

Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On April 15, 1982, a Petition for Exemption by Space Services Inc. of America was published in the *Federal Register* (47 FR 16243) requesting relief from the prohibition of rocket launches within 5 miles of an airport boundary. The activity for which relief is requested involves the launch of a conestoga rocket from Matagorda Island, TX, in a suborbital flight of 167 miles high and 279 miles down range extending over the Gulf of Mexico, and the pre-launch firing of other small test rockets.

The FAA has determined that this activity can be conducted only within restricted airspace which will provide an adequate level of safety to nonparticipating aircraft. Since existing restricted airspace is not available for this commercial activity a temporary restricted area is appropriate.

This action establishes a temporary restricted area within a 5-mile radius of the launch site extending from the surface to unlimited for the period September 2-30, 1982. Activation of the area shall be by NOTAM at least 12 hours in advance. The primary launch date is September 8 or 9 but may be adjusted to accommodate weather or technical delays. When activated this area is expected to be in use less than 3 hours per day. The Federal Aviation Administration, Houston Air Route Traffic Control Center (ARTCC) is designated controlling and using agency and when not needed for rocket firing, the area will be available for normal use.

Because of time constraints, the temporary restricted area will not be depicted on aeronautical charts. However, Class II Graphic NOTAMS describing the restricted area will be issued assuring wide dissemination of this information to all aeronautical interests.

The Rule

The purpose of this amendment to § 73.63 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to establish a temporary restricted area in the vicinity of Matagorda Island, TX, to provide protected airspace from nonparticipating aircraft during the test launch of a suborbital rocket by Space Services Inc. of America. The area will encompass a 5-nautical mile radius of the launch site, excluding that area extending outside the territorial limits of the U.S. from the surface to unlimited for the period September 2-30, 1982. The restricted area shall be activated by

NOTAM at least 12 hours in advance. Section 73.63 of Part 73 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to establish a temporary restricted area at Matagorda Island, TX. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days after its publication in the *Federal Register*.

List of Subjects in 14 CFR Part 73

Restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me § 73.63 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, effective 0901 G.m.t., September 2, 1982, as follows:

R-6303 Matagorda Island, TX [NEW]

Boundaries. A circular area within a 5-nautical mile radius centered on lat. 28°05'06" N., long. 96°49'49" W., excluding that portion outside the territorial limits of the U.S.

Designated altitudes. Surface to unlimited. Times of use. Sunrise to sunset, September 2-30, 1982, as activated by NOTAM 12 hours in advance.

Using agency. Federal Aviation Administration, Houston ARTC Center. Controlling agency. Federal Aviation Administration, Houston ARTC Center. (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 23, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-21308 Filed 8-6-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 22050; SFAR No. 44-3]

Air Traffic Control System; Interim Operations Plan; Transfers and Exchanges of Slots

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of policy.

SUMMARY: On July 6, 1982, the FAA stated it would evaluate the slot transfer policy. In order to provide the airlines with more flexibility in scheduling, the FAA is changing its policy on slot transfers to allow for additional types of trades.

FOR FURTHER INFORMATION CONTACT:

J. E. Murdock III, Chief Counsel, 202-426-3773; or

Harvey B. Safeer, Director, Office of Aviation Policy and Plans, 202-426-3331, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

SUPPLEMENTAL INFORMATION:

Background and Discussion

The actions of certain air traffic controllers in August of 1981 reduced the number of controllers available to operate the Air Traffic Control (ATC) system. In order to assure the safe and efficient use of the navigable airspace, the FAA has been obliged to ration the limited ATC system capacity among users. It has done so by assigning "slots" (authority to land) under a series of emergency regulations (SFAR No. 44 (46 FR 30606; August 4, 1981); SFAR No. 44-1 (46 FR 44424; September 4, 1981); SFAR No. 44-2 (46 FR 48906, October 5, 1981); and SFAR No. 44-3 (47 FR 7816, February 22, 1982)).

Airlines began the period of restricted operations with a "base" number of slots at the Nation's 22 busiest airports (controlled airports) derived from their pre-strike planned operations. As the capacity of the ATC system has increased, additional slots have been awarded in response to requests by the carriers under procedures prescribed in SFARs 44-1, 44-2, and 44-3. These regulations also provide that air carriers must use slots awarded to them or lose them from their operating bases.

Because SFAR No. 44-3 provided for limited adjustments in slot assignments, the FAA has been receptive to efforts to add flexibility to the slot allocation system. On July 6, 1982 (47 FR 29814; July 8, 1982) the FAA stated it would evaluate the slot transfer policy. New

computer programs have been completed which provide FAA much greater capability to evaluate air operations using the Air Traffic Control System. The FAA has completed the planned review. The restraints that were placed upon transfers based upon administrative considerations will no longer be appropriate after adoption of a new allocation system.

Therefore, the agency is removing most restrictions on slot trades. The following trades will be permitted:

1. Slots at controlled airports may be traded for slots at other controlled airports or for any airport at the same center.

2. Center slots may be traded for slots in other centers.

3. Slots in a carrier's current base or slots which have been awarded to a carrier for a future period may be traded for other slots.

4. Slots previously awarded as Braniff slots (designated by DS) may be traded for non-Braniff slots. The former Braniff slots must contain the designation "DS." Carriers which obtain slots designated by "DS" are reminded that these slots are temporary slots and may be withdrawn. In an application involving a "DS" slot, the carrier receiving the Braniff slot must specifically acknowledge the carrier will relinquish the slot in the event it is recalled as specified in SFAR 44-4.

5. Carriers may trade slots in any numbers, not necessarily on slot-for-slot basis. However, a trade must involve at least one slot from each carrier participating in a trade.

In order to receive approval for any trade, requests for approvals must be submitted in accordance with the following:

a. All requests for approval must be submitted in writing to the Associate Administrator for Policy and International Aviation, API-1, 800 Independence Avenue, SW., Washington, D.C. 20591, in the same format as slot requests submitted under SFAR No. 44-3. Exchange requests combined with other requests under the SFAR (such as slides) will not be accepted. If the slot to be traded is not in the carrier's current operating schedule, written evidence that the FAA has allocated the slot to the carrier must be included.

b. Written evidence of both carriers' consent to the exchange must be provided.

c. A record of the exchange will be made available to the public.

d. Exchanges of slots necessary for the provision of essential air service within the meaning of section 419 of the Federal Aviation Act of 1958, as

amended, U.S.C. 1389, will not be approved.

e. All requests for approval of a trade of "Braniff" slots must contain a statement from the carrier obtaining the slot that it understands the slot is temporary and may be withdrawn.

Carriers are reminded that certain ARTCCs are operating at their current capacity levels. Requests for approval of trades which will increase workloads at those centers above a level which can be safely handled by the work force, as determined by the Administrator, may be denied. The centers that are currently working at or near capacity are Chicago, Cleveland, Indianapolis, and New York. This list may change as staffing changes. The list will be modified as necessary. This restriction does not mean that all trades of slots within those centers will be disapproved. It means, however, that new arrivals or departures within certain sectors may not be approved. If a request for approval cannot be approved for this reason, the carriers involved will be given an opportunity to amend their submittal.

All carriers are asked to minimize new operations within these centers. The FAA is making every attempt to improve staffing at these locations. Until that occurs, however, the users' efforts to avoid these centers will be appreciated.

Written approval must be obtained from the FAA before slots may be used. The FAA anticipates that properly documented exchange requests will be approved within 2 weeks of the receipt of a request.

The FAA will continue to evaluate the slot transfer policy to determine whether changes are warranted before July 1, 1983. Any further comments on the matter should be directed to Docket No. 22050.

Finally, all interested parties are again reminded that a slot is a temporary creation of FAA emergency regulations, and does not confer on any carrier a long-term right. Slots can be taken from any carrier in accordance with the terms of the existing SFAR or any amendments to it. Moreover, the FAA does not guarantee that slots will be required at any airport for any particular period of time. As soon as possible, the FAA intends to relieve the carriers from the requirement of obtaining slots.

Operation of Braniff Slots

On July 14, 1982, a lottery was held to distribute slots previously allocated to Braniff Airways, Inc. ("Braniff slots"), which were previously distributed on an emergency basis and those slots which were previously distributed and were not utilized. A number of carriers have

stated that since the normal Fall schedule changes are implemented on September 9, 1982, they would prefer that the Braniff slots also become effective on that date. In order to accommodate the normal scheduling process, the date of cancellation of these slots is extended. Carriers losing Braniff emergency slots as a result of the lottery held July 14, 1982, can terminate their use of such slots any time after August 28, but no later than 2359, Local, September 9, 1982. Carriers gaining slots can initiate service any time after August 28, but must start service by 2359, Local, September 9, 1982, or return the slots to the FAA for reallocation.

(49 U.S.C. 1301 *et seq.* and 49 U.S.C. 1651 *et seq.*)

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

J. Lynn Helms,
Administrator.

[FR Doc. 82-21823 Filed 8-5-82; 3:30 pm]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 23238; Amdt. No. 95-306]

IFR Altitudes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: September 2, 1982.

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

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points

(COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those

considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t. September 2, 1982.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); sec. 6(c),

Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C. on August 2, 1982.

John M. Howard,

Acting Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§ 95.1001 DIRECT ROUTES—U.S.**Added to Read:**

FROM	TO	MEA
Concord, CA VOR	Colli. INT, CA	4000
El Toro, CA VORTAC	Fyter INT/DME, CA	3500
Los Angeles, CA VORTAC	Silex INT, CA	4000
Seal Beach, CA VORTAC	INT 333 M rad SLJ VOR 096 M rad VNY VOR	3000
Seal Beach, CA VORTAC	*Elmoo INT, CA	3100
*5000-MCA Elmoo INT		
Ventura, CA VORTAC	V326 Via VTU R 046	4800

§ 95.1001 DIRECT ROUTES—U.S.**Amended by Adding:**

FROM	TO	MEA
BR 7V:		
Nassau, BH NDB	Hiroc INT, BH	*2000
*1400-MOCA		
Hiroc INT, BH	Grand Bahama, BH NDB	2000

§ 95.1001 FEDERAL AIRWAY**Added to read:**

FROM	TO	MEA
BR 53V:		
INT BSY 094 & ZBV III	Prune INT, BH	*2000
*1300-MOCA		
BR 55V:		
Bimini, BH VOR	INT BSY 094 & ZBV III	*2000
*1300-MOCA		
INT BSY 094 & ZBV III	Prune INT, BH	*2000
*1300-MOCA		
BR 56V:		
Nassau, BH VOR	Bayru INT, BH	*3500
*1400-MOCA		
BR 63V:		
Bayru INT, BH	Nassau, BH VOR	*3500
*1400-MOCA		

§ 95.1001 DIRECT ROUTES—U.S.**Amended by Adding:**

FROM	TO	MEA
A 17:		
Bimini, BH NDB	Resin INT, BH	*2000
*1300-MOCA		
Resin INT, BH	Indee INT, BH	*2000
*1300-MOCA		

§ 95.1001 FEDERAL AIRWAY**Amended to read in part:**

FROM	TO	MEA
A 39:		
Minow INT, FL	Epson INT, FL	*7000
*1200-MOCA		
Epson INT, FL	Salto INT, FL	*4000
*1200-MOCA		
Salto INT, FL	Marci INT, FL	*2300
*1200-MOCA		
Marci INT, FL	Cook, FL NDB	*2000
*1500-MOCA		
Cook, FL NDB	Ursus INT, FL	3000

§ 95.1001 FEDERAL AIRWAY**Amended by Adding:**

FROM	TO	MEA
A 700:		
Trout INT, BH	Adoor INT, FL	FL250
Adoor INT, FL	Hobee INT, FL	FL250

§ 95.6002 VOR FEDERAL AIRWAY**Amended to read in part:**

FROM	TO	MEA
V-2:		
Bismarck, ND VOR	*Osert INT, ND	3900
*5300-MRA		
Dickinson, ND VOR	Bismarck, ND VOR	4300
Via N Alter	Via N Alter	

§ 95.6012 VOR FEDERAL AIRWAY**Amended to read in part:**

FROM	TO	MEA
V-12:		
Clipp INT, CA	Needles, CA VOR	*8000
*5300-MOCA		
Winslow, AZ VORTAC	Zuni, NM VORTAC	*9000
*8700-MOCA		

§ 95.6015 VOR FEDERAL AIRWAY**Amended to read:**

FROM	TO	MEA
V-15		
Aberdeen, SD VORTAC	Bismarck, ND VOR	*4700
*3500-MOCA		

§ 95.6018 VOR FEDERAL AIRWAY**Amended to read in part:**

FROM	TO	MEA
V-18		
Atlanta, GA VOR	Conni Int, GA	*3000
*2400-MOCA		

§ 95.6032 VOR FEDERAL AIRWAY**Amended to read in part:**

FROM	TO	MEA
V-32		
Elko, NV VOR	*Wells, NV VOR	**13000
Via N Alter	Via N Alter	
*11800-MCA Wells VOR		
SW bound		
**12700-MOCA		

§ 95.6055 VOR FEDERAL AIRWAY**Amended to read in part:**

FROM	TO	MEA
V-55		
Grand Forks, ND VOR	*Lakes INT, ND	**8000
*4100-MRA		
**3400-MOCA		
Lakes INT, ND	Bismarck, ND VOR	3900

§ 95.6071 VOR FEDERAL AIRWAY

Amended to read in part:

FROM	TO	MEA
V-71		
Pierre, SD VORTAC	Lintn DME FIX, ND	*5500
*3600-MOCA		
Lintn DME FIX, ND	Bismarck, ND VOR	
	S-bound	5500
	N-bound	3600
Bismarck, ND VOR	Centr INT, ND	
	W-bound	5600
	E-bound	3500
Centr INT, ND	Williston, ND VOR	*5600
*3900-MOCA		

§ 95.6128 VOR FEDERAL AIRWAY

Amended to read in part:

FROM	TO	MEA
V-128		
Ruley INT, WV	Charleston, WV VOR	3500

§ 95.6169 VOR FEDERAL AIRWAY

Amended to read in part:

FROM	TO	MEA
V-169		
Dupree, SD VOR	Bismarck, ND VOR	4700

§ 95.6267 VOR FEDERAL AIRWAY

Amended to read in part:

FROM	TO	MEA
V-267		
Jacksonville, FL VOR	Kicks INT, GA	*2000
*1400-MOCA		
Kicks INT, GA	Tarbs INT, GA	*4000
*1400-MOCA		

§ 95.6402 VOR FEDERAL AIRWAY

Amended to read in part:

FROM	TO	MEA
V-2		
South Kaval, HI VOR	Kamilo, HI VOR	5000
Kamilo, HI VOR	Morey INT, HI	
	SE-bound	3000
	NW-bound	4000

§ 95.6413 VOR FEDERAL AIRWAY

Amended to Delete:

FROM	TO	MEA
V-13		
Lihue, HI VOR	Hello INT, HI	4000

§ 95.6413 VOR FEDERAL AIRWAY

Amended by adding:

FROM	TO	MEA
V-13		
Kamilo, HI VOR/DME	Hello INT, HI	4000

§ 95.6420 VOR FEDERAL AIRWAY

Amended to read in part:

FROM	TO	MEA
V-20		
Pebble INT, HI	Ferra INT, HI	4000
Ferra INT, HI	Typho INT, HI	8000

§ 95.6465 VOR FEDERAL AIRWAY

Amended to read in part:

FROM	TO	MEA
V-465		
Elko, NV VOR	*Wells, NV VOR	**1300
*11800-MCA Wells VOR		
SW-bound		
**12700-MOCA		

§ 95.5000 HIGH ALTITUDE RNAV ROUTES

J814R is added to read:

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT		TRACK ANGLE	MEA	MAA
		Distance	From			
Pantt, AK W/P Felaw, AK W/P	169.3			043/223 to Felaw	28000	45000
Felaw, AK W/P Jensu, AK W/P	212.4	120	Felaw	043/223 to Cop 044/224 to Jensu	28000	45000
Jensu, AK W/P Fairbanks, AK VORTAC	223.3	102	Jensu	044/224 to Cop 047/227 to Fairbanks	28000	45000

2. By amending Sub-part D as follows:

§ 95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

Added to read:

FROM	TO	CHANGEOVER POINT DISTANCE FROM
V-32N		
Elko, NV VORTAC	Wells, NV VORTAC	25 Elko

§ 95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

Added to read:

FROM	TO	CHANGEOVER POINT DISTANCE FROM
V-465		
Elko, NV VORTAC	Wells, NV VORTAC	25 Elko

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE TREASURY

Customs Service

15 CFR Part 301

Instruments and Apparatus for Educational and Scientific Institutions

Correction

In FR Doc. 82-20404 appearing at page 32515 in the issue for Wednesday, July 28, 1982, please make the following corrections:

(1) On page 32516, in the first column, in the third complete paragraph, in the third line, the word "advise" should be "advice".

(2) On page 32517, in the third column, under "Conclusions", in the eleventh line, "§§ 301.5(d)(i)(iii)" should have been "§§ 301.5(d)(1)(iii)".

(3) On page 32518, in the first column, in paragraph (3) (§ 301.1(b)(3)), in the twenty-third line, the word "or" should have been "of".

(4) On page 32519, in the middle column, in paragraph (r) (§ 301.2(r)), in the 12th line, "angstrom" should have been "angstroms".

(5) On page 32519, in the third column, in paragraph (s) (§ 301.2(s)), in the fifth line from the end of the paragraph, please insert a comma (,) immediately before "ease".

(6) On page 32520, in the middle column, in paragraph (b) (§ 301.4(b)), in the fourth line, "sope" should have been "scope".

(7) On page 32523, in the first column, in paragraph (3) (§ 301.5(e)(3)), in the sixth line, the last word should have been "application".

(8) On page 32524, in the third column, in § 301.10(a), in the last line, "851.060" should have been "851.60".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-18926]

Annual Assessment Form for SECO Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of form.

SUMMARY: The Securities Exchange Act

of 1934 authorizes the Commission to collect reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to broker-dealers who are not members of a registered securities association. This Form sets forth the annual schedule under which such broker-dealers are to be assessed for fiscal year 1982.

DATES: Adoption of the Form is effective August 9, 1982. The Form is required to be filed on or before September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Katherine England, Esq., Attorney-Adviser, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549; (202) 272-2410.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announced today that it has adopted Form SECO-4-82 which sets forth the annual assessment to the Commission for fiscal year 1982 by registered broker-dealers who are not members of a registered securities association ("non-member or SECO broker-dealers").

Rule 15b9-2 of the Securities Exchange Act of 1934 ("Act") requires that non-member broker-dealers file a Form SECO-4 for each fiscal year and pay the assessment specified by September 1 of each year. In addition, the Rule provides that, unless the Commission takes action to change them, the levels or rates of fees and assessments imposed on SECO broker-dealers will be set each year at the same levels or rates as the corresponding fees and assessments imposed by the National Association of Securities Dealers, Inc. on its members. Accordingly, in adopting Form SECO-4-82, the Commission has determined to maintain the basic membership fee of \$300. In addition, the Commission has maintained the gross municipal securities income assessment at .21% and the gross securities income assessment (exclusive of municipal securities) at .25%.

Pursuant to Rule 15b9-2 under the Act, Form SECO-4-82 shall be filed by every registered non-member broker and dealer on or before September 1, 1982, accompanied by the annual assessment fee required thereunder and specified in the form. It should be noted, however, that those broker-dealers who are exempt from the payment of any assessment or fee pursuant to the provisions of paragraph (e) of rule 15b9-2, must still file the Form.

The Commission finds, in accordance

with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), that Rule 15b9-2 of the Act and Securities Exchange Act Release No. 16143 (August 28, 1979) (44 FR 52773 (September 10, 1979)) provided sufficient notice of the basis for and amount of these fees and assessments and that further notice is unnecessary as a prerequisite to the adoption of the Form. The Commission also finds that any burden imposed upon competition by the Form is necessary and appropriate in furtherance of the purposes of the Act, particularly the implementation of the Commission's continuing mandate, under Section 15(b)(8) of the Act, to collect such reasonable fees and charges as may be necessary to defray the costs of the specified regulatory duties required to be performed with respect to SECO broker-dealers.

List of Subjects in 17 CFR 249

Reporting requirements, Securities.

Statutory Basis and Text of the Form

The Commission hereby adopts Form SECO-4-82 (17 CFR 249.504p) pursuant to its authority under the Act, (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and particularly Sections 15(b)(7), 15(b)(8), and 23(a).

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Accordingly, Part 249 of Title 17 of the Code of Federal Regulations is amended by adding § 249.504p as follows: (Form SECO-4-82 does not appear in the Code of Federal Regulations.)

§ 249.504p Form SECO-4-82, 1982 assessment and information form for registered brokers and dealers not members of a registered securities association.

This form shall be filed on or before September 1, 1982, pursuant to Rule 15b9-2 (§ 240.15b9-2 of this chapter), accompanied by the annual assessment fee required thereunder and specified in the form, by every registered broker and dealer not a member of a registered securities association. Those broker-dealers which are exempt from the payment of any assessment or fee pursuant to the provisions of § 240.15b9-2(e) must still file the form. Copies of the form are available on request from the Commission.

BILLING CODE 8010-01-M

FORM SECO-4-82

To Be Filed On or Before September 1, 1982

U.S. SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549OMB Approval
OMB # 3235-0139
Expires November 31, 1984

This Box For SEC Use Only	
PAYMENT RECEIVED	
Date	_____
Receipt No.	_____
Bank No.	_____
Check No.	_____
Date of Check	_____

1982 ASSESSMENT AND INFORMATION FORM
FOR REGISTERED BROKERS AND DEALERS NOT MEMBERS
OF A REGISTERED SECURITIES ASSOCIATION

(submit original and three copies) (see instructions on reverse side of form)

1. Name of Broker or Dealer (If an individual, give last, first, middle name):	2. IRS Employer Ident. No.:
3. Address of Principal Place of Business: NO. AND STREET CITY STATE ZIP CODE (Submit addresses of all other offices on separate sheet)	4. SEC File No.:
5. Assessment to defray costs of regulation pursuant to Section 15(b)(8) of the Securities Exchange Act for the fiscal year ending September 30, 1982.	
(a) Basic assessment of \$300 (or 150*) \$ _____	
(b) Plus assessments for associated persons, including sole proprietors, partners and corporate officers, engaged directly or indirectly in securities activities during the fiscal year at any time in which the broker or dealer was a nonmember broker or dealer:	
Number of persons @ \$5 (\$2.50*) each	Amount \$ _____
(c) Gross Income Assessment - (see instruction 7 on reverse side)	
1) Gross securities income (except municipals) - 1981 @ .25%	Amount \$ _____
2) Gross municipal securities income - 1981 @ .21%	Amount \$ _____
* See instruction 2 on reverse side TOTAL ASSESSMENT TO BE PAID [(a)+(b)+(c)] \$ _____	

6. Membership of Broker or Dealer in United States and Foreign Securities Exchanges (List regular memberships only):

If an exchange member, do you claim exemption from the fee provisions of Rule 15b-2(e)(1) and (2)? ☐ YES ☐ NO

7. Principal Type of Securities Business Engaged in by Broker or Dealer (Check ONE):

Exchange member primarily engaged in exchange commission business ☐	Limited partnership interests ☐
Exchange member primarily engaged in floor activities ☐	Broker or dealer selling oil and gas interests ☐
Broker or dealer in general securities business ☐	Put and call broker or dealer or option writer (non-exchange options) ☐
Mutual fund underwriter ☐	Broker or dealer selling securities of only one issuer or associated issuers (other than mutual funds) ☐
Mutual fund distributor ☐	Broker or dealer selling church securities ☐
Broker or dealer selling variable annuity contracts ☐	Government bond dealer (other than municipal) ☐
Solicitor of savings and loan accounts ☐	Broker or dealer in municipal bonds ☐
Real estate syndicator and mortgage broker and banker ☐	Broker or dealer in other securities business (Specify) ☐
Real estate condominium interests ☐	No securities business (Specify your type of business) ☐

TABLE A

Amt. of 1981 Gross Income
(\$ THOUSANDS)Amt. of 1981 Gross Income
(\$ THOUSANDS)

1. Underwriting and trading activities <i>1/</i>	
(a) Gross income, fees, concessions, etc., from underwriting and selling group activities \$ _____	7. Underwriting or sponsoring of variable contracts \$ _____
(b) Principal trading of securities over the counter <i>2/</i> \$ _____	8. Transactions in securities of non-profit organizations \$ _____
(c) Total of (a) and (b), if less enter "NONE" \$ _____	9. Distribution of tax sheltered investments \$ _____
2. Agency transactions and those retail principal transactions not reported in 1(b) - (include gross income from clearance and introduced accounts) <i>1/</i> \$ _____	10. Writing, endorsing and selling options over the counter \$ _____
3. Private placements \$ _____	11. Mergers and acquisitions \$ _____
4. Sales of mutual funds and contractual plans to the public (include "trail" commissions) \$ _____	12. Gross income and fees from other investment banking services \$ _____
5. Underwriting or sponsoring of investment company securities and contractual plans \$ _____	13. Other over-the-counter transactions (Specify) \$ _____
6. Sales of variable contracts to the public \$ _____	14. Municipal securities gross income (including trading & underwriting) \$ _____
<i>1/ Other than those amounts to be reported in other categories</i>	15. Total 1(c) through 14. \$ _____
<i>2/ Include profits or losses from valuation of trading inventory only if included in prior years. If unrealized gains and losses were not reported in prior years, they are to be excluded from this report.</i>	

Dated the _____ day of _____, 19____

(Name of corporation, partnership, sole proprietorship or other organization)

(Manual signature of duly authorized principal officer, general partner, sole proprietor or managing agent)

(Title)

OVER

SEC 110 (6-82)

FORM SECO-4-82 INSTRUCTIONS

1. Brokers or dealers registered with the Commission as of August 15, 1982, who were nonmember brokers or dealers for at least 45 days immediately prior to that date or who were nonmember brokers or dealers for at least 90 days during the period beginning Oct. 1, 1981, and ending August 15, 1982, shall, on or before September 1, 1982, file Form SECO-4-82 and pay to the Commission a fee pursuant to Section 15(b)(8) of the Securities Exchange Act of 1934 [the "Act"] to defray certain costs of regulation for the fiscal year ending September 30, 1982. The term "nonmember broker or dealer" is defined in paragraph (f)(2) of Rule 15b9-2.

2. Rule 15b9-2 provides that brokers or dealers who were nonmember brokers or dealers for less than 180 days during the period beginning Oct. 1, 1981 and ending August 15, 1982 shall pay one-half the fees otherwise payable pursuant to Section 15(b)(8) for the fiscal year 1982.

3. Checks should be made payable to the "Securities and Exchange Commission" and mailed to the Office of the Comptroller, Securities and Exchange Commission, Washington, D.C. 20549.

4. If the space provided for any answer is insufficient, the complete answer should be prepared on a separate sheet which should be attached to the form and identified as "Answer to Item _____."

5. Failure to include or file information required to be reported or the making of any false statements may result in the institution of administrative or civil proceedings. Moreover, intentional misstatements or omissions of material facts constitute federal criminal violations punishable by up to five years imprisonment and fines up to \$10,000 for each offense. (See 18 U.S.C. 1001 and Section 32(a) of the Act.)

6. Willful nonpayment of fees prescribed by the Commission pursuant to its authority under Section 15(b)(8) may result in the institution of disciplinary proceedings under Sections 15(b)(4) and 15(b)(5) of the Act.

7. Each SECO broker-dealer subject to Rule 15b9-2 is to report gross income from over-the-counter transactions in corporate, state, municipal and other securities for the preceding calendar year. Please refer to Table A or your firm's FOCUS REPORT (4th Quarter) for 1981 for assistance in computing such gross income. Gross income includes profits, commissions, surcharges, concessions, fees, allowances, discounts and reimbursements for expenses before the deduction of any expenses other than any commissions, concessions or other allowances paid to another member in connection with the execution or clearance of any transactions. Gross income does not include interest and dividends, transaction fees, commissions derived from transactions executed on a national securities exchange or a foreign securities exchange and fees received solely for investment advisory services. Also excluded are profits and losses derived from (1) transactions in which both the purchase and sale are executed outside the territorial limits of the United States, (2) transactions in exempted securities as defined in Section 3(a)(12) of the Act, (3) transactions in commercial bank time certificates of deposit and commercial paper, which is defined to include drafts, bills of exchange, and bankers acceptances having maturities at the time of issuance of not exceeding one year, and (4) transactions in securities which are clearly identified by the firm to be held specifically for investment purposes as described in Section 1236 of the Internal Revenue Code.

By the Commission.

Dated: July 28, 1982.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-21395 Filed 8-6-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-113 (Kentucky—1) Order No. 243]

High-Cost Gas Produced From Tight Formations; Kentucky

Issued: August 4, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This final order adopts the recommendation of the Kentucky Public Service Commission that the Berea Sandstone be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective August 4, 1982.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511 or John Roy Johnson, (202) 357-8731.

Issued: August 4, 1982.

In the matter of high-cost gas produced from tight formations, Docket No. RM79-76-113 (Kentucky—1) Order No. 243.

The Commission hereby amends § 271.703(d) of its regulations to include the Berea Sandstone as a designated tight formation eligible for incentive pricing under § 271.703. This amendment was proposed in a Notice of Proposed Rulemaking by Director, Office of Pipeline and Producer Regulation (OPPR), issued April 7, 1982 (47 FR 15805, April 13, 1982),¹ based on a

¹ Comments on the proposed rule were invited and none were received. No party requested a public hearing and no hearing was held.

submittal by the Commonwealth of Kentucky Public Service Commission (Kentucky), containing the recommendation of the Kentucky Department of Mines and Minerals, Oil and Gas Division, in accordance with § 271.703(c) that the Berea Sandstone be designated as a tight formation.

Evidence submitted by Kentucky supports the assertion that the Berea Sandstone meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Kentucky recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter I, Chapter H, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective August 4, 1982.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is revised by adding a new subparagraph (93) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(93) *Berea Sandstone in Kentucky.* RM79-76-113 (Kentucky—1).

(i) *Delineation of formation.* The Berea Sandstone is delimited by the underlying Ohio Shale of Devonian age, also known as "Devonian Shale" or "Cinnamon" (drillers' terms), and by the overlying Sunbury Shale of Mississippian age, also known as "Coffee Shale" (drillers' term). The Berea Sandstone is also known as "grit" or "Bedford Shale" (drillers' terms) in the designated area, and is used as a marker for the base of the Mississippian age deposits. The designated area includes all of Lawrence County,

Kentucky, with the exception of two areas encompassing approximately three square miles near the 38th parallel in the south-central part of the county.

(ii) *Depth.* The average depth to the top of the Berea Sandstone is 1,400 feet, and the interval is about 100 feet thick throughout Lawrence County.

[FR Doc. 82-21528 Filed 8-6-82; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-109 (New Mexico—12) Order No. 244]

High-Cost Gas Produced From Tight Formations; New Mexico

Issued: August 4, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of New Mexico Energy and Minerals Department, Oil Conservation Division that the Mesaverde Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective August 4, 1982.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511 or Victor Zabel, (202) 357-8616.

Issued: August 4, 1982.

In the matter of high-cost gas produced from tight formations, Docket No. RM79-76-109 (New Mexico—12) Order No. 244.

The Commission hereby amends § 271.703(d) of its regulations to include a portion of the Mesaverde Formation in San Juan County, New Mexico, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer