn this long standing interpretation of the Act. The approach advocated in the background statement would only serve to increase, rather than to reduce, confusion.

If the hearing requirements of the Atomic Energy Act are to be revised, it should as part of a systematic review of the hearing process rather than as a back-stairs effort to dismantle the hearing process.

(2) Section 101 of the bill initially provided that the Commission could rely on a need for power finding made by any governmental entity which has a colorable interest in the plant. The Commission has agreed to my suggestion that the bill should instead vest the Federal Energy Regulatory Commission ("FERC") with the responsibility for making this finding. As the Federal agency with broad responsibility for the economic regulation of power generation, FERC is in the best position to evaluate the need for power in terms of the Federal government's concerns. It should be noted that this finding would in no way supplant the

various findings regarding need for a plant which are currently required under applicable state law.

(3) Section 102 should be modified to require that issues relating to the match between an early approved site and the reactor design be heard in the construction permit hearing. A separate hearing to resolve these issues should be required where a plant with a standardized design is to be built at a site which received an early NRC approval.

(4) Section 102 provides that the Commission may postpone the collection of fees associated with the review of an early site approval application until an application to use the site is filed or until the site approval expires. This section should be amended to authorize the Commission to charge accrued interest on the postponed fees. Otherwise, applicants using sites which have received early approval will be the beneficiaries of a reduced fee schedule as a result of inflation.

(5) Section 103, which specifies when an applicant for an extension or renewal of an approval can be required to modify its design, should be changed

to provide that the Commission may require a standardized design to be modified not only where the design fails to comply with the Atomic Energy Act or the Commission's regulations, or where it is discovered to pose a greater risk than was originally estimated, but also where it is demonstrated that a change will reduce the overall risk of plant operation by some sufficiently large margin.

The approach taken by the proposed act appears to assume that there will be no significant improvements in knowledge or technology during the ten year life of the original license and that the level of risk found acceptable at the time of the original licensing will continue to be acceptable over the fifteen to twenty year term of an extended license. Since our experience tends to belie the notion that major improvements are unlikely, I would suggest that the act be modified to preserve the option of requiring some innovations where it can be shown that such changes will substantially reduce the overall risk of plant operation.

(6) In addition, Section 103 should, like Section 102, be modified to authorize the Commission to collect accrued interest on deferred licensing fees.

(7) A new section 104, defining "standardized design" to mean an essentially complete final design for a whole nuclear power plant, intended for multiple use should be added to the act. The proposed act currently defines this term only in the background statement. It would be better practice to define such a crucial term in the body of the statute.

(8) Section 105, which specifies when a licensee can be required to modify an approved final standardized design, should be amended to conform to the terms of section 103, as modified pursuant to paragraph five above.

Commissioner Gilinsky's Modifications to the Proposed Standardization Act of 1982

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress, recognizing that a clear and coordinated energy policy consistent with public health and safety must include an effective and efficient licensing process for siting, construction, and operation of nuclear power reactors which meet applicable criteria, finds and declares that:

(1) the licensing and construction of nuclear power plants should be facilitated by the use of previously approved standardized plant designs which reduce the need for individual plant licensing reviews;

(2) the national interest requires improved planning for future energy supply and demand;

(3) interstate commerce is substantially affected by the siting, construction, and operation of nuclear power reactors;

(4) the national interest requires an opportunity for early public participation in siting and licensing of nuclear power reactors;

(5) it is efficient and in the public interest for the Nuclear Regulatory Commission to rely upon determinations respecting the need for new electric generating facilities made by competent Federal, State or regional authorities;

(6) it is in the national interest that planning for energy facility siting and need for power determinations be made consistent with national and regional energy needs;

(7) the licensing process should produce greater stability in licensing standards and criteria for standardized plants;

(8) licensing decisions should be rendered in a ~~more~~ timely manner in order to assure an adequate and reliable source of electricity consistent with public health and safety;

(9) it is appropriate and in the public interest for the Commission to consider the economic consequences of its regulatory practices;

(10) licensing decisions should be made final at the earliest feasible phase of the licensing process and should not be subject to duplicative adjudication in the absence of a showing that without a change to the design, (1) the design will not comply with this Act or the Commission's applicable regulations; (2) the overall risk of plant operation to the public health and safety, or the common defense and security will be significantly ~~substantially~~ greater than that estimated to exist at the time of the initial issuance of the design approval and the design change is necessary to bring the plant within acceptable levels of risk; or, (3) it can be demonstrated that the design change is necessary to reduce substantially the overall risk of plant operation.

(11) procedures should be adopted to permit site selection and approval at the earliest practicable time in advance of a commitment to a specific facility design and in advance of an application for a construction permit;

(12) the Nuclear Regulatory Commission should continue to exercise its independent statutory responsibilities to protect the public health and safety and the common defense and security, taking into account that perfect safety is an unattainable goal for any energy source and that the cost of safety requirements should be given consideration consistent with the public health and safety.

(b) The purposes of this Act are:

(1) to improve the effectiveness and efficiency of the nuclear power reactor licensing process, through encouraging the use of standardization of designs for nuclear power plants, consistent with sound public health and safety principles;

(2) to provide for early site selection and approval;

(3) to improve the stability of licensing standards and criteria for standardized plants; and

(4) to improve the quality of public participation in the nuclear power plant licensing process.

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EARLY SITE APPROVAL

SEC. 102. The Atomic Energy Act of 1954, as amended, is amended by adding a new section 193 to read as follows:

"SEC. 193. EARLY SITE APPROVAL. --

"a. The Commission is authorized to issue a site permit ~~for approval~~ approving use of a site or sites for one or more utilization or production facilities upon the application of any Federal, regional, State or

local governmental agency, or a utility, notwithstanding the fact that no application for a construction permit or a combined construction permit and operating license for such facility or facilities has been filed. For all other purposes of this Act, a site permit is a 'license'.

"b. Notwithstanding section 161 w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for a site permit, or an amendment, extension or renewal of a site permit under this section. The Commission is authorized to allocate the costs, and the accrued interest thereon, that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses which propose to use the approved site. If no application for construction of a nuclear power plant is filed within the initial ten year approval period, the fee, and the accrued interest thereon, shall become immediately due and payable by the applicant for the site permit.

"c. Each application under subsection a. shall be in writing and shall contain information required by the Commission in its rules and regulations to determine the suitability of the site for its intended purpose.

"d. (1) If, after considering all information submitted in the application, and after providing an opportunity for public hearing, the Commission determines that the proposed site is suitable for the construction and operation of the facility or facilities described in the application consistent with public health and safety, it shall approve the application and issue a site permit with appropriate conditions as necessary.

"(2) Any final determination of the Commission on an application filed pursuant to this section shall be a final order of the Commission for purposes of judicial review.

"e. (1) A site permit issued by the Commission under this section shall be valid with respect to an application for a construction permit or a combined construction permit and operating license which meets the conditions of the site permit and is filed within a period of ten years from the date of issuance of the site permit. Issues relating to the match between the site parameters and the reactor design will be heard in the construction permit hearing. Where a combined construction permit and operating license has been issued for a standardized design, a separate hearing will be held to resolve any issues relating to the match between the site parameters and plant design.

"(2) (A) No less than twelve or more than thirty-six months prior to the expiration of the ten year period, the holder of the site permit may apply for an extension or renewal of the site permit. Upon review by the Commission, the Commission may extend for good cause shown or renew a site permit for an additional period of time of not less than five or more than ten years from the date of extension or renewal, pursuant to appropriate Commission rules and regulations.

"(B) Upon application for extension or renewal of a site permit pursuant to subparagraph (A), the Commission shall extend or renew the site permit unless it finds that significant new information relevant to the site has become available and it is likely that the site will not comply with this Act or the Commission's rules and regulations for protection of the public health and safety or the common defense and security.

"f. Approval of a site under this section shall not preclude its use as a site for an alternate or modified type of energy facility or for any other purpose. Other uses may, however, affect the validity of the site permit or the conditions of its use for nuclear power plant siting as the Commission may determine.

"g. Nothing in this section shall preclude the Commission from inviting a request for a determination with respect to limited aspects of the suitability of the site for its intended purpose".

APPROVAL OF STANDARDIZED PLANT DESIGNS

SEC. 103. The Atomic Energy Act of 1954, as amended, is amended by adding a new section 194 to read as follows:

"SEC. 194. APPROVAL OF STANDARDIZED PLANT DESIGNS. --

"a. The Commission is authorized and directed to estabish procedures permitting the approval of standardized nuclear power plant designs, notwithstanding the fact that no application for a construction permit or combined construction permit and operating license for such facility has been filed.

"b. Notwithstanding section 161 w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for approval or for an amendment, extension or renewal of an approval of a complete standardized plant design under this section. The Commission is authorized to allocate the costs, and accrued interest thereon, that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses which propose to use the approved standardized plant design.

"c. Each application for an approval under subsection a. shall be in writing and shall contain information required by the Commission in its rules and regulations to determine the suitability of the design for its intended purpose.

"d. (1) If, after considering all information submitted in the application, and after providing an opportunity for public hearing, the Commission determines that the proposed standardized plant design is suitable for the construction and operation of the facility or facilities described in the application consistent with public health and safety, it shall approve the application and issue an approval with appropriate conditions as necessary.

"(2) Any final determination of the Commission on an application filed pursuant to this section shall be a final order of the Commission for purposes of judicial review.

"e. (1) Any approval issued by the Commission under this section shall be valid with respect to an application for a construction permit or a combined construction permit and operating license which meets the conditions of the approval and is filed within a period of ten years from the date of approval.

"(2) (A) No less than twelve or more than thirty-six months prior to the expiration of the ten year period provided under paragraph (1), the entity to whom the approval was issued may apply for an extension or renewal of the approval. Upon review by the Commission, the Commission may extend or renew the approval for an additional period of time of not less than five or more than ten years from the date of extension or renewal pursuant to such rules and regulations as the Commission may deem appropriate.

"(B) Upon application for extension or renewal of an approval issued pursuant to subsection a., the Commission shall extend or renew the approval unless it finds that significant new information relevant to the design has become available subsequent to its approval and that as a result it is likely that: (1) the design will not comply with this Act or the Commission's applicable regulations; or (2) without a change to the design, the overall risk of plant operation to the public health and safety, or the common defense and security will be significantly ~~substantially~~ greater than that estimated to exist at the time of the initial issuance of the approval for which renewal is applied and the design change is necessary to bring the plant within acceptable levels of risk"~~.~~ ; or (3) it can be demonstrated that the design change is necessary to reduce substantially the overall risk of plant operation.

DEFINITIONS

SEC. 104. The Atomic Energy Act of 1954, as amended, is amended by adding a new subsection to Section 11 to read as follows, and by renumbering the existing subsections of Section 11 to accommodate this change,:

"bb. The term "standardized design" means an essentially complete final design for a whole nuclear power plant, intended for multiple use."

STABILITY OF STANDARDIZED PLANT DESIGNS

SEC. ~~104.~~ 105. The Atomic Energy Act of 1954, as amended, is amended by adding a new section 196 to read as follows:

"SEC. 196. STABILITY OF STANDARDIZED PLANT DESIGNS. --

"No licensee of, or license applicant for a production or utilization facility shall be required to change an approved final standardized plant design unless it can be demonstrated that without a change to the design: (1) the design will not comply with the Atomic Energy Act or the Commission's applicable regulations in existence at the time that the license was granted; or (2) the overall risk of plant operation to the public health and safety, or the common defense and security will be significantly ~~substantially~~ greater than that estimated to exist at the time of the initial issuance of the approval and the design change is necessary to bring the plant within acceptable levels of risk; or (3) the overall risk posed by plant operation will be substantially greater than if the change to the design were made. This provision shall not preclude the imposition of design change requirements for renewal of and approval of a design nor shall it preclude a licensee from making voluntary design changes subject to appropriate Commission review for the purpose of improving plant safety or operations".

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SEPARATE VIEWS OF TASK FORCE MEMBERS PETER CRANE & SEYMOUR WENNER REGARDING THE PROPOSED NUCLEAR STANDARDIZATION ACT OF 1982

The draft "Nuclear Standardization Act of 1982," forwarded to the Commissioners in SECY-82-128, is in our view a generally desirable piece of legislation. We wish to state, however, our disagreement with the portions of the legislation which describe the type of hearing to be held on site permits, standardized designs, and combined construction permits/operating licenses.

Under the proposed bill, as described on pages 8 and 9 of the "Background," such hearings could be formal or could be so informal as to permit the entire case to be handled on the basis of written submissions. According to the "Background," the meaning of Section 189a. of the Atomic Energy Act is uncertain, and by providing for hearings governed only by the Administrative Procedure Act and applicable case law, the bill would result in a hearing process "unencumbered by the confusion surrounding the interpretation of Section 189a."

We do not believe that there is any significant confusion surrounding the meaning of Section 189a., which provides in pertinent part: "In any proceeding under this Act, for the granting, suspending, revoking, or amending of any license or construction permit ... the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding." The statute, to be sure, speaks only of a "hearing," without specifying that the hearing is to be adjudicatory. However, 28 years of consistent agency practice, effectively ratified by years of close

oversight by the Joint Committee on Atomic Energy, have firmly embedded the adjudicatory nature of Section 189a. hearings in the law. In our view, it would require explicit Congressional action to alter the meaning of Section 189a. from that which has been accepted by the agency and the courts for so long a period of time.

Furthermore, neither the draft bill nor the "Background" mentions the Atomic Energy Act in this connection; the "Background" merely states that the hearings on CP/OLs, site permits, and standardized designs will be governed by the Administrative Procedure Act and applicable case law. Without an unequivocal statement in the bill -- or at the very least, in the accompanying analysis -- that these hearings are not to be governed by Section 189a., a reviewing court might well find that these were proceedings "for the granting ... of any license or construction permit" and as such, subject to the requirements of Section 189a. Thus, the result of this section of the bill may be to increase confusion rather than reduce it.

In our view, the question of the type of hearing most likely to accomplish the Commission's purposes is a serious and complex issue, worthy of careful study. If any legislative change in the existing process is deemed to be desirable, We believe that it should be made across the board, rather than confined to site permits, standardized designs, and combined CP/OLs, and that it should be the subject of a legislative proposal separate from the present standardization-oriented bill.

Finally, on a separate matter, we believe that the discussion of "One-step vs. Two-step Licensing" on pages 5 and 6 of the "Background" overstates the shortcomings of the two-stage licensing process.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 28, 1982